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DECLARATION

In accordance with Rule G 4.6.3,

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DEDICATION

This thesis is dedicated to my father, who inspired me and mentored me in my formative stages, and together with my mum, sacrificed to educate me.
ABSTRACT

This study focuses on the role of the press in violent political conflicts in Kenya in the period that preceded the 2005 referendum on the draft constitution. Based on media reports, six major thematic areas of concern emerged during constitution making. These were: land tenure, devolution of power, the executive, the legislature, the Bill of Rights, and the provincial administration. These sections of the draft constitution caused a remarkable divergence of opinion. The citizens either supported or opposed the draft constitution on the basis of how the draft had treated those sections in the draft constitution. Besides the major thematic areas, newspapers regularly focused and reported on ethnicity, violence, political leaders’ utterances, the process of constitution making, and political conflicts.

Three main objectives guided the study. The first objective focused on the relationship between media content and different levels of political conflict. The influence of media content and how these may have led to high political conflict, medium political conflict, low political conflict and no political conflict are tested in this study. The second objective highlighted the kind of coverage that the draft constitution got during the period that preceded the referendum in November, 2005. This objective facilitated interrogation of media content and whether media content focused on aspects of the draft constitution such as land ownership, the executive, devolution, the legislature and religion, as highlighted in the draft constitution of Kenya 2005. The third objective examined the thematic emphasis that the media undertook in the period that preceded the referendum. The themes that were dominant in the period before the referendum could have impacted on readers’ perceptions of the critical issues that could have informed the voters’ decisions.

Three primary questions were addressed in the study: Firstly, was there a link between media content and different levels of political conflict in weak democracies such as Kenya? Secondly, did media content influence ethnicity and did it encourage ethnic conflict in diverse societies? Finally, what were the key thematic areas of coverage by the press, and how were they used during the referendum?
In order to study these research objectives, I used a combination of theories to enhance understanding of the interplay between media content and audience in the society. The theories are: agenda setting, two-step flow, priming, framing, and the public sphere. The study adopts a triangulation convergence design in mixed-methods research that involves both qualitative and quantitative methods. A structured questionnaire and content analysis were used to seek responses to the research questions of the study and to meet the stated objectives. The research revealed that the two newspapers under investigation, namely the East African Standard and the Nation, provided more coverage to issues that were not central to the content of the draft constitution, such as political leaders’ utterances, violence, ethnicity, and the process of constitution making. This showed that the newspapers tended to sensationalise issues instead of providing objective coverage of political matters. These newspapers used their opinion pages to educate their readers on how the referendum was turning violent. The theme of political leaders’ utterances is closely linked to that of violence. This suggests that the violence was influenced by some of the leaders’ statements. These utterances, and more so those that touched on ethnicity, could therefore have been a potential cause of the ensuing political conflicts during the 2005 referendum on the draft constitution. The findings reveal that newspaper editors tended to focus on political conflict at the expense of the actual content of the draft constitution. This would have provided insight and knowledge on the document and avoided sensational reporting, which could have contributed to violent political conflicts during the period that preceded the referendum on the draft constitution of Kenya.
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WORKING DEFINITION OF TERMS

Attitudes:

These are perceptions that are adopted by a group of people on specific subjects such as the draft constitution.

Agenda Setting:

When the media sets the issues that are discussed in the media and in the public sphere.

Audience Behaviour:

This refers to people's actions as a result of certain stimuli.

Coding sheet:

This is the tool used to collect data from the two newspapers namely the Nation and the East African Standard.

Conflict:

Strife for supremacy; hostile contest; battle; struggle; fighting.

Devolution of Power:

This means the transfer of political authority to make decisions in some sphere of public policy from the central government to local governments or similar units at the local level.

Deontology:

Ethical theory concerned with duties and rights.

Diversity:

It entails individual differences along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies.

Extra-Judicial Powers:

These are powers which are not provided for legally but are exercised by an officer outside the official mandate.

Education role:

Media content that seeks to create knowledge in the audience

Framing:
This refers to how a story in the media house has been packaged.

**Referendum:**

The referral to public vote for approval or rejection of proposed measures such as the draft constitution.

**Fourth Estate:**

This term refers to the mass media. The first estate is the executive, the second is the legislature, and the third is the judiciary.

**Historical Injustice of Land:**

These are those unfair practices that were used to acquire land in places such as the White Highlands and the Rift Valley, among other places.

**Industrial Revolution:**

Broadly, the term applies to continuing structural economic change in the world economy. The revolution was manifested by the emergence of a factory system of production, in which workers were brought together in one plant and supplied with tools, machines, and materials with which they worked in return for wages.

**Leaders’ Utterances:**

Those statements that have been made by political leaders

**Liberal Democracy:**

A Liberal democracy is a representative democracy in which the ability of the elected representatives to exercise decision-making power is subject to the rule of law, which is usually moderated by a constitution that emphasizes the protection of the rights and freedoms of individuals, and which places constraints on the leaders and on the extent to which the will of the majority can be exercised against the rights of minorities.

**National Cohesion:**

National understanding or national unity of purpose amongst the different ethnic groups in a country.

**Mass Media:**

Organized and specialized modern media institutions such as the press, cinema and broadcasting, whose principal business involves supplying the demand for various kinds of information and entertainment.
Mass Communication:

This describes what these institutions do, that is, what they produce.

Mass Audience:

This concept carries a series of one-dimensional assumptions about the homogeneity of the audience and the direct influence of the media.

Media House:

These are the media outlets that undertake mass communication such as the print and broadcasting houses.

Media Content:

This refers to the message that is published or broadcast by the media.

Media:

This refers to various means of communication. For example, television, radio, and the newspaper are different types of media. The term can also be used as a collective noun for the press or news-reporting agencies. In the computer world, "media" is also used as a collective noun, but refers to different types of data storage options.

Media Effects:

This refers to how the media influences its audience.

Media Role:

This is what the media does, and its uses in the society.

Multi-party:

This refers to the presence of different political parties that compete for political supremacy. This is also a system in which three or more political parties have the capacity to gain control of government separately or in coalition.

Political Conflict:

These are the differences caused by divergence in political orientation. These differences could lead to physical harm or death.
Public Opinion:

In the modern period this has come to be associated with the views and debates articulated in news coverage and other forms of media coverage of issues defined as “significant” to modern, democratic citizens. Media coverage often represents public opinion.

Relativistic Ethical:

This refers to variability among individuals and society on how they perceive values and mores.

Teleology:

A doctrine explaining phenomena by final causes.

Theoretical Synergy:

This denotes the combination of the four theories that are used in this research and how they aid the explanation of the process of information flow.

Private Sphere:

The household, home or domestic space and the situated culture which characterizes it. It is contrasted or counter posed with the public sphere.

Priming:

This theory articulates how the mass media make some issues more salient than others. They do this by influencing the standards by which governments, presidents, and candidates for public office are judged.

Placement:

The position in which articles are arranged in a newspaper, such as the first column or the first page.

Political Contestation:

Where there is political dispute by two or more parties on an issue.

Unintended Media Effects:

These are effects that were not purposed to impact on the audience, such as violence and divergence.
Violence:

Physical harm meted out to a person

Weak Democracy:

This refers to a system of liberal democracy that is not perfected and that does not have strong supporting institutions. In this instance, institutions such as the press, electoral commission, and even the judiciary are controlled by a strong executive arm of government.
CHAPTER 1

INTRODUCTION

The study is based on the need to investigate the role of the press in the political conflicts that preceded the 2005 Referendum in Kenya. In 2005, a proposal for adopting a draft constitution led to political conflict in Kenya. The political events preceding the Referendum on the draft constitution therefore form the basis of this study. The clamour for change in the constitution of Kenya which resulted in the 2005 Referendum on the draft constitution was deemed necessary by some politicians such as Raila Odinga, James Orengo, Gitobu Imanyara and Paul Muite, among others, civil rights groups such as the Green Belt Movement, Action Aid Kenya and Clarion, and members of the clergy. They criticized the Independence Constitution for being substantially authoritarian. Key sections of the constitution that caused disgruntled views among them were, firstly, related to the executive wing of government, which they felt provided for excessive presidential powers. Secondly, they felt that the judiciary was corrupt and not impartial, because judges were individually appointed by the President of Kenya. The sections in contention also included the Bill of Rights section that did not adequately address the rights issue in Kenya and provided a cause for political conflicts that revolving around the clamour for change to the constitution of Kenya.

In the 2005 Constitutional Referendum, the Electoral Commission of Kenya designated the banana symbol for those who supported the draft constitution, while the orange symbol was reserved for those who opposed the draft constitution. Members of the Orange faction conflicted with members of the Banana faction on whether or not to support the draft constitution. While members of the Orange faction felt that the draft constitution fell short on resolving critical issues such as land ownership and devolution of powers to the regions, the Banana faction felt that the draft constitution was adequate, and required support and adoption. The ensuing campaigns provided a forum for conflicts and misunderstandings among supporters of the two opposing sides. The Orange team comprised members of the following political parties: the Kenya African National Union (KANU), the Labour Party, and the Liberal Democratic Party, while
the Banana team was composed mainly of members of the Democratic Party, National Party of Kenya and the Forum for Restoration of Democracy Kenya, also referred to as FORD Kenya. The media covered the campaigns in various parts of the country. In the process, they portrayed the differences and conflicts between the two sides.

This study investigates the way in which media content contributed to or influenced the different levels of political conflict that characterized the 2005 Referendum. The Nation and the East African Standard are selected for analysis in this study. The general name of the East African Standard was used in this research though the sister publications such as the Sunday Standard, Saturday Standard and the Daily East African Standard which belong to the same Standard Group Company were also examined. The research determines the level to which media content promoted political conflicts at the expense of educating readers about the draft constitution and associated political issues. The ensuing section provides a background on different critical political and ethnic conflicts that the referendum precipitated in Kenya. In order to create an understanding of the conflicts that culminated in the 2005 Referendum, background information on Kenya and the political environment that informed the struggle for a new constitution in the country needs to be provided.

1.1 Significance of the Study
The study was undertaken to investigate the way in which media content contributed to or influenced different levels of political conflict that characterised the 2005 Referendum in Kenya in the period that preceded the 2005 Referendum on the draft constitution. Based on media reports, six major thematic areas of concern emerged during the constitution-making process. These were: land tenure, devolution of power, the executive, the legislature, the Bill of Rights, and provincial administration. Besides the major thematic areas, the newspapers regularly focused and reported on ethnicity, violence, political leaders’ utterances, and the process of constitution-making and political conflicts. These 11 areas of newspaper coverage are therefore identified and presented in the Methodology section, to evaluate levels of violence and conflicts as observed during the three months preceding the referendum.
Conflict is a significant area of study because several conflicts occurred in Kenya before the 1992 General Election and also the 1997 General Election. These conflicts resulted in significant loss of lives in the affected areas. For instance, in 1991, violence erupted in the Meteitei area in the Tinderet Division, Nandi district, and soon political violence spread to other parts of the country such as the Western, Nyanza, and other parts of the Rift Valley (Ogot, 1996). In 1997, there was another round of violent conflicts just before the elections of that year. According to the Kiliku (1993) and the Akiwumi (2002) reports on the tribal clashes just before the 1992 and 1997 General Elections, the media played a part in arousing emotions that eventually led to violent conflicts (Kiliku Report 1993, Akiwumi Report 2002, Nyambuga 2004). The other reason that is identified by both the Akiwumi (2002) and the Kiliku (1993) reports as contributing to the ethnic clashes, is the issue of land. At Independence, a number of white settlers decided to relocate to either Britain or South Africa, leaving behind huge tracts of land for government redistribution. The process of land redistribution by the Kenya government might have created anxiety among the indigenous population of the Rift Valley which included the Kalenjin and the Masai communities. According to Nyukuri (1997, 9)

By 1978 when President Kenyatta died, the Kikuyu had, far more than all other ethnic groups put together, bought the bulk of the so-called "white highlands". Besides, they were the main beneficiaries of the government's settlement plan for the landless at no cost or at minimal rates. They thus expanded their land ownership and settlement beyond their traditional home – Central Province – into the Rift Valley Province, and a bit into the Coast province, apart from their widespread networks in urban centres within Kenya.

Land distribution thus formed a critical basis for inter-ethnic group dispute, as argued by Nyukuri (1997), who observes that the Kikuyus seemed to have got more land from the departing white settlers than any other ethnic group, thus causing unease and disgruntlement among the indigenous people of the Rift Valley Province such as the Kalenjin and the Masai.

The Akiwumi report (2002) also captured the tribal clashes that erupted in Kenya prior to the first multi-party general elections after the repeal of section 2 A of the Kenyan Constitution. The violence prior to the elections started focusing on differences on land issues in the Rift Valley Province of Kenya. The violence that preceded the 1992 General Elections started on 29 October 1991, at a farm
known as Miteitei, situated in the heart of Tinderet Division, in Nandi District, pitting the Nandi, a Kalenjin tribe, against the Kikuyu, the Kamba, the Luhya, the Kisii, and the Luo, as reported in the Akiwumi Report (2002, 2). The report states that:

Clashes quickly spread to other farms in the area, among them, Owiro farm which was wholly occupied by the Luo; and into Kipkelion Division of Kericho District, which had a multi-ethnic composition of people, among them the Kalenjin, the Kisii and the Kikuyu”. Later in early 1992, the clashes spread to Molo, Olenguruone, Londiani, and other parts of Kericho, Trans Nzoia, Uasin Gishu and many other parts of the Rift Valley Province. In 1993, the clashes spread to Enoosupukia, Naivasha and parts of Narok and the Trans Mara Districts which together then formed the greater Narok before the Trans Mara District was hived out of it, and to Gucha District in Nyanza Province. In these areas, the Kipsigis and the Maasai, were pitted against the Kikuyu, the Kisii, the Kamba and the Luhya, among other tribes.

In these conflict-ridden areas, houses or property that did not belong to the Kalenjin or the Maasai, were attacked, looted or burnt down. These attacks generally occurred at night, and many victims of the attacks eventually sought refuge in nearby church compounds and schools.

While the Kiliku Report asserts that the media played a role in ethnic conflicts that flared up just before the 1992 General Elections, it is worth noting that little research has been conducted that correlates the conflicts and the media. This gives this particular study significance in the media effects studies in countries that have weak democracies such as Kenya. Subsequent conflicts such as those that preceded the 1997 General Elections and the 2005 Referendum on the Draft Constitution of Kenya have not been subjected to scientific analysis on the role of the media in political conflicts in weak liberal democracies.

Similar violent political conflicts characterized the political space in the period prior to the 2005 Referendum. This study therefore investigates the relationship between media content and political conflicts in the period prior to the 2005 Referendum. This investigation is deemed useful to political and media policy makers, because they are responsible for formulating media approaches and the laws that govern a country.
The study is further significant because it adds knowledge to the role of the media in a diverse society and a weak liberal democracy. The media have both intended and unintended roles in a liberal democracy. The intended roles in a liberal democracy include voter education on various political issues, creating a forum for discussion, and acting as the “fourth estate”, while the unintended roles are political violence and conflict (Curran, 1991; Schultz, 1998). This study significantly contributes to knowledge on factors responsible for the gap between intended and unintended roles of the media in a diverse society characterized by a weak liberal democratic political system, and tracks the role of the print media in escalating fragile polities into politically motivated violence during elections and referendums. This research determines the linkage between media content and political conflict in the hope that this knowledge will assist in re-framing media content in a manner that will promote national cohesion rather than separatist tendencies.

1.2 Media and Global Conflicts

Various scholars such as Blondel (2008) and Kaldor (1999) have stated that the media and political conflicts have not been adequately studied. Apart from the works of Wolfsfeld (1997), little focus has been given to the domestic media and internal political and violent conflicts. Blondel (2008) attributes this lack of international focus on this area to the complicated nature of the media in these internal conflicts. While several violent political conflicts have been experienced globally in countries such as Palestine, Israel, Syria, Yugoslavia, Georgia, and India, little attention has been given to the role of the media as a probable influence on those conflicts. Hawkins (2002) in “The other side of the CNN Factor” discusses the impact of mass media on conflict, basically focusing on the international media and not the internal media on internal violent political conflicts. The international media are those media houses which have a circulation that goes beyond their territorial states, such as CNN the BBC, Al Jazeera, Reuters, and Associated Press, among others.
When assessing media and political conflict in Africa, one needs to take cognisance of historical factors in Africa’s political development. These include dictatorships, one-party rule or military rule, and how some African countries such as Ivory Coast, Senegal, Cameroun and Zambia have operated weak liberal democracies, thereby contributing to political conflicts in the continent (Hadenius, 1994; Gingyera-Pinycw, 2004). Owing to the legacy of colonialism and predatory leadership, many African states have inherited weak liberal democratic systems characterized by a weak judiciary, civil society and political institutions.

In the case of Kenya, the executive represented by the Presidency appoints and dismisses members of the judiciary, and appoints people to the Electoral Commission of Kenya without any vetting by any other body such as the legislature. Despite the fact that members of the judiciary have security of tenure, the Presidency still has control of who is appointed to the judiciary. These powers to appoint without any vetting jeopardize liberal democracy, since these institutions are supposed to act as a form of check and balance to the executive arm of government. Consequently, this scenario led to the weakening of the judiciary’s ability to check possible excesses of the power of executive that have contributed to the weakening of liberal democracy in Kenya. In a complementary view, Jonyo (2003) argues that the presidency has excessive power as a result of over-concentration of authority in that office. This, he continues, has a negative influence on the principle of separation of powers, and consequently affects the implementation of the trias politica negatively. Other arms of the trias politica such as the judiciary and the legislature in this kind of political configuration have been rendered too weak to offer effective checks over a dominating political executive.

Most political initiatives by African leaders have been manifested through ethnic groups, and this includes Kenya, where the former President Daniel Moi chose his successor, Uhuru Kenyatta, mainly due to ethnic arithmetic (Jonyo, 2003). Former President Moi used the media to try to popularize his choice for the presidency, but in the process he caused further rifts and tensions. He used the electronic media and opinion pieces in the print media to show Kenyans his then-preferred choice for the Presidency Uhuru Kenyatta (Nation and East African Standard, October 2002). In countries such as Rwanda, Sierra Leone, Liberia, Cote D’Ivoire,
Kenya, and Sudan, conflicts have erupted along ethnic lines (Kanyinga, 2003). In countries where rebel armies have taken up arms, the armies have mostly been what can be perceived as ethnic, like the Southern Sudan People’s Liberation Army (SPLA) which represents the Southern Sudanese people, and what is termed “the national Sudanese Army” that represents the Arab North. The two armies fought each other for control of the state and for local resources such as oil reserves in the south. It is important to note that the two armies were divided along ethnic lines, and each appealed to its ethnic clientele. The Northerners used the mantra of appealing to the northern Arabs’ sense of religion. They packaged their propaganda to portray the Southerners as animists. The Southerners, too, packaged their message to their southern clientele in such a way as to portray the Northerners as those only interested in oil from the south but not developing the south (Anyang-Nyong’o, 1993). Such statements served to fuel the conflict even further. Their differences have been published widely in the international media, thus turning these national issues into an international agenda. CNN, Reuters, International Times, Newsweek and the BBC have been central in the process of publishing these ethno-cultural political conflicts in the international sphere.

In Uganda, the conflict took an ethnic dimension as presented by the Weekly Topic newspaper. The likes of Basilio Okello, who was overthrown by the Museveni forces, advanced the view that the Southerners, who are mainly of Bantu origin, were trying to eliminate the Northerners, who are predominantly Nilotes (Gingyera-Pinyewa, 1993). The media thus played a part in ensuring that the causes for the ethno-cultural political conflicts in Uganda were explained as having an ethnic undertone.

Apart from the Ugandan case, other instances where the media have reported ethno-cultural political conflicts in Africa include the cases of Somalia and Rwanda. In both instances, the media were used to propagate messages that could have inflamed passions that contributed to those political conflicts. In the Rwandan case, Radio Libreville transmitted messages to the effect that Hutus should all be exterminated (Kellow and Steeves, 1998). Kellow and Steeves (1998) argued that such hate messages could have contributed to the Rwandan genocide, where seven hundred thousand people were murdered. They further
add that the Rwandan media advocated genocide that targeted a particular ethnic group in that country. Minear and Scott (1996) in describing clan violence in Somalia, conclude that the political conflicts experienced resulted from the manner of media coverage, which served to fuel the differences between the clans such as the Marehan, Abgal, Ogaden and Hawiye. Samatar (1993) illustrates how the Somali clan differences led to the near annihilation of Mogadishu, the capital of the country, and Hargesha, the second largest city in the country. He argues that inter-clan rivalry could have led to these conflicts. These differences were largely based on power play between the different clans in the country. These differences actually resulted in the collapse of Somalia as previously constituted, and the emergence of a cabal of clans forming the government of Somali land, which, led by then-President Yusuf Mohamed Abdi. Puntland, which is to the north of Mogadishu, has declared its independence from the rest of Somali. This country’s case depicts an instance when the media played a central role in political differences in an African state. Samatar (1993) explains that the Somali media were divided into the different clans. They supported different clans, thus exalting some at the expense of others.

These trends of conflict within different African states have continued to pervade the continent as a result of different competing groups who use their ethnic base to mobilise their people directly or through the media, to obtain control of the state. These differences have often acted as the genesis of political conflicts in the continent, as can be seen in the examples of Uganda, Sudan, and Liberia among others. These foregoing cases are a clear illustration that in Africa, there is indeed a problem of internal conflicts, which have largely revolved around resource distribution and ethnicity.

1.3 The Media and Political Conflicts in Kenya

Scholars such as Curran (1993) and Nyambuga (2004) have pinpointed the importance of a good understanding of the relationship between the mass media and political conflicts. They note that while some research has been undertaken on interstate political conflicts, very little has been conducted on internal political conflicts. Therefore, from this background, an analysis of the role of the media in
Kenyan political conflicts is undertaken. Kenya’s political conflicts, some of which have turned violent, have mostly been covered by the mass media in Kenya. A central objective of the study is that in covering these incidents of political violence, the media have the ability to either escalate or de-escalate violent political conflicts.

Kenya has experienced a number of violent political conflicts since Independence in 1963. Most of these political conflicts have been termed “ethno-cultural conflicts” by the mass media (Ogot, 1996; Atieno-Odhiambo, 1996). Oyugi (2002) argues that conflicts have largely been based on the distribution of resources and political power among the 42 ethno-cultural groups in Kenya. These ethnic groups have different cultures and languages which set them apart from each other. The first real sign of conflict after Independence was between the two then-predominant political parties, namely the Kenya African National Union (KANU) (which represented the so-called larger ethnic groups namely the Kikuyu, Luo, Kamba and the Meru) and the Kenya African Democratic Union (KADU) (whose membership was drawn from the smaller ethnic groups that included the Kalenjin, Abaluhya, Giriama, Somali and Taitta). These political parties mobilised members of the different ethnic groups to oppose or support them on the basis that each was representing community interests. These differences set the stage for an ethnic-based political mobilization of members of the different communities. Politicians such as Jomo Kenyatta, Kikuyu, and Tom Mboya, Luo, appealed to members of their communities to support the KANU cause, as this would best serve their interest. Their leaders argued that they would be able to control the central government since they had the numbers, unlike those from the smaller ethnic group who felt that they could be better served by a devolved government structure, as they were not sure of adequate representation and clout in the central government (Ogot, 1996). This conflict was thus a conflict of resource distribution in the different regions of the country, or better still, among the different ethnic groups in the country.

The East African Standard newspaper’s editorial page of 17 January 2007 argues that the colonial approach of divide and rule pursued by the British was well orchestrated as it ensured that people were given jobs in different sectors of the
economy. Sectoral employment was evident. For example, the Kambas and Kalenjin ethnic groups were mainly employed in the armed forces; the Kikuyus were encouraged to pursue business; and the Luos and Abaluhya were employed mostly in the Railways and the National Harbour and Ports (Badejo, 2006). Similar arguments emerged five years earlier in the Nation of 9 February 2002. This ethnic balkanization served to separate the Kenyan population, and helped to perpetuate the legacy of colonial rule. However, after Independence, the government of President Jomo Kenyatta pursued similar ethnic-based approaches. Appointments to the civil service followed ethnic patterns and political mobilisations during electoral politics which were done along ethnic lines (Badejo, 2006). Badejo (2006) observes that by the time Jomo Kenyatta was dying in 1978, there were 7 Kikuyu Provincial Commissioners out of a total of 8 Provincial Commissioners. This case shows the apparent ethnic imbalance in national appointments.

It is argued in this section, similar to observations by Mwangi (2005) in the Daily Nation of 19 June 2005 that ethnic mobilization as a political strategy and the transmission of ethnic-based messages through the media could have generated suspicion among the different ethnic groups. This suspicion manifested itself in political power jostling, in which each ethnic group saw itself as an independent unit. It is under these circumstances that ethnic suspicion and unease started in the country. This unease was manifested when the then-Minister for Economic Planning, Tom Joseph Mboya, was gunned down in 1969. Immediately thereafter, tension gripped the country as members of the Luo community felt that one of their own who was believed to be eyeing the Presidency after first President Jomo Kenyatta, was gunned down because of his ethnicity (Goldsworthy, 1982). Tom Mboya was perceived as a strong contender for the Presidency. The perceived onslaught on the Presidency by Tom Mboya followed that of former first Vice-President Jaramogi Oginga Odinga, who had earlier formed an opposition party named the Kenya People’s Union (KPU). His party was dominated by members of the Luo ethnic group, as detailed by Goldworthy (1982). This party competed against the then-ruling party, the Kenya African National Union (KANU). This presented Kenya with its first real test on ethnic chauvinism and mobilisation by politicians. The two politicians were labelled as representing Luo interests against
a perceived Kikuyu-dominated state power (Goldsworthy, 1982). Therefore the media’s portrayal of the Kenya People’s Union as a Luo party could have served to solidify support for the party in Luoland, and at the same time it could have led to the hardening of support for KANU in other parts of the country, thus creating an ethnic-based support for the political parties.

Jonyo (2003) and Oyugi (2003) argue that independent Kenya’s political structures and approaches have been polarized by ethnicity rather than nationalism. In an illustration of that argument, Jonyo (2003) presents the case of appointments to national positions which, he says, are skewed towards the ethnic group of the sitting President, thus causing political unease among the different ethnic groups. He points out that Kenya has been ruled by President Jomo Kenyatta (a Kikuyu, 1963-1978), President Daniel Moi (a Kalenjin, 1978-2002), and President Mwai Kibaki (also a Kikuyu, 2003 to date). Each of the leaders tended to favour their ethnic group in the distribution of resources and national appointments (Okondo, 1993; *East African Standard*, 14 September 2005). In Jomo Kenyatta’s entire tenure of 15 years as President of Kenya, he had his Finance Ministers, Ministers for State in the Office of the President, and State House Comptrollers all coming from his Kikuyu ethnic group. Daniel Moi’s entire 24 years saw a systematic move to consolidate power among members of his ethnic group. In his entire rule, all his State House Comptrollers were members of his Kalenjin ethnic group. Mwai Kibaki has pursued similar ethnic-based appointments, where his Ministers for Finance and Ministers for Internal Security have all been members of his ethnic community (Okondo, 1993; Jonyo, 2003). This trend therefore rationalizes the opinion that there is a tendency to make appointments based on the President’s ethnic group.

In order to create an understanding of how the three governments of Kenya led by the three successive heads of state have related to the media, it is important to present a discussion of some of their strategies and approaches towards the media. The three governments that have ruled Kenya have implemented approaches and directives that have affected media performance in information dissemination and democratic governance. Consequently, it is important to discuss how the three regimes have impacted on media performance in Kenya.
The government of President Jomo Kenyatta promoted a press that was mainly foreign-owned. *The Nation* had and still has the Aga Khan (who is the head of the Ismailia Muslim sect in the world) as the majority share holder, while the other main daily newspaper the *East African Standard* is mainly owned by Lornho, a multi-national company (Ochieng, 1992). In order to control press content, the then-President Kenyatta decided to control the media by issuing licences only to those whom he viewed as “friendly press”. The then-President resorted to promoting foreign-owned press at the expense of the local press. Ochieng (1992) argued that President Kenyatta could control foreign owners more easily than local Kenyan press. Additionally, the government approach of accepting the operation of foreign press at the expense of local press was followed with a view of not promoting local journalists as they were perceived to be independent minded (Ochieng, 1992). In a discussion of the state of the media in Kenya, Dr. Ndemo, the Permanent Secretary in the Ministry of Information and Broadcasting, observed that the press was controlled and pressmen subjected to harassment, torture, imprisonment and fines for expressing their views (Waki Report, 2008, 296).

The Moi-led government that succeeded President Jomo Kenyatta pursued similar approaches, including banning of some publications that were considered as too critical of his government, such as *Beyond* (Kabatesi, 1997). Similarly, the Mwai Kibaki government have enhanced press intimidation. A case in point is when the government’s security forces invaded the daily newspaper *East African Standard* in 2005 at night, and destroyed newspapers meant for the next day in the belief that they were carrying information that was critical of the government and undermined national security. Another example is during the 2005 Referendum when the government disabled a radio station known as KASS FM, thus denying the station transmission rights. Central to shutting down the radio station was a perception that it was against the adoption of the Draft Constitution.

The history of the press in Kenya took a different dimension after the 1992 multi-party General Elections when several independent newspapers rolled off the presses. These newspapers and magazines included *Finance, Society, Nairobi Law Monthly* and *The People*. The mainstream media represented by the *Nation*
and the *East African Standard* became more assertive in their news columns with articles that were quite critical of the approaches and actions of the government (Ogot, 1996). However, the government of President Moi maintained stringent rules on licensing and issuing of frequencies, facilitating the control of the press. The government had to vet a media house’s editorial approach and ensure that it was not too critical of the existing government. For example, the national broadcaster, Kenya Broadcasting Corporation (KBC) was renowned for broadcasting only pro-government stories (Kabatesi, 1997).

The three governments, as evidenced in their treatment of the press, pursued different forms of approaches that could be argued to be dominant over the press, and as a result could not allow much press freedom. They candidly controlled the press, as Ochieng (1992, 80-81) notes in his book “I Accuse the Press”. Hillary Ng’weno, who owned the *Weekly Review* during Moi’s tenure, was forced to reconsider his critical stand towards the government when the government ordered the magazine not to publish results of a survey on which parliamentarians were likely to retain their parliamentary seats in the then-imminent national elections. This survey was embarrassing to the government as it forecasted that most of the government Ministers would lose in those elections.

The government used different forms of measures, as highlighted above, to control the press and interfere with press freedom. Further examples of the measures that they adopted included increasing the price of newsprint, ordering government agencies not to advertise with media houses considered to be unfriendly, and at times banning newspapers that were not considered government-friendly. These unwritten approaches of the government caused tension and despondency in the media, as journalists and editors did not have the freedom to write and expose government inadequacies. These kinds of policies were instrumental regarding concerns on the lack of press freedom in the country. A number of civil rights groups felt that the government was not offering a conducive environment for practising democracy, as they argued that press freedom was very important in a democracy, and if that freedom was interfered with, then people’s right to articulate and transmit their views would be grossly hampered.
1.4 Conflicts and the Constitution in Kenya

In light of the purpose of this study, this section offers background information on conflicts that engulfed Kenya about the country’s constitution. The study focuses on two different types of conflict, namely political and ethno-cultural conflict. This is because the conflicts that preceded the 2005 Referendum on the Draft Constitution may have followed ethnic lines despite the fact that they were mainly political conflicts. How these terminologies are defined is important in understanding how they are used. In addition, the terminologies assist in the appreciation of the dynamics of this study.

Smith (1993) observes that ethnic identity involves two or more groups that perceive themselves as different and are seen by others as different. Each of the groups must have a common culture and ancestry. Kenya has 42 ethnic groups, and each has its own culture and a claim to specific territory in the country. These ethnic groups have had competing interests in political power. The tendency by members of the different ethnic groups to view one of their own who happens to occupy the position of the Presidency as their chance to amass public property has caused intense competition for the position of Head of State. This competition has acted as the genesis of ethnic-based conflicts amongst members of the different ethnic groups in the country.

Kimenyi and Ndung’u (2005) argue that competing interests have been a source of ethnic conflicts. These interests have emerged mainly during general elections, when ethnic groups compete against each other for political supremacy. Political parties have largely been ethnic-based. Examples are parties such as Shirikisho, FORD Kenya, the National Development Party of Kenya, and the Democratic Party of Kenya (DP), whose membership has been largely ethnic. These conflicts have especially manifested themselves during the different general elections, as politicians tend to mobilise members of their ethnic groups to vote, and think along ethnic lines during competitive politics. Kimenyi and Ndung’u (2005) and Wanjohi (1997) observe that ethnic conflicts have been experienced during the period that precedes general elections. Ethnic clashes were termed “a campaign for land” as they were mainly geared towards driving away members of different ethnic groups that were seen not to be supportive of their political inclinations. The Londiani and
the Molo clashes fall within this category. In these areas, the minority groups were being forcibly evicted from their homes so as to prevent them from voting in upcoming general elections. It is this perceived link between ethnicity, politics and the media that forms the centre of this research, as the media have remained a central player in these ethnic conflicts.

The media perceptibly provide valuable information and act as a critical forum for political dialogue and exchange. Raphael Tuju, then-Minister, opined that he would close down radio stations that tended to fan ethnicity (*The People Daily*, 4 November 2005). This directive generated numerous press reactions that either opposed or supported that position in subsequent days, thus setting off media debate on a national scale. Those who opposed the Minister alleged that he was interfering with press freedom. The news columns and the hard news sections of the press provided a typical avenue for this dialogue in *The People Daily*, 4 November 2005.

In a further discussion of the nature of ethnic conflicts, Smith (1993) argues that ethno-cultural conflicts emerge in light of needs satisfaction. In this sense, groups with a separate sense of identity may perceive their government structures to be incapable of addressing their basic needs. When such needs are denied or are not met, grievances arise, which are couched in ethnic language. An example can be found in the *Sunday Nation*, 5 October 2007, where sentiments such as “our people have not been properly rewarded” appear.

Coser (1956, 31) argues that “conflict is an inevitable by-product of human interaction and serves as a positive social purpose”. Others like Bjorkquist (1997) argue that conflict integrates groups by helping to establish group identity and to clarify group boundaries, which contributes to group cohesion. However, this view can be seen as negative, as it seeks to entrench group competition and identity. Bjorkvist (1997) views conflict as being caused by varying viewpoints which the media propound. An example comes from the *People Daily* of 4 November 2005, where the then-Minister for Information and Broadcasting observed that he would rather close down radio stations that fanned ethnicity. The following day, 5 November 2005, *The Saturday Nation* and *The East African Standard* carried
articles condemning the Minister’s position on the radio stations. When such conflict seeks to facilitate social change, it can be viewed as positive conflict, but if it turns violent, then it is viewed as being negative. A multiplicity of views is indeed important as liberal democracy requires debate and alternative views.

In an analysis of different definitions of conflict, Anstey (1991, 2-3) states that a survey of the literature reveals that most of the definitions of conflict stress the idea that it is a purposeful behaviour orientated towards the achievement of certain goals. It is this purposive nature that brings conflicts to the fore, as different interest groups emerge in the process. Depending on how the goals are managed, a politician’s ambition and the ethnic groups’ different desires could lead to political and ethnic conflicts that can escalate into violence. Ekeh (1975) describes the two publics and states that the primordial public is loyal to ethnic calling and tends to be morally upright as far as they are safeguarding their perceived territory which is their ethnic enclaves and members of those ethnic groups. In contrast, Osaghae (2006) observes that the civic public is less moral and has less value attachment to the moral fiber of the society. These are the bourgeoisies of the society who derive their status from a close attachment to the colonial structures. Ethnic based conflicts could occur when there is a conflict between the different primordial publics within a nation such as Kenya which incidentally has numerous primordial public who each jealously safeguard their ethnic bases.

It follows from the above discussions of conflict that Kenya has faced numerous political and ethno-cultural conflicts, as observed by Jonyo (2003). Jonyo (2003) also argues that the Kenyan constitution, which had been amended several times by 1980, caused tension among the people because it interfered with basic freedom of the general citizenry, such as the introduction of detention without trial. Political differences escalated into political conflicts driven by ethno-cultural undertones, where mobilizations of the reform forces were centered along ethnic lines. These amendments served to stifle political opposition and freedom of the media in the country (Ng’weno, 1988; Mbai, 2003). After the 1982 coup attempt, the government introduced a clause into the Constitution banning party pluralism in the country. Kenya had operated unofficially as a one-party state from 1969 to
1982. The constitutional amendment effectively made Kenya a one-party state. The then-ruling party KANU, emerged as the only recognized party in the country. Those who opposed KANU were treated as being subversive, and this led to the formation of underground opposition movements such as the February Movement (FERA), *Pambana*, and subsequently the coup attempt of 1982. The one-party state did not allow opposition, and consequently, opposition to the government was conducted through the alternative media and leaflets, which were clandestinely circulated to people.

A clear indication of the ethno-cultural dimension of the political conflict in the media manifested itself in the setting up of vernacular radio stations such as Radio Citizen, which was quite critical of the Moi government, and was consequently, denied frequencies to operate. The perception amongst Kenyans was that Citizen Radio, along with later radio stations such as KASS FM, were perceived to be championing an ethnic political agenda. While the Citizen Radio was championing a perceived Kikuyu agenda on one hand, KASS FM was perceived to be championing a Kalenjin agenda on the other hand. In a warning delivered by the then-Minister for Information and Broadcasting, Raphael Tuju, he observed that Kiss FM, Eldoret based Sayari radio, Kisumu's Victoria FM, Royal Media's Citizen and Radio Ramogi were each broadcasting messages that were aimed at instigating members of the Luo, Kalenjin, and Kikuyu to engage in violent political behaviour (*Daily Nation*, 17 November 2005). Inflammatory remarks were broadcast in vernacular languages could have been responsible for the perception that they were appealing to members of specific ethnic groups.

The 1992-2002 period was marked by unease over the constitution owing to bickering by those who proposed a change in the country's constitution and those opposed it. This instability, as observed by Badejo (2006), led to violent street demonstrations in Kenya's major cities and towns such as Nairobi, Kisumu and Mombasa, and was driven by anti-government sentiments focused on refusing to engage in processes of constitutional reform. The Moi government eventually accepted a review of the constitution after the 1997 General Elections. The government supported a motion moved by Raila Odinga, Member of Parliament...
for Langata, to engage in a review process of the constitution, and to set up a Parliamentary Select Committee on the Constitution. Media headlines read “Raila to head review body” (Daily Nation, 20 January 2002), and “Raila Committee on Constitution Review” (Kenya Times, 20 January 2002). These newspaper headlines continued to pile psychological pressure on the government that there was a need for a constitutional review. The composition of the select committee caused heated debates with members of the opposition demanding that the composition be determined by the number of votes cast for Presidential candidates in the 1997 General Elections. The then-ruling party KANU advocated the use of parliamentary seats in the House to determine the number of seats for each party in the select committee (Ng’ethe and Katumanga, 2003). As KANU had approximately 40% of the vote, basing committee selection on parliamentary seat allocation would have resulted in the opposition taking up a 60% share in the review committee. KANU rejected this argument and thus conflicts arose over the composition of the Review Commission.

These controversies and political differences centered on how to conduct the review process and the selection of the Review Commissioners. The controversies centered on who should be a member of the Review Commission and whether there should be a total or a partial review of the constitution. Ng’ethe and Katumanga (2003, 334) illustrated the differences between the state and civil society over constitutional reviewing when they stated that:

Time was wasted on wrangles over the appointment of commissioners. KANU categorically refused to consider the idea of entrenching the Act in the constitution. The review committee went ahead to appointment Professor Yash Pal Ghai as the chairman of the commission, most of whose members had been appointed by and were aligned to the ruling party. Ooki Ombaka, on the other hand chaired the Ufungamano constitution review process.

Therefore the review process started on a contentious note, with strong differences emerging between those who wanted an overhaul of the constitution and those who preferred piece-meal amendments to the existing constitution. The differences which were covered by the mainstream media centered first on how to select the Commissioners of the Constitution Review Committee, and the Chairman of the Review Commission. Later the two review teams were united after the appointment of Yash Pal Ghai, a renowned Law Professor, as Chairman
of the Committee and Ooki Ombaka as his deputy. Yash Pal Ghai’s team consisted of members of parliament, legal and social experts, and other delegates who converged at Bomas, hence the name “Bomas Draft”. Ghai led the process of collecting views from Kenyans, which were collated and presented to the People’s Assembly that convened in 2002 at Bomas to deliberate on the redrafting of the constitution. However the Daily Nation of 17 October 2002 reported that President Moi had dissolved the Assembly, thus effectively scuttling hopes of completing the review before that year’s General Election.

The media played the role of whistle-blower in this process of constitution-making in Kenya, by highlighting the disadvantages of the present constitution, such as the existing strong executive which is not properly checked by the other elements of the trias politica, namely the legislature and the judiciary. These articles appeared in the news columns of the daily press, and as such the media became a tool used by both government and civil society to create an understanding of reasons for and against constitutional review.

The mass media continued to speculate, and presented different analyses and interpretations over Moi’s non-candidature in the 2002 General Elections and the Constitution Review process. Some media analysts argued that perhaps Moi would be good for the Constitution Review as at the time he did not have direct vested interests, thus would be more concerned with his political legacy than entrenching himself in the Presidency (Oyugi, 2003). Hopes for a new constitution shifted to the new government after the December 2002 General Elections. President Kibaki’s NARC Party made a campaign pledge that they would complete the review process within the first hundred days of their government. It was largely this pledge that contributed to the opposition’s electoral victory over KANU, which was viewed as being anti-reform (Nzomo, 2003). However, President Kibaki did not fulfill his promise, though he recalled the delegates for the People’s Assembly at Bomas that resulted in the Bomas Draft. The Bomas Draft made several suggestions, including the following:
1. The Office of the President will remain ceremonial. The Office holder will be the head of state while the Prime Minister will be head of government.
2. Cabinet Ministers will be appointed from non-parliamentarians
3. There will be a bicameral legislature
4. There will be a devolved system of government
5. There will be dual citizenship
6. There will be freedom of the media
7. There will be a right not to obey unlawful instructions
8. There will be a National Land Commission
9. There will be Independent candidates
10. Unpopular Members of Parliament will be recalled.

With the above in mind, it is essential to highlight the differences between the old constitution and the draft constitution. Essentially the primary differences were found in the following:

1. As there is no office of Prime Minister, the President was both the ceremonial and executive head of state;
2. Cabinet ministers were appointed from sitting members of parliament;
3. Instead of a bi-cameral legislature, the old constitution created a uni-cameral structure;
4. Power was highly centralized through the central government appointing the provincial administration;
5. One could not claim dual citizenship and had to denounce Kenyan citizenship in the event of marrying another nationality, for example;
6. Political elite were somewhat authoritarian as they had the proverbial final say as long as they occupied office;
7. Only the Executive President could handle all land claims, and not a National Land Commission;
8. Independent candidature for contesting elections were not allowed;
9. Mechanisms to remove unpopular or underperforming Members of Cabinet were not provided for the in the old constitution.
The government, however, disagreed with the *Bomas Draft* and instructed the Attorney General, Amos Wako, to prepare another draft that was eventually presented to the people of Kenya for a referendum in 2005, almost three years after the 2002 General Elections (Mwita 2005). The two draft constitutions caused a split in the ruling coalition NARC when some of its members who were allied to the Liberal Democratic Party teamed up with members of the opposition KANU to oppose the draft constitution at the 2005 Referendum. During the Referendum, there was an increase in circulation of the press media, thus demonstrating high levels of public interest that the referendum had elicited among Kenyans (*Kenya Times*, 8 August 2005, 5).

*East African Standard* (19 November 2005), and *Daily Nation* (13 November 2005) newspaper issues illustrate the differences between members of the NARC ruling class over the *Bomas Draft* on distribution of powers between the Presidency and the then-proposed Prime Minister’s office, the distribution of power between the central government and the regions, and the clause that allowed for recalling of non-performing members of parliament, and finally the clause that disqualified members of parliament from ministerial appointments. These arguments in the media continued to inform people’s perspectives on the Draft Constitutions. One wing of the NARC Party close to President Kibaki observed that there should be a centralized government in Kenya instead of a regional-based government. They also noted that the clause that recalled under-performing parliamentarians should be repealed, and that Ministers must be appointed from among Members of Parliament. This position on the Draft Constitution was roundly opposed by those who were allied to the Liberal Democratic Party and the Kenya African National Union. Buluku observes in the *Daily Nation* (13 November 2005) observed that the two parties wanted Kenya to be divided into regions and ruled through regions. They also held strongly to their position that power must be decentralized from the centre, namely from the Presidency, to the regions and the office of the Prime Minister.

The government presented the *Wako Draft* for the referendum on 21 November 2005. The Electoral Commission of Kenya designated the Banana symbol to the “Yes” campaign team, who supported the draft constitution, and an Orange
symbol to the “No” campaign team, who were against this constitution. Conflicting comments on the process relating to the Wako Draft and its contents were published in both the Nation newspapers of 15 November 2005 to 20 November 2005 and the East African Standard newspapers of the same period. The newspaper articles of 1 to 20 November 2005 focused on topical issues such as the land question, the composition of the Executive, the recall clause for non-performing parliamentarians, and the role of ethnicity in voting. These newspaper articles appeared as banner headlines in the October and November issues of the East African Standard and the Nation newspapers.

In order to analyze media effects, it is important to have an understanding of message presentation, otherwise termed “message framing”. This study argues that message framing influences message reception, which in turn, impacts on the attitudes and actions of the readers. These actions could vary from inter-audience conflict to conformism, depending on the kind of article frame that has been adopted.

The study analyses the portrayal of news using Goffman’s (1974) concept of news frames as defined by McQuail (2005), who explains news framing as a way of presenting interpretations or analysis of events and items of fact. Through framing, journalists present issues in a predictable manner. They arrange facts, and order stories in patterns that are unique to each media house. This study will concern itself with the divergent editorial approaches which may have produced different news frames of the two newspapers identified.

Each of the two media houses that were selected for the study has an official editorial approach that focused on language and writing style. The approaches do not address how to report or portray political and business news. This, however, belies the fact that each of the media houses as stated by Ochieng (1992), has editorial approaches which, although not written, provide important guiding principles for the editors when they are making decisions about what to include and what to omit. Kahn and Kennedy (2002) have analysed the impact of editorial approaches on newspapers in Arizona, United States of America, questioning the argument that newspapers offer their opinions only in the editorial section of the
newspaper. They discount this thought as they conclude that the other sections of the newspaper are susceptible to the slant adopted by the editorial pages of the paper.

It can be deduced from the two studies above that reporter and editors choose information that highlights specific aspects of the content. In the process, they de-emphasize certain other aspects. This implies that deliberate frames are used by the media houses. In order to illustrate this, issues of the *People Daily*, 5 – 8 November 2005, chose to concentrate their news frame on the ethnic factor in the referendum debates. They analysed how ethnicity impacted on people’s perceptions and voting patterns. Over the same period, the *Daily Nation* adopted highlighting the violence more than the ethnic frame.

The research is informed by Gamson’s (1985, 617) analysis of news framing which states that:

> News frames are almost entirely implicit and taken for granted. They do not appear to either journalists or audience as social constructions but as primary attributes of events that reporters are merely reflecting. News frames make the world look natural. They determine what is selected, what is excluded, what is emphasized. In short, news presents a packaged world.

It follows from the definition above that framing of articles is the packaging of facts or themes in a particular format. This process of news selection takes on a hegemonic quality, as different social strata are also influenced by different power players in the society (Scheufele & Tewksbury, 2007). The composition of articles in the sample of this study is reflective of their editorial approaches as presumed in this study. “Symbolic power” is the capacity to intervene in the course of events, to influence the actions of others, and indeed to create events, by means of the production and transmission of symbolic forms (Blondel, 2004). It can be deduced that the definition incorporates the power of a number of social institutions such as the media, church, and education institutions.

Given the focus of the study, greater attention is paid to the power of the media to influence social dynamics such as ethno-cultural political violence. The media impact the social world through the images and the articles that they publish. The audiences see the world through the media’s prism. The journalistic fields of
influence are defined by the level of newspaper sales, which provide the profit margins of the papers. In order to increase newspaper sales, conflict is used as a key determinant of news (Couldry, 2003). Thompson (1995) therefore suggests that media power is a form of meta-capital which enables the media to exercise power over other players such as opinion leaders. This is thus the media’s symbolic power over other players. This symbolic power is a useful point, as this study assumes the existence of that influence on opinion leaders such as politicians, teachers, the clergy and journalists.

This position strengthens the need for this research because media are a key factor that requires special analysis. Symbolic power, as propounded in Bourdieus theory (1990), postulates that the media have the power to construct social reality. This reality as argued by Bourdieu (1990) in the concept of strong media could validate the assumed linkage between the press and political violence. During times of political contestation it is observed by Thompson (1995) that the state does not have absolute control and monopoly of symbolic violence or force. The state’s symbolic power is established through different agents of the state that influence social dynamics such as conflict (Couldry, 2003). Therefore the media can be seen as a central organ to influencing people’s opinions and actions. The period that preceded the referendum saw numerous articles on the draft constitution, and the actions that followed from the people regarding the draft constitution could be argued to have been influenced by the mass media content.

1.5 Press Freedom and Liberal Democracy

The concept of press freedom in Kenya is to a large extent fashioned on Western concepts, and can be examined in three parts. The first is the Kenyan context on how press freedom developed, the forces influencing the growth of press freedom, and the position of the mass media in society. The second is the media’s role which entails its freedom to gather and disseminate information; the third is the individual journalist’s freedom to disseminate information.

The process of information dissemination assumes that the right to disseminate that information also guarantees the quality of information disseminated (Davison,
Despite the fact that the country maintains a number of laws on the press that were inherited from the colonial period, Kenya still enjoys the highest level of press freedom compared to other developing countries (Makali, 2003, and Merrill, 1994). This Merrill attributes to journalism education in Kenya, as being one of the best in Africa. Nairobi has emerged as the media centre of East and Central Africa (Makali, 2003). The choice of the other international media houses to use Nairobi can be attributed to the fact that the country has a better infrastructure than its neighbours, and enjoys relatively a better media-friendly atmosphere. Despite this, it is worth stating that due to a weak legal protection in the Kenyan laws, press freedom has been dependent on state interpretation and goodwill. While press freedom has improved, there are occasions when journalists and editors are questioned and imprisoned (Barland, 2005). A case in point is that of Clifford Otieno, who was allegedly slapped by the First Lady, Lucy Kibaki, and thereafter had his camera destroyed by state agents (Freedom of Expression Institute, 2006). Clifford Otieno’s case illustrates intolerance of the press by the government, as cases that were filed in court by the journalists were frustrated by the Attorney General who entered a nolle prosequi. Otieno had to go into exile in South Africa in fear of his life.

The quality of media content is dependent on the freedom to source and disseminate information, and as such, a central concern of this study is underpinned by whether that quality of content has impacted on different levels of political ethno-cultural conflicts. Freedom of speech is guaranteed in the Kenyan Constitution, while press freedom is derived from the freedom of speech. Press freedom is important for the proper functioning of liberal democracy, as it facilitates public discussions, which in turn helps to shape public opinion. Public opinion plays an important role in liberal democracy since it assists in political consensus-building and influences voting patterns. Press freedom can be described as the process of allowing a free flow of opinions and information in the public domain. Therefore, in an ethno-cultural society, it becomes important to assess the role of the media and its associated concept of press freedom, as this presupposes free circulation of divergent opinions and political positions which might be in conflict with each other at different moments in time.
One of the concerns of this study was to establish how the media performed its democratic role of facilitating dissemination of information on central issues such as the constitutional review reform for public consumption, to facilitate informed decision-making of the polity. Therefore, the study also poses the critical question of whether the press covered the events in a manner that encouraged politically motivated ethno-cultural conflict. An attempt at answering this question requires knowledge of the factors that affect the quality of information, as well as the conflicting viewpoints that were circulated by the media in Kenya.

1.6 Statement of the Problem
Ethnicity has become a social panacea in the society, as argued by Jonyo (2003). The media have continued to be immutable and innate, and, on account of a conscious decision or distinct lack of willingness, they do not demystify stereotypes, and buttress institutions and practices that can assuage ethno-political conflict. In short, the media in Kenya could be exacerbating existing communal and ethnic tensions by continuously playing on the nationalist and religious emotions of the people through their daily coverage of political events.

Little research has been conducted on the media’s unintended effects such as political conflicts and violence during elections and the Kenyan referendum. The positive role of the media such as informing, persuading, entertaining and bringing about cultural transformation has largely been focused on, leaving out the more negative role of the media such as creating negative conflict. Amongst these uses, a possible negative effect of the mass media such as violence is not anticipated. This research analyses whether there could be a number of negative effects such as violence and politically motivated ethno-cultural conflicts in Kenya as a result of the media articles that were published during the period that preceded the referendum. The Industrial Revolution helped to mechanise production and brought about printing and radio communication which meant that now a small group of people could communicate to a mass audience of people in diverse places, without necessarily knowing them or even seeing them (Kazan, 1993). People now vote or make political choices out of knowledge which is informed by the mass media, which have evolved out of the inventions of the Industrial
Revolution. Therefore, an analysis of the role of the press in political conflicts in Kenya will form an important contribution to knowledge.

1.7 The Objectives

In order to investigate the relationship between media content and political conflicts the study sets forth the following three objectives which formed the basis of research. The first objective focused on the relationship between media content and different levels of politically motivated ethno-cultural conflict. The influence of media content and how those particular levels of media content may have led to high political conflict, medium political conflict, low political conflict and no political conflict, is to be tested.

The second objective highlights the kind of coverage that the Draft Constitution got during the period that preceded the referendum in November 2005. This objective facilitates interrogation of media content and whether media content focused on aspects of the draft constitution such as land ownership, the executive, devolution, the legislature and religion, as highlighted in the draft constitution of Kenya 2005.

The third objective examines the thematic emphasis that the media undertook in the period that preceded the referendum. The themes that were dominant in the period before the referendum could have impacted on the readers’ perceptions of the issues that were critical and that could have informed the voters’ decisions.

The foregoing research questions focus attention on pertinent questions for the study. The research questions are derived from the objectives, and therefore the specific objectives of this study were as follows:

1. To determine the relationship between levels of politically motivated ethno-cultural conflict and media content in a diverse society and a weak liberal democracy;
2. To investigate the extent to which the media undertook its educational role prior to the referendum in the polity of a diverse and weak liberal democracy such as Kenya; and

3. To analyse thematic areas of coverage by the press and how they were used during the referendum.

To achieve these objectives, the study thus seeks to answer the following questions:

1. Was there a link between media content and different levels of political conflict in weak democracy such as Kenya?

2. Did media content influence ethnicity and in turn did it encourage ethnic conflict in diverse society?

3. What were the key thematic areas of coverage by the press and how were they used during the referendum?

4. Did the media educate its readers on political issues that relate to the referendum?

1.8 Thesis Outline

The literature review in Chapter 2 focused on creating an understanding of Kenya as a weak liberal democracy and the perceived role of the media in a weak liberal democracy. In addition this chapter analysed the role of ethnicity in political conflicts in Kenya. The third chapter of the study focused on the theoretical foundations of the study. It begins with an analysis of media effects, and then illustrates the theories on which this research is based. Theories such as framing, agenda setting, public sphere, two steps and their synergy are discussed. The chapter then discusses editorial approaches and how they influence media content. Chapter 4 describes the process of the research method. A number of aspects of the research process are addressed in this chapter. Among them are the population of the study, the sample size and selection criteria, tools of data collection to be adopted such as content analysis, a survey questionnaire, and the
data analysis procedure. Chapter 5 presents the results of the data that was collected for the study. The first data set deals with the thematic coverage of the newspapers, the second section deals with data on the educational role of the *East African Standard* and the *Nation* newspapers while the third section is a presentation of data on the relationship between content of the *Nation* and the *East African Standard* newspapers and different levels of conflict. The sixth chapter focuses attention on the implications of the data that are presented in the fifth chapter. It also offers a discussion that answers the research questions in Chapter 1. Chapter 7 entails the conclusion and recommendations generated from this study.
CHAPTER 2
THE MEDIA IN A WEAK LIBERAL DEMOCRACY: CONTEXTUALIZING THE MEDIA IN KENYA

This chapter provides a review of literature on liberal democracy, weak liberal democracy, the media, and politically motivated ethno-cultural conflicts. In order to create an understanding of how the above aspects interrelate, this review discusses the factors that influenced media content with specific reference to press freedom, ethnicity, and the consequent conflict. The review highlights how ethnicity could have been used in political mobilization and how the media have been used in political mobilization in Kenya. The literature shows how free debate as covered by the newspapers could have influenced politics in the country.

In order to highlight the role of the media during a democratic exercise such as a referendum, this review refocuses attention on the function of the media in a weak liberal democracy. It is also important to observe that most African countries with weak liberal democracies have recently emerged from dictatorships, including one-party or military rule in the early 1990s, as described in Huntington’s Third Wave of democratization.

Part of the literature referred to in this chapter, such as studies that analyze liberal democracy and the media, originates from Western media scholarship and is thus relevant to this study in various ways. The relevance stems from the fact that issues such as the role of the media in a liberal democracy, which is discussed in Western socio-political and media studies, are largely similar to some of those that have preoccupied African scholars and politicians.

2.1. Characteristics of a Weak Liberal Democracy

Numerous African governments have attempted to entrench and consolidate liberal democracy in their political and social systems. Such attempts have been met with varying levels of success in different African countries. Africa has up to 53 countries, which are at different levels of success as far as the implementation of liberal democratic ideals is concerned (Thompson, 2004). The levels could range from weak liberal democracies, dictatorships, and monarchies to stable
liberal democracies. Thompson (2004) argues that some of the countries in the continent such as Libya could be termed dictatorships. Others such as Morocco and Swaziland are monarchies. South Africa and Ghana stand out as examples of liberal democracies in Africa (Joseph 1997). Sindima (1995) agrees that the continent is replete with liberal democracies that can be considered weak as they do not adhere to the basic tenets of liberal democracy, including conducting regular, transparent and independent elections. This section of the chapter therefore seeks to create an understanding of the background of liberal democracy, and also discusses the characteristics of a weak liberal democracy such as that of Kenya.

Following the collapse of the Berlin Wall and the democratisation wave that hit Africa in the late 1980s and early 1990s, most African countries, including Kenya, modelled a liberal democratic type of governance that can be considered as a weak liberal democracy (Jonyo, 2003; Nyong’o, 2003). Marri (2003, 265) observes that “The Freedom House considers a country to be a liberal democracy if people are free, and the government is respectful of basic human rights, and the rule of law.” However, if people in a country face certain impediments in freedom of speech, freedom of organization and the government at times violates human rights and the rule of law despite being a multi-party democracy, then that government may be defined as a weak liberal democracy. In analyzing the characteristics of a weak liberal democracy, the following determinants are used (Dahl, 1989).

Dahl developed the following questions to help in assessing the quality of democracy in a given state:

1. To what extent are people free to express their political opinion?
2. To what extent are people free to join any group they would like?
In order to measure governance the following questions were developed and used to measure the level of fairness of governance:-

1. Are the laws fairly enforced in the society?

2. To what extent is there impartiality in the way the government makes its appointments?

3. How widespread is political corruption in government?

4. How transparent or open is the government to the public?

The answers to the above questions will largely provide an answer on whether the country is practicing a liberal democracy or not. It will also tend to show whether there is a strong liberal democracy or a weak one.

In a weak liberal democracy, control of government decisions is influenced by unelected officials or those elected through an electoral system which is not independent, and is controlled by one political wing in the country (Jonyo, 2003). In these kinds of countries, there are leaders who are elected by the people, but real power lies with those who control the elected leaders as advisers or even members of the civil service. An example is the case of Kenya, where an elected government is in place, but a more powerful provincial administration controls the regions. The head of a province in Kenya is known as a “provincial commissioner”. The holder of this position is ultra-powerful as he reports directly to the President. Members of parliament elected by the people have to contend with officers of the provincial administration who actually control government operations in the regions despite the fact that they are not elected by the people.

The other key factor that can lead to the categorization of countries as practicing a weak liberal democracy is the electoral process. For instance, the extent to which elections held in a country are free and fair is one indicator of a liberal democratic culture. This process commences with voter registration and the extent to which voters are able to participate in an election. Countries where the elections that are conducted cannot be considered to be free and fair cannot claim to be practicing liberal democracy. The other process that is part of the electoral process and is important in determining whether the country has a strong or weak liberal
democratic situation is the voting itself. The manner in which the presiding officers and polling clerks are selected, also matters.

In countries that practice weak liberal democracy, competition is lopsided as one political wing tends to dominate the political landscape. In these countries, elections are generally infrequent. Kenya has been holding regular elections after every five years as prescribed in the Constitution. These elections were held under a single-party rule for 43 years (Badejo, 2006). Liberal democracy cannot exist under one-party rule, as democratic choices between competing alternative political parties are central to a functioning liberal democracy. This is because different shades of opinion are not entertained under one-party rule, and key state positions such as the presidency are not contested, as was the case in Kenya prior to 1992. After 1992, Kenya became a multi-party state, as inscribed in the Preamble to the Constitution (Kimenyi and Shughart, 2008). Although the country adopted a multi-party state, the country could still be considered a weak liberal democracy because its elections after 1992 were not wholly free and fair (Brown, 2001). This is because the 1992 General Elections were marked by many malpractices such as the ruling party using the provincial administration to scuttle political rallies of the opposition parties such as FORD – Kenya, the Democratic Party of Kenya, and FORD – Asili (Jonyo, 2003). Consequently, opposition parties in Kenya were not allowed to popularize their political ideas freely, and then the ruling party actually had an undue advantage during campaigning.

Freedom of expression is a central characteristic of liberal democracy. In a weak liberal democracy, citizens have a constitutional right to express themselves freely. Sometimes, however, they get into difficulty when they criticize state officials such as the case of the raid on the East African Standard premises in 2006 when the media house suffered from a raid that led to the destruction of its computers and newspapers for the next day. The reason was apparently the fear that that issue of the newspaper contained damaging information on some government officials.

In a liberal democracy, citizens have a right to seek alternative and independent sources of information. Such alternative sources, not attached to government, can
nevertheless be hampered in disseminating information, which is characteristic of a weak liberal democracy. In Kenya, access to alternative information is allowed vide article 79 of the Kenyan Constitution, which states that there shall be freedom of expression in Kenya. Freedom of the press is also guaranteed in the Kenyan Constitution. However, the government has, from time to time, used its prerogative of allocating broadcast frequencies to deny licenses to those media outlets that do not champion their views. This happened during the 2005 Referendum when KASS FM was put off air for campaigning against the government’s position on the proposed constitution (Badejo, 2006).

Kenya pursued a one-party form of government from 1966 to 1992. After 1992, the country changed to a multi-party state, following the change of the section 2A clause. The violent protests in the late 1980s and early 1990s portrayed a lot of unease with the status quo. Transition to democracy could be deemed successful only after the country weathers its first deep and protracted crisis (Dahl, 1996). In the case of Kenya, apart from the attempted military coup of 1982, there has been no real protracted crisis until the disputed 2007 General Elections. Dahl (1996) argues that countries cannot be described as consolidated liberal democracies or strong democracies until they undergo protracted challenges to their liberal democratic institutions. These challenges could be in the form of a civil war, a revolution, or war with another country. As stated earlier, Kenya had not faced a protracted crisis until the 2007 General Elections, which plunged the country into its first real test case that seems to have put the country’s democratic institutions to a real trial. Where democracy is not fully consolidated, the democratic institutions are uneven and incomplete. Important elements that signify strong liberal democracies include the existence of freedom of the press or assembly, or the opportunities for political opposition to organize and express themselves and to participate in elections.

As a weak liberal democracy, Kenya is typified by representative institutions such as the local authority, provincial administration, and the executive. These arms of government have proved to be ineffectual and unrepresentative because their election or selection could be argued to be undemocratic. Those who are in the political executive arm of government appointments are not vetted by the
legislature. In addition, they are not independent in executing their roles in government operations. Senior Civil Service members in the executive arm of government tend to be less independent of the political wing of the executive. In this kind of situation, important decisions are essentially the prerogative of the executive. The Kenyan scenario exemplifies a weak liberal democracy which, despite the National Accord signed in early 2008, purports to have attempted a redistribution of power, but still practices a strong presidency, which has resulted in weaker support institutions, a weak judiciary, and a weak Electoral Commission. These critical institutions have largely been controlled by the executive who appoint them and have powers to change or dismiss them (Mbai, 2003). As a result, Kenya has exhibited key characteristics of a weak democracy.

Robert Dahl’s polyarchy propounds that liberal democracy requires not only free, fair, and competitive elections, but also the freedoms that make them truly meaningful, such as freedom of expression, freedom of organization, alternative sources of information, and institutions to ensure that government approaches depend on the votes and preferences of citizens. Some authorities such as Dahl use a minimalist standard of measuring liberal democracy. For instance, in Schumpeter’s (1991) definition of liberal democracy, the principal positions in the country are filled by means of a competitive struggle for people’s votes.

Other factors that characterize weak liberal democracies are lack of inclusive citizenship and associational autonomy. In a liberal democracy, adults living in the country are all entitled to basic rights and, in theory, all live within the laws of the country. In weak liberal democracies, however, some members of the government can actually bulldoze their way and behave as if they are above the law. Equality before the law is easily flouted in a weak liberal democracy. In liberal democracies, citizens have a right to form relatively independent organizations. However, in a weak democracy, the government controls registration of political parties and other political-based organizations.

Freedom of association is an important characteristic of a liberal democracy. In Kenya, however, the situation is different because the formation of political parties was restricted to some people who are known to be members of the opposition.
case in point is described by Badeyo (2006) when he states that it was difficult for Raila Odinga, the country’s current Prime Minister, to form a party in the period prior to the 1997 General Elections, and he ended up adopting a political party belonging to another person. He adopted the National Development Party of Kenya (NDP). Another case in point was in 2002 when a faction of the then-ruling party, Kenya African National Union (KANU) defected to the then little-known Liberal Democratic Party of Kenya (LDP) after they were denied the right to register a new political party. These examples show the difficulties and challenges of forming a political party in Kenya, and portray Kenya as an example of a weak liberal democracy in the period prior to the advent of multi-party politics in 1991.

Countries defined as weak democracies lack strong independent institutions such as the media, civil society, clergy, electoral commission, the Attorney General’s office, the anti-Corruption Unit, and the office of the Ombudsman, among others. If such institutions are strengthened, they can provide strong checks on the various arms of government such as the executive, legislature and the judiciary. In most of these countries that practice weak liberal democracy, the executive overrides and controls the other arms of government. Mitullah (2004) observes that existing weak institutions in Kenya have been responsible for the unstable democratic performance in Kenya. She elaborates that in Kenya, the executive wielded more powers than the other arms of government, and this led to that arm overshadowing the other arms of government, thus creating a weak democratic situation where the executive is unchecked.

Although the Kenyan Constitution states that Kenya is a multi-party democracy, a close analysis reveals that the country can be termed a weak liberal democracy. This is because some of its pillar institutions such as the Provincial Administration, the Electoral Commission of Kenya, appointments to the judiciary and top civil service positions such as the head of the Civil Service, are not subjected to any vetting by the legislature though they wield immense powers in their spheres of operation. The executive holds sway in those appointments. Jonyo (2003) argues that these appointments are not politically and ethnically representative or open to vetting by the legislature.
A stable or strong liberal democracy requires that key positions are held by those who have been elected by the people through a free and open electoral system, as argued by Diamond (2002). One could consider the legislature and executive as the key positions. Therefore, for Kenya to qualify as a liberal democracy, those who hold key positions in the two institutions should be elected by the people. The concentration of power in the executive and lack of people’s participation in key decision-making organs has generated much unease with the Kenyan Constitution (Mbai, 2003; Jonyo, 2003). This unease with the Kenyan Constitution was experienced among the clergy, university students, lecturers, civil rights activists and political parties. These groups have individually and collectively concentrated their efforts in clamouring for the change to an independence constitution of Kenya to make it a true liberal democracy.

2.1.1 Ekeh’s two publics and the weak liberal democratic practices in Kenya

Ekeh argues that the African social and moral fabric has been immensely influenced by Africa’s colonial background as evidenced by the continent’s tendency to display what could be termed as a soft state, a soft state means a state where people do not strictly respect the legal mechanism or the rule of law as it is enshrined in the country’s legal statutes (Osaghae 2006). This is a state in which rules are applied copiously and in a lax manner rather than vigorously and in a consistent way (Osaghae 2006). In Kenya this has been evidenced in the application of the law as the election processes are concerned and also as evidenced in the appointment of those who hold constitutional offices such as the office of the attorney general, chief justice, auditor general, ministerial positions and that of top civil service positions like that of the permanent secretaries. Jonyo (2003) has argued that Kenya has no merit based system of appointing people to those positions instead these appointments are done based on cronyism and other ethnic considerations. These could have contributed to the lowering of performance levels at the civil service which could have been a major contributing factor to a demotivated work force because promotion is not based on merit but on patronialism.
Ekeh further argues that the African civil society is unique in terms of its colonial origins, structuration and functions. He also reasons that colonialism bequeathed to Africa new modes and systems of governance. Osaghae (2006) notes that Ekeh believes that colonialism was not a one way traffic of idea transmission where the Africans were passive but were instead a forum for hegemonic contestations where there were differences and conflicts between the African bourgeoisie and the white supremacists. He observes that the African bourgeois have earned credibility from their association with the colonialists. This has in turn also put them in conflict with the other African colleagues who do not enjoy similar association with the colonialists. This meant that what was originally an African system of governance was totally erased. Kingdoms such as that of Buganda, Togo, Oyo, among others were all dismantled by the coming of the colonialists. Ekeh reasons that colonialism was to Africa, what the industrial revolution was to Europe. This meant that for over 70 years Africa had to endure a new system of governance, a system that they hardly understood or even appreciated. Ekeh resultantly argues that African’s resentment to this system was their lack of full appreciation of the system and introduction of ethnicity for undertaking political obligation. Bayart (1986) argues that there is tendency of those governing to subjugate the public sphere and to control politics and the economy.

The two publics as argued by Ekeh are the primordial public which is identified with primordial groupings, sentiments and activities which nevertheless impinges on public interests. The group’s ethos and sentiments influences the individual’s behaviour. Ekeh (1975) observes that

“This public whose major constituents are ethnic, communal and hometown development associations, owed its origins to the alienating nature of the colonial state and its failure to provide the basic welfare and developmental needs of masses of ordinary peoples.”

Members of this primordial public are largely rural and alienated from the mainstream urbanite lot. They have a strong sense of community and belonging and embrace ethnicity at the expense of statehood or nation hood. In a way thus this theory could offer an explanation about how ethnicity has been used by the Kenyan politicians to undertake political mobilisation. In his analysis Osaghae
(2006) presupposes that the primordial state belong to those who are moral and fiercely guard against external intrusions. The civic public is closely associated with colonialism. The state is to an extent the mainstay of the civic public. Osaghae (2006) alleges that this public indeed suffers from a serious ownership crisis. Most ordinary people indeed do not identify with this public as they have a feeling of being alienated from this public. The civic public is amoral and do not have the strong sense of moral standards such as that found in the primordial public (Ekeh 1975).

The situation in Kenya is no different as those who belong to the civic public have tended to be more susceptible to such social vices like corruption, and nepotism. Kenya could have thus experienced a weakened liberal democracy as result of this public’s actions and orientation which are not ethical and tend to debase the moral fibre of the society. This amorality could be conducive to opportunism, lawlessness, and prebendalist, corrupt and plundering tendencies that have come to characterize behaviour in the public sector (Osaghae 2006). These plundering tendencies by members of this public could have influenced the skewed appointments to government constitutional offices stated above as those appointed may be expected to engage in corruption that would benefit the appointing authorities.

2.2. The Media and Liberal Democracy
In order to show the correlation between the media and liberal democracy, it is worthwhile to first create an understanding of the two terms and then focus on how they correlate with each other in this study. Voltmer (1998) states that mass media are the medium for information transmission. The media help to transmit information to a mass audience instantaneously and also serve as a forum for dialogue and national debate. Therefore, the media undertake a central dissemination role in a liberal democracy. Fonseca (2006) points out that the theory of democracy and the structure of democratic establishment make a basic assertion that freedom of expression is a central component of the operationalization of a liberal democracy. This brings with it both a multiplicity of ideas and the responsibility taken for their dissemination. This further underscores
the importance of media in a liberal democracy and the need to analyze the information systems in a liberal democratic state. This analysis is important because the freedom of the mass media is equal to freedom of expression among the citizenry in a liberal democratic society. The mass media are outlets that amplify public expression on diverse issues, hence their importance in a liberal democracy.

Liberal democracy is the most common type of democracy. It is predominant in the Western world (Marri, 2003). In the early 1990s, with the fall of the Berlin Wall, a number of African countries undertook to fulfill liberal democratic reforms within their governance structures. Liberal democracy as defined by Baker (1998) includes values and legal doctrines that highlight individual autonomy, interest group pluralism, and common public discourse. Netanel (2001) adds that in a liberal democracy, interest groups, civic associations, business firms, political parties, labour unions, and government subdivisions and agencies compete for power and influence in a wide variety of arenas. These arenas can include the public opinion arena and elective politics, and also influence political competitions. Power distribution and concentration in the political system is an important component of a pluralist liberal democracy. Some of the features described above can be argued to be present in Kenya although they may not satisfy the desired levels of implementation.

Liberal democracy requires that people who occupy positions of decision making are elected in a democratic manner, namely that they are allowed to circulate their viewpoints among the electorate. A free and fair liberal democratic system cannot be achieved if the information system is not free, and this is where a vibrant free mass media comes in handy. The mass media serves the fourth estate role in a liberal democracy (Netanel, 2001). Netanel (2001) asserts that the mass media assumes a primary role in information dissemination and also in shaping public opinion. This underscores the importance of mass media in a liberal democratic engagement and further reinforces the need to analyze its role in a liberal democracy.
According to Diamond (2002), a true liberal democracy incorporates political liberalism as a philosophy. In liberal democracy, excesses such as misuse of power by any of the arms of government, such as the judiciary or the legislature, are properly checked. Diamond (2002) adds that in liberal democracy the rule of law is respected, and leaders govern after the engineering of consent through use of the mass media. Liberal democracy thus depends on the extent of maintenance of civil and political rights of individuals, legal toleration of plurality of religions and moral codes, and the legal protection of private property. According to Diamond (2002), liberal democracy also features protection of individual rights against government power.

Kenya has not fully adhered to some of the above tenets of a liberal democracy, hence the unease with the constitution as reflected in the clamour for constitutional reforms (Jonyo, 2003). Although Kenya claims to be a liberal democracy, some clauses in its constitution, such as those that provide for over-concentration of power in the presidency, undermine the principle of liberal democracy. The Kenyan Presidency has overall executive authority in the governance of the country. The President can single-handedly appoint cabinet ministers, senior civil servants and judges, and virtually has powers to dismiss them without reference to any other institution. These are, however, senior members of government whose elevation or demotion ought to be vetted by more than one level of authority so as to provide for separation of powers and prevent possible abuse of office. In stable liberal democracies such as the United States of America, the President nominates state officials, but the legislature vets the nominees.

In Africa, a number of countries claim that they are liberal democracies even though they do not adhere to freedom of association, the press and expression, which are critical as per Dahl’s definition of a polyarchy or Diamond’s definition of a liberal democracy. In Dahl’s (1970) definition of polyarchy, democracy requires not only free, fair, and competitive elections, but also the freedoms that make them truly meaningful such as freedom of organization and expression. According to Netanel (2001), there are four main roles that the media take in a liberal democracy – the first is the media’s fourth estate role, second is facilitation of...
public discourse, the third is that of a watchdog role, and the fourth is a trustworthy supplier of information. The media in a liberal democracy are expected to undertake a fourth estate role to their audience. In other words, the media are supposed to keep the government in check. This role has, however, been contested by some scholars such as Netanel, and Koren (2000) who argue that the media are over-commercialized and only focus on that which will sell, not necessarily that which will spotlight corruption or keep the other three estates in check, namely, the executive, legislature and the judiciary. In acting as a fourth estate, the media in a liberal democracy are expected to act as a watchdog. In other words, they should spotlight activities of the other estates and inform the public if they are not acting as per public expectations.

The media are expected to offer an ideal forum for discourse so that people can present varying thoughts on different issues of national concern. In the process, the media act as a forum for achieving consensus in a liberal democracy. In addition, Netanel (2002) observes that a liberal democracy requires institutions that serve informative, discursive, watchdog roles for country to be termed a functional liberal democracy. Therefore, Kenyan democratic institutions need to facilitate dialogue and to be independent enough to be on their own. This will enable them to check the other estates in a liberal democratic situation.

The extent to which the media fulfill the above-mentioned roles determines the strength of a liberal democracy. Different viewpoints have been advanced on the suitability of the mass media in fulfilling basic liberal democratic functions of watchdog, public discourse and trustworthy supplier of information. Scholars such as Fonseca (2006) have variously complained about the media’s supposed over-commercialized bias. They accuse the media of not fulfilling a public function but rather as being over-commercialized. In other words, they say the media are fulfilling a private agenda at the expense of a public agenda. Questions therefore arise as to how the media can act to fulfill its public role, as they are private institutions. The media’s private nature is brought about by its commercialized orientation. Pursuing business interests and writing in the daily press in order to create knowledge that is useful for liberal democracy are not necessarily roles that complement each other. When writing for reader interest, the media can tend to
over-emphasize issues that will sell the newspaper, at the expense of issues that will be of public interest to people in a liberal democracy. Fonseca (2006) observes that the media are sensitive to loss of readers and advertisers, and this can compromise the public sphere responsibility of the media. The private nature of the press brings into question its ability to perform a public function. The fact that it depends on advertisers and seeks to gain profits is reason enough to question which of the private or public functions outweighs the other.

Barron (1997) observes that at times the media do not serve the liberal democratic role because they produce bland, uncontroversial expression, designed to put audiences in the mood to buy and to attract a broad cross-section of viewers, readers and listeners without unduly offending any of them. The ideal media in a liberal democracy must be thought-provoking and act as a forum for national dialogue. Thought-provoking, controversial media ideally serve a liberal democracy, but at the same time have the potential to evoke political conflicts if they publish negative articles about a politician or a controversial political topic. Politicians who contradict each other over national political issues tend to arouse political conflict. At times, some of these political differences may cause negative political conflict. The media’s commercial orientation can sometimes provide an avenue for muted discussions instead of being a vibrant avenue for national dialogue. The commercial media will mostly focus on how to attract readers at the expense of offering an arena for social and political discussions.

2.2.1 Criticism of Media’s Role in a Weak Liberal Democracy

The media’s role as defined by Curran (1990) is to offer information to the general citizenry. The media in a liberal democracy are expected to offer the yardsticks to measure the fulfillment of promises made by the different players in a liberal democratic environment. The way the executive or parliamentary political parties conduct their business is an area that concerns the media, and by extension, impacts on the people. Louw (2008) contends that Africa practices a weak form of liberal democracy which does not safeguard the rights of its citizens. Louw’s analysis of the situation in Africa is based on circumstances that were, and to an extent still are, prevalent in Cote D’Ivoire, Senegal and Kenya where there has
been rampant abuse of office by the presidency. These abuses have at times taken the form of the executive overriding all the other institutions such as the judiciary and the legislature. Through this, the principle of checks and balances is negated. Some of these abuses have been experienced in these countries as illustrated in the case of Kenya, where the presidency controls the judiciary, as it appoints judges and controls the legislature. The control of the legislature is manifested in manipulating and controlling the campaign process.

Until the 2007 General Elections in Kenya, the executive was solely responsible for appointing members of the electoral commission and issuing permits to those who wanted to hold public rallies. Public rallies are an important forum for sensitizing voters to adopt desired viewpoints. The rule of law is abused when the judiciary is controlled by the executive arm of government as, for example, when the executive appoints members of the judiciary without the legislature vetting them. As a result the executive tends to have undue control on the persons appointed to the judiciary. The Kenyan case also presents a similar political orientation, which protects its citizenry in theory, while in practice, the citizens are left vulnerable to powerful individuals in government. This is owing to the fact that the judiciary has appointees who can be argued to be loyal to the executive since the executive solely identifies and appoints judges and magistrates. It can thus be argued that the general citizenry are at the mercy of the judiciary, especially where there can be conflict of interest between some citizens and the executive arm of government. This scenario provides the rationale for terming Kenya a “weak liberal democracy”. An example of the rule of law not being upheld is that of the 2007 General Elections. The contesting political parties differed from the verdict of the electoral commission of Kenya, but refused to present their contestation to a court of law as they argued that the judiciary was influenced by the executive and would thus not be impartial in their ruling. This indeed showed the practice by the primordial public which implies a parochial state where those who have power have all control and tend to ignore others who do not belong to their public.

In reaction to the media’s information role in a liberal democracy, Gans (2003, 57) points out that “once citizens are informed, they will feel compelled to participate
politically.” He adds that “although audience studies indicate that informed people are more likely to participate politically than others, their participation whether in voting or organizational activity results from their higher levels of income and education.” It can thus be deduced that a good supply of information through the various organs of mass communication can serve to lessen people’s apathy as they will have adequate information that can assist them to make informed choices. Consequently, with adequate information, people will tend to feel empowered to understand the political machinations and the electioneering processes, thus lessening people’s tendency to be apathetic. Those who are better informed and who know the advantages of participating in a liberal democratic process, thus tend to participate more in liberal democratic processes. In the Kenyan context, Gans’ conclusions can be analysed in the context of Ekeh’s two publics theory where the information disseminated to the publics are received by the primordial and the civic public differently. The primordial public would tend to interpret the information in a way to show how that information could be applied to support or to buttress ethnic positions. Where the information is against the ethnic position members of this public would argue against it sometimes causing political conflicts in the mass media forum. Members of the civic public on the other hand tend to interpret information from the media with their bourgeoisie bias as representatives of the primordial group within the civic realm.

A liberal democracy is largely a majoritarian rule that assumes that an inclination to particular views is reached after weighing all options available on an issue (Lijphart, 1999). This position assumes that the people have all the information that they require to make informed choices. It is possible that in the course of people discussing various options, positive conflict is experienced as a result of the diversity. However, scholars like Gans (2003) have questioned even the very ability of certain people without a certain level of education to understand issues of governance and make informed decisions.

The other aspect to this discussion is whether there should be an information threshold for citizens. In essence, Gans (2003) suggests that for liberal democracy to be practiced effectively, citizens need to have a particular minimum level of information. This is because without an adequate level of information, the citizens are not able to make informed choices. It is argued in this thesis that
differential levels of information uptake can be responsible for encouraging negative political conflicts. This is controversial as it will cause further questions on the extent to which people need to know about an issue and how misinformation on specific issues is adjudged. Therefore, those who reside in places where accessing newspapers is more problematic have less information and can thus be more prone to stereotypical information, as they do not regularly get information updates. This raises the question of different information levels and their impact on the general citizenry. The argument here is whether different information levels in Kenya could have been responsible for some of the negative political conflicts that were experienced there following the Referendum on the draft constitution.

The media perpetuate their partial coverage of views and opinions when they tend to concentrate on violent conflict as a key determinant of news. Voltmer (2006, 3) argues that in order to encourage the development of a vivid civil society and to overcome the autocratic dominance of political elites, it is of crucial importance that alternative views have access to the forum of the media, regardless of the validity of their claim.

The ideal position of presenting all possible viewpoints is difficult to achieve owing to limited space and also owing to the newspapers’ ultimate commercial role (Netanel and Koren, 2002). They need to select content that can attract the attention of readers. The ideal position of newspapers is to present all views and opinions. This is not always easy to attain, since media houses mostly concentrate on covering the views of the elite at the expense of the masses.

Voltmer (2006) argues that the confrontation of competing views might not be the best way of revealing the truth, as contradicting viewpoints may in fact aggravate conflicts. Truth, however, is relative in mass communication as different opinions can be termed factual and representative of the pull up various shades of thought. Gutmann and Thompson (1996) say that it is not necessarily a fact that the best argument will win in a market place of ideas, but rather the argument of those who are able to voice their views most effectively.
In furtherance of the argument on competing views, Napoli (1999) states: “The distinction between internal and external, or vertical and horizontal diversity acknowledges that there are different possible ways of establishing a vital market place of ideas”. Voltmer (2006) observes that the argument for a market place of ideas is central for liberal democracy, and the actors thus have an obligation to be heard and to circulate their viewpoints. Dahl (1989) says that without the citizens’ ability to make informed choices, the legitimacy of liberal democratic elections will be seriously flawed. As a result, the quality of information received and circulated is equal to the quality of democracy at work in any liberal democratic state.

2.2.2 A Weak Liberal Democracy and the Press: Citizen Participation through Referendums

This section deals with literature that addresses the mass media in relation to a weak liberal democracy and political conflicts. How the mass media impact on a weak liberal democracy and how they influence political conflicts is an important focus, as referendums, which are a critical liberal democratic engagement, are a basis of analysis in this research.

The 2005 Referendum in Kenya was conducted under a weak liberal democratic system and as such, had certain features of imperfection which could have influenced the ethnic-based political conflicts that occurred in the country. Kenya is an example of a weak liberal democracy, in which the citizens participate in decision making through the referendum on the draft constitution. Bogdanor (1994, 125) and Setala (1999, 340) attribute the increased use of referendums in the latter half of the twentieth century to increased democratic space and what they term “unfreezing of alignments and institutions.” As a result, the people have more influence in critical matters that affect them profoundly, such as the constitutions that govern them. Butler and Ranney (1980 & 1994) undertook a comparative study on referendums and concluded that referendums may be inappropriate for undeveloped political systems especially because they exacerbate intolerance or conflict and undermine minority rights. This conclusion was made as a result of the prevailing weak liberal democratic institutions in third-world countries such as Kenya. These institutions do not offer checks and
balances as is preferred in a liberal democracy. This justifies their categorization in this study of a weak liberal democracy. A possible feature which leads to this categorization is the overbearing political executive. These countries mostly have features of an all-powerful presidency, as is the case in Uganda, Zambia and Nigeria, all of which practice a weak liberal democratic situation (Nyong’o, 1993).

According to Setala (1999), a referendum is an election on an issue by citizens of a particular country. He adds that this is the epitome of liberal democracy in any country, as it allows the entire electorate to vote freely for or against an idea or issue. In the case of Kenya, only one referendum has been held, and that was on the draft constitution of 2005.

A number of scholars in Europe and other Western countries such as Budge (1996), Mendelsohn and Cutler (2000), Quotrup (1999, 2000), Lijphart (1984) and Lacy and Niou (2000) have conducted various studies on different aspects of referendums. Studies on the referendum in the African continent are scarce. Amongst the few that have been conducted are those by Strauss (1992) and Ottoway (1994) on the South African Referendum of 1992. Bratton and Lambright (2001), Mugaju (2000), Nabudere (2000), and Wakabi (2002) all investigated the Ugandan referendum of 2000. Apart from investigations conducted by Wakabi (2000) and Mendelsohn (2000), it is noteworthy that these studies have been on aspects other than the media. The Kenyan referendum has been analysed by Cottrell and Ghai (2007) and Steeves (2006) as evidenced in this literature review. There is, however, a dearth of literature that discusses the relationship between referendums and the media.

In those referendums that took place across the continent in countries such as South Africa, Uganda and Kenya, the media provided important information for the voters, and served as a basis for decisions on whether to vote for or against matters that were being questioned during the referendum. Craig (2000, 487) while investigating the impact of journalism on Australia’s 1998 Constitutional Convention emphasized that the media are “central to democratic process facilitating an on-going process of questioning, critiquing and discussion”. Bright et al (2000) while discussing the media coverage of the 1995 Quebec Referendum,
observe that the media is a useful institution in promoting diverse public debate in terms of content (representing all views) and voices (interaction between different groups of people). Their argument is that the media have a critical role in public discussion and, consequently, in engendering democratic stability.

The role of the media in influencing the decision to vote for or against the subject of the referendum is argued here to be a positive one, while its speculated ability to cause conflict is a negative one. Marceau (1972) and Coser (1967) not only stress the importance of information exchange in a liberal democracy, but also observe that information can be responsible for conflicts which occur in the political arena. These conflicts are experienced as a result of divergence in information uptake or understanding, as argued by Napoli (1999), Jamieson and Hall (1992) and Iyengar (1991). “Information uptake by the readers” refers to the ability of readers to understand different media messages. In this study, it is argued that different readers have different predispositions when reading articles, and they understand information differently. It is this difference in understanding that causes conflict, as Marceu (1972) argues. The press is viewed as a critical tool for actualizing liberal democracy in that it provides a platform for information exchange and dialogue. Fonseca (2006) states that news is an important aspect of liberal democracy, since it provides an important raw material for its exercise. Its use can cause social discord, conflict or damage to persons, institutions, social groups and societies, to the point that the news has the ability to formulate and alter images and stories dealing with events while at the same time exercising an information function. This concept of liberal democracy assumes citizen participation in a decision-making process that is facilitated by the media. The press provides a forum for discussion among the citizens, and in the process of information exchange of divergent views, conflict may emerge.

Examples that can be referred to are the various media outbursts by politicians during the 2005 Referendum. Some of these outbursts were directed at Amos Wako, the Attorney General, who was referred to by some politicians opposed to the draft constitution as incompetent and corrupt (*Daily Nation*, 15 November 2008). Wako was being criticized mainly because he was seen to be a key proponent of the Wako Draft. Criticism of him thus served to negatively portray
him and the side that backed the Wako Draft to the voters. It is thus also possible that the minoritarian and majoritarian views that are published in the media and circulated amongst the citizenry may result in differences that could lead to conflict. This section of the review thus traces how the media functions in a weak liberal democracy and attempts to create an understanding of the dynamics of the media and a weak liberal democracy. This helps to create a basis for analyzing media and conflict which are treated as an unintentional effect of the press.

Eilders (2002) asserts that the media’s function of dissemination of information is an undisputed role in modern societies. Face-to-face exchange of information between all segments of society has become impossible. This is owing to the exponential growth of population and the after-effects of industrialization. The modern mass media allow for a free flow of information between the audience and political actors, and thus constitute one of the most important sub-systems of society. Eilders (2002) observes that in the process of information dissemination, which is a cardinal responsibility of the press, divergence and differences in perspectives which are necessary for a healthy political debate and a liberal democracy, may emerge.

Marceau (1972) claims that conflict is a necessary factor in the process of information dissemination because people understand issues differently. Moreover, people have different vested interests in social, economic or political issues. These differences may cause verbal conflict. According to Marceau (1972), the divergence of information levels, as a result of the difference in exposure to formal education and the press, is a possible cause of conflict between the preconceived notions and the new information provided by the press. Liberal democracy, as explained earlier, requires debate amongst the citizenry. This debate is what at times is interpreted to be conflict, as discussions are a basic requirement of liberal democracy, which thrives on freedom of expression and national dialogue as facilitated by the media. Conflict that emanates from such discussions is positive, so long as it does not turn violent.

In this study, it is argued that the media are, however, not neutral information disseminators. They take an active role in opinion formation, as suggested in the
research questions. The opinion pages of the selected daily newspapers contain soft news which presents the different views on the 2005 Referendum. The question explored in this study is the extent to which these views influenced the readers to turn violent during the referendum campaigns. It is argued that conflict should facilitate social change and not violent conflicts, as was experienced in certain instances during the referendum campaigns.

In an argument that underscores the media’s traditional role in a liberal democracy, Curran (1991) states that traditional liberal thought presupposes that the primary democratic role of the media is to safeguard the rights of the citizens and ensure that the arms of government, namely, executive, legislature, and judiciary, are working as expected in a democracy, and that the public know what they are doing. In addition, the media are expected to offer a critical forum for political debate.

In Kenya, the Referendum debate in the press focused on topics such as governance, land ownership, and religion. The watchdog role and how the press conducted this process has been at the core of the government/press controversy. The Referendum on the Wako Draft provided a situation where those who supported the draft perceived it to be the best option for retaining power and maintaining the status quo. Those opposed to the draft constitution also perceived the document to be too anti-change. They called for a change to the constitution so as to bring about socio-economic and political changes in the country, which included reducing presidential powers, creating a bicameral parliament, according rights to women to inherit property, adjusting land ownership, and creating a devolved government.

The adversarial and conflicting relationship between the press and the government in a democracy is analyzed by Chomsky and Herman (1988, 121), who argue that “a cantankerous press, an obstinate press, a ubiquitous press” must be faced by those in authority in order to preserve the even greater values of freedom of expression and the right of the people to know. As observed by Chomsky and Herman (1980), the press portrays conflict within the political establishment in the course of performing its roles of information and that of fourth
estate to some extent. These political conflicts can be definitively critical in attitude formation and opinion change. In a Daily Nation article of 15 November 2005, controversy was created as a result of the pro-draft constitution stance that was adopted by the then-Minister for Information, Raphael Tuju. Mr Tuju hails from Bondo district, which was predominantly anti-draft constitution. As a result of his stance, members of the Orange faction who were against the draft constitution castigated him, leading to verbal and violent political conflicts in Kisumu, which resulted in the death of two people.

The media have a role to inform citizens on occurrences, as Curran (1991, 97) points out: “(The media) are usually portrayed in terms of facilitating self-expression, promoting public rationality and enabling collective self-determination.” The free debate that existed during the 2005 Referendum and the process of decision making by the populace depended on information gleaned from the press. Liberal democracy requires some level of public discussion, some means for identifying issues of general interest, and some medium for confronting opposing perception (Netanel, 2001). This measure of public discourse requires a forum of engagement such as the mass media which are obliged to publish views from opposing sides of the divide. By publishing varying comments and conflicting viewpoints, the public then arrives at a consensus as a result of the ensuing discussions. The 2005 Referendum can be cited as a case in point, where the public debate was at its apex in the media, as reflected by the news and opinion articles that were published in the press. The public eventually arrived at a consensus, and the majority rejected the draft constitution (Daily Nation, 22 November 2005). This rejection resulted from discussions and press coverage of the referendum.

The role and purpose of journalism as a profession has been a subject of critical arguments. Scholars such as Paul Lazarsfeld (1941), Katz (1960), Schramm (1955), Noelle-Neuman (1991), Kabatesi (1997), Mak’Ochieng (2000), Odhiambo (2002) and MQuail (2005) have at different times discussed the role and purpose of the press in society. In their studies, the focus has been the role of the press in informing, interpreting, creating national cohesion, acting as an agent for socio-political change, cultural transformation, and acting as a fourth estate. The focus
of their contribution, however, has not been on the media’s role in political conflicts, which is the subject of this study. Political conflicts have not been a prominent aspect of their studies perhaps owing to the weak liberal democratic environment in which the Kenyan media have been operating. This environment might not have promoted a vibrant national political dialogue that has the potential to create political conflicts.

According to Curran (1991) the media is important for liberal democracy as they allow the circulation of the most significant viewpoints. This allows readers to make informed decisions on the existing divergent opinions. The focus here is on whether that divergence of opinion is a result of socialization amongst different ethnic groups that takes place through the media, or whether it is caused by the differential information levels among the readers. In a liberal democracy, issues are resolved through majority vote, which requires an awareness of the implications of the available alternatives either of issues or candidates who represent those divergent perspectives. In the case of the Referendum, the press was tasked to inform readers of the implications of voting for the adoption or rejection of the draft constitution.

As an emphasis to these arguments on the role of the media, Kabatesi (1997) adds that the media as an accessory of liberal democracy are credited with the ability to inform and educate people on issues, to mobilize, and direct attitudes and attention to purposeful action. The degree of accessibility of people to the media or that of being heard, seen and read, determines their measure of internalization and appreciation of and commitment to the democratic process.

Curran (1991), Kabatesi (1997) and Mathiu (2006) each argue for a press that engages the people, thus creating a democracy with active citizen participation, rather than a passive role of information dissemination. The public engagement undertaken by the media is fundamental, as they enrich the perspectives of the different groups that engage in public media-aided discussions. These discussions result in political conflicts in the public arena, hence the possibility of violent outcomes. While political conflicts are actually positive in pursuance of democracy, violent political conflicts are negative as they result in injury or death.
instead of confluence. The purpose of politically inclined media discourse is to create dialogue and achieve commonality amongst the citizenry on issues of national importance. To reinforce the argument above, Curran (1991), Kabatesi (1997), and Mathiu (2006) observe that engagement in communication brings about participation and hence socio-political debate, which may sometimes cause political conflicts. They state that engagement is done through the media, and this facilitates the fundamental basics of liberal democracy as discussed in the paragraphs above. Gans (2003, 56) lists the role of journalism in the following sequence:

1. The journalist’s role is to inform citizens.
2. Citizens are assumed to be informed if they regularly attend to the local, national and international news that journalists supply.
3. The more informed citizens are, the more likely they are to participate politically, especially in the democratic debate that journalists consider central to democracy.
4. The more informed citizens participate in discussions, the more democratic America is likely to be.

Therefore, the press is central to the functioning process of a liberal democracy as it provides information which is at the core of whether a country is democratic or not. Kenya has experienced numerous political conflicts, some of which became violent. Journalists in Kenya undertake all the above roles primarily to inform the public. Kenyans have participated in national debates as reflected in the referendum period, when the national media carried numerous reports on such divergent viewpoints as land reform, the executive, and the provincial administration (Nation and East African Standard, page 1 to 3 November 2005).

In practicing the media’s role, journalists are subjected to criticism from the agents of government and business. For instance, a large number of government officials see the media as a subversive force of sorts, particularly newspapers which are often charged with running material that is “bad for business” (Ehrlich 1974; 360). Ehrlich adds that some of the newspapers’ content is responsible for a lack of investor interest and at times low customer base, because of negative reports on business products. Ehrlich highlights the perception that the media can be ill-equipped to undertake its fourth estate role because of its commercial orientation, as argued by Netanel (2001). The media may be using headlines that can sell
newspapers and thus pander to majority interest, rather than providing adequate expression of minority interests and concerns.

Gurevitch and Blumler (1990, 2004) argue that the media, apart from their information role, are critical agents of persuasion and evaluation in the communication process. This observation supports Voltmer’s position on the orientation role of the media in the political arena. Voltmer argues that the media have a persuasive role in a democracy. Citizens use the media to facilitate their discussions, while politicians also use the media to persuade fellow citizens to adopt their viewpoints. Columnists in the media argue out different issues that have national and regional importance in a nation state such as Kenya. These columnists persuade citizens on varying political ideological standpoints. The persuasive role of the media is central in this research, as it focuses on what the media are expected to do in a liberal democracy.

In an analysis of the different forces that influence news, Altheide and Snow (1979) suggest that the media are subordinate to institutional power holders. This position highlights the important role that is undertaken by the political establishment in setting the press agenda. Politicians who are in government as well as those in the opposition set national agendas when their utterances are covered by the media and the citizenry discuss their comments in the media. The citizenry take their cue from the media about what is currently important for discussion. Lippman (1922) observes that the press normally records an agenda pre-set by other institutions such as political parties, financiers or even influential individuals. It should be noted that political parties have their election manifestos which they aim to achieve. In the course of fulfilling their national agendas, they discuss and popularize their agendas drawn from their manifestos. In the process, they popularise a pre-set agenda as stated by Lippman. The British cultural critics (Hall, Critcher, Jefferson, Clarke and Roberts, 1978, 57) express the same view of the concept of “primary definers” whereby institutions specify and determine what the news is. The basic news determinants are conflict, bizarre, prominence and proximity. Editors’ perception of what is news is an important part of news determinant in various newsrooms. The editorial approach of a media house influences how editors perceive news (Arnold, 2006). News determinants are a yardstick by which editors determine what portion of the day’s news he or she will
use in the news columns of the day (Arnold, 2006). In addition, key political institutions such as political parties, the executive, legislature and the judiciary, help to define news as they play an important role in the socio-political dynamics of a country.

The concept of prominence as a key determinant of news states that when a prominent person performs even an ordinary act, such as the Kenyan President visiting the beaches in Mombasa, it is news. Another example is when two newsmakers conflict on an issue, then that makes news; when those who conflict are prominent, then it is placed in the headlines of the main pages. The control and influence exercised by the executive arm of government has contributed to the weakening of Kenyan democracy for instance in the appointment of members of the Communications Commission of Kenya (CCK) which assesses media programme content and controls issuance of frequencies as indicated in the Communications Act. The government’s excessive control of the electronic media serves as a danger to the independence of that institution. Other institutions in Kenya that have impact and influence on the press include the media training institutions, the private and public sector through advertising, and the masses that read and create a demand for information.

2.2.3 Perceived Role of the Media in a Liberal Democracy
The purpose of this section is to consider the role of the media in a liberal democracy and to discuss that role in the African context. This section will thus focus more on the news aspects of media than the entertainment side. In considering the role of the media, diverse arguments will be assessed. The media in a liberal democratic dispensation assumes specific roles. These roles are discussed in this section in order to create an understanding of the media’s function in a liberal democracy.

The fundamental principle of liberal democracies is an emphasis on the freedom of individuals rather than social goals such as equality (Curran, 1990). This implies principles of freedom of speech and assembly, and the right to privacy. People in a liberal democratic system should be free to express themselves and
circulate their viewpoints through different organs of mass communication. This also goes with the equally important freedom to assemble and organize themselves into social and political groups. Being a weak liberal democracy Kenya should have some of these elements of people’s freedom but owing to imperfections in the liberal democratic system practiced in Kenya, political conflicts could occur because people’s rights and freedoms were not recognized. These conflicts could take the form of protests against the state for not respecting people’s rights and freedom of association and expression. Cowan (2002) states that the presence of free media has traditionally been regarded as an essential principle for the existence of a liberal democracy. Jackson and Stanfield (2004, 476) agree that “a free and independent press is one of democracy’s most important institutions”. A free press allows for people’s opinions to be circulated amongst the populace, while the lack of a free press can encourage discord. However, if the liberal democratic structures are in place, such as an elected executive and people’s ability to change them, allowing their views on the performance of the executive to circulate, then chances of violent political conflicts can be minimized.

In underscoring the media’s role in a liberal democracy, Curran (1991, 90) observes that “a popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps both”. No government can claim to be practicing liberal democracy if the information systems are not free from state control and manipulation. In essence, it is important to note that the press takes the role of an information disseminator. They do this for good or for worse (Curran, 1991). The kind of information that is transmitted can be used by the citizenry positively or negatively. Information is used positively when the citizenry make informed decisions as a result of the press information that is disseminated.

In a liberal democracy, the media require an institutional press that engages in sustained investigative reporting, free from a potentially corrupting dependence on state subsidy (Netanel, 2001). Investigative reporting can reveal a number of challenges that can be apparent in the business world despite the fact that businesses provide journalism with advertisements. Mass media have tended to
accept advertisement from business companies, but whenever there is a need, they still investigate possible misdeeds of those business ventures. However, there could be some instances of companies that use their level of advertisement to pressurize the media not to publish information that the company may consider to be detrimental to its image. Investigative reporting is an important element in the information-gathering and dissemination process since it enables the press to get information that will enable the citizenry to understand issues as they are. Investigative journalism also aids in informing the citizenry about issues of governance which they might not get through the normal government machinery. These are issues which might be embarrassing to the ruling cliques who depend on a positive image to get the public endorsement to continue governing.

The right to access information is vital for the well-being of a liberal democracy for at least two basic reasons, according to Netanel (2001). First, it guarantees that citizens make responsible, informed preferences rather than acting out of a lack of knowledge or half-truths. Secondly, information serves a “checking function” by ensuring that elected representatives uphold their oaths of office, and carry out the wishes of those who elected them. In some societies, a hostile relationship between media and government represents a crucial and healthy element of fully functioning democracies (Fonseca, 2006; Spitzer, 1993). This kind of relationship enables the citizens to maximize information output to the public sphere, and also allows for the checking of the government’s implementation of its approaches. In a liberal democracy, key officials of state are elected on their promises to the people. The media tend to follow how the officials are implementing those promises.

In post-conflict or ethnically diverse societies, such a conflictual, tension-ridden relationship may not be appropriate, but the role of the press to disseminate information as a way of mediating between the state and all facets of civil society, remains critical. For instance, support for the media may generate results in governance activities, especially those that are related to anti-corruption, as well as citizen participation in the formulation and implementation process. Each of the issues could have formed critical aspects of the Referendum debates. The rule of law may further be enforced through support for independent media that
keep a check on the judiciary, report on the courts, and promote a legally enabling environment suitable for press freedom.

Free and fair polls conducted through a transparent process may require a media sector which gives equal access to both sides in a referendum, and reports the relevant issues in a timely, objective manner. The media are supposed to fulfill their watchdog role by providing information that the public can use to judge the politically and economically powerful. Since in a liberal democracy those who hold powerful positions are elected by the people, it is important that these people are enlightened about what is said and thought of their actions in governance.

According to Curran (1991), the watchdog concept is one of the oldest major beliefs in journalism. The concept highlights how the media functions in a liberal democracy. Keane (1991) reasons that the terms “fourth estate” and the watchdog role of the press are important in controlling or creating a counter-balance in a liberal democracy. The idea of the press as the fourth estate is considered an independent check on the activities of the state, particularly government (Curran, 1991). On the other hand, the development of the watchdog role goes further than the borders of government investigation, to take account of many other institutions of societal power, including powerful individuals who may have no official relationship with public office (Keane, 1991). These individuals could be those who advise people who hold official positions.

Fonseca (2006) observes that the media are mainly commercial, and therefore private. He points out that with the private motive, it would be rather difficult to engage the media in a public function such as its supposed fourth estate or watchdog role. Fonseca (2006) argues the public function of the media will dilute the profit motive of the press. Weber (1992, 255) observes that “we should ask what does capitalist development within the press mean for the sociological position of the press in general, for its role in forming public opinion?” In other words, does the profit intention of the press interfere with the social task of the press of acting as a supplier of information? This question is at the centre of the controversy about the role of the press. Authors such as Fonseca (2006) argue that the two roles, namely the profit motive and the sociological role, are actually
in conflict with each other, and that there is no way that the press can perform the two roles simultaneously since they are conflicting roles.

In countries where there is a weak liberal democracy, there is more emphasis on the watchdog role of the media. Circumstances dictate the relationships between the press and the government. On the other hand, in liberal democratic countries and in societies with a high level of political culture, the watchdog role is highlighted very strongly. This section thus aims to explain the watchdog role of the media. In particular, it deals with issues like social responsibility, how the media fulfill their role in the society, and how they help people to make wise and informed decisions.

2.3 Media and Political Conflict in Weak Democracies
Mass media have had varied roles and possible impacts on a number of internal and external conflicts, according to Kellow and Steeves (1998) and Blondel (2008). These scholars have advanced varied arguments on the role and impact of the mass media on political conflicts. These arguments have centered on the strong and weak media effects on political conflicts. Noelle-Neuman (1984) suggests a "spiral of silence" theory to explain the strong effect that the media have on their audience. This theory states that the media have an overwhelming effect, and those whom the media do not favour tend to be silent when faced with intense opposing public opinion. On the other hand, scholars such as Gans (1993) have reasoned that the media have a limited role in impacting on people's opinions in political conflicts. These opposing viewpoints have served to propel further research on whether or not the media impacts political conflicts. These arguments have been backed by a rather limited line of research. This is not surprising, as Blondel (2008) observes that the study of violent conflicts and media’s role in political conflicts is a relatively new subject which emerged in the 1940s as a discipline in its own right as a reaction to the destructiveness of the two world wars. However, internal conflicts which have been experienced after the collapse of the Berlin Wall continued to increase. The Berlin Wall symbolized the collapse of communism. The upsurge of democratisation led to conflicts between
authoritarian regimes and those who were championing for democratic change in their countries.

This increase of internal conflicts has been manifested in several countries and in various forms, as pointed out by Kaldor (1999). She argues that it is the revolution in information technology during the 1980s and 1990s that has led to a particular type of universalism which has in turn led to the need for a re-definition of what we think of as war. The new information technology has compelled a re-focus on the arguments on media’s role in internal conflicts in weak democracies such as Kenya. Countries which have experienced an information explosion from the Internet and freedom of expression have continued to consolidate. This consolidation and improvement in transmission channels could have impacted on the existing internal conflicts in Kenya, as typified in a weak liberal democracy discussed earlier in this chapter.

In a number of unstable democracies, the media have been accused of being responsible for the political conflicts in these countries. An example is Rwanda, where the media were accused of inciting hatred that led to violence by using an ethnic framework to report what was essentially a political struggle (Kellow and Steeves, 1998). The Rwandan media used existing political conflict to “engage the ethnic gear”, just as in the other weak democracies such as Kenya where the media have continually imposed ethnic frameworks on political conflicts. This topic will be discussed in this section. It starts from a clarification of the concepts of ethnicity and conflict in Africa, and how this has contributed to conflicts in the continent. The discussions eventually spotlight Kenya and how the ethno-cultural divide has contributed through the press, to violent political conflicts.

The terms “ethnicity” and “conflict” are central to this study as they form the critical basis of this investigation. Ekanola (2005) describes ethnicity as the awareness of real socio-cultural differences among several groups of people with different territorial and ancestral origins. This awareness, if exploited by different groups, causes conflict. It is important to note that ethnicity is not necessarily a negative phenomenon. It may become a problem in national integration and cohesion only when one group is mobilized against the other (Young, 1996). “Conflict” is
described by Ekanola (2005) as strife, collision, struggle, difference and disagreement. Deustch (1991) defines it as a struggle in which the aim is to gain objectives and simultaneously neutralize, injure or eliminate rivals.

The terms “ethnicity” and “conflict” are interrelated in this study as the former ignites the latter. Ethnic consciousness and awareness are sometimes manipulated to create a sense of hatred by the mass media in their audience with varying results, amongst which are conflict and conformity. In their research on ethnicity and electoral politics in Kenya, Bratton & Kimenyi (2008, 6) observe that the genesis of ethnic-based conflict is the feeling of being left out. They state that “In stark contrast to the Kikuyu, the Luo are more likely to say that the government treats their ethnic group unfairly”. These feelings by the Luo that they are not part of government and that they have been ignored could be an indicator of how the feeling of exclusion could have contributed to ethnic conflicts in Kenya. Bratton and Kimenyi (2008) also state that felt ethnic discrimination can be traced to the performance of the central government. This performance may reflect how the government performed in the distribution of national resources and to some extent, in the appointment of people into positions of responsibility in the government. Their conclusion is even more damning when they state that Kenyans mistrust members of other tribes, and consider the tendency of these other groups to be influenced primarily by ethnicity. Consequently, voting could be narrowed to ethnic lines in Kenya.

M’Bayo (2005) argues that the media are used to gain a vantage point in conflicts. He cites the example of Rwanda, where the media were used to incite emotion in civilian populations in Rwanda. Images of horrors of war were used to heighten fear among uncooperative populations. This skilful use of the media to advance the interests of different ethnic groups served to considerably amplify the conflicts. Competition over natural resources in the absence of effective institutional structures has fuelled many violent conflicts on the African continent, with internal conflicts often being internationalized by such agents as ethnicity, the refugee question and the idea of the existence or absence of human rights in a country. Many promising transitions to multi-party democracy have, since the late 1980s, failed to yield genuine democratic change, thanks to a political culture
where opportunism supersedes principle (Mulenga, Chileshe, Chikwanha & Msoni, 2004). Structural violence plays a fundamental role in Africa’s resource conflicts. “Structural violence” refers to a state where there is no physical violence, but governing frameworks inhibit the realization of people’s full potential. It is possible that anomalous social structures favour the elites, who then strive to safeguard the status quo because it serves their vested interests. If society is frustrated by the system, it mutates into a social pressure-cooker, and if the exploitative conditions prevail for a long time, violent political conflicts emerge.

In Africa, ethno-cultural conflicts have occupied media reports since the collapse of the Berlin Wall in 1989. The conflicts have been experienced in several countries that were considered to be relatively peaceful, like Ivory Coast, Senegal, and Kenya (Markakis 1994: Obonyo, Sunday Nation April 2008). The Cold War seemed to have ensured an uneasy peace in these countries. Owing to Cold War politics and the ideological scramble for Africa, countries that were friendly to the West, such as Senegal, Ivory Coast and Kenya, were given preferential treatment in the form of grants and loans that were offered on soft terms (Nyon’go, 1993). The levels of compliance by these countries with democratic tenets were ignored. Instead, it was their loyalty to Western powers that counted. These countries were used by Western countries such as the United States of America, Britain and France, as markets for their products and also as military bases for their troops (Mbai, 2003). The Cold War provided a psychological warfare between Western countries such as the United States of America, Britain and France and those from the Eastern bloc such as the then-Soviet Union, China and Cuba. Countries in Africa supported either of the protagonists in the Cold War, namely the Soviet Union and the United States of America. Support from the then-super powers was uncritical. Pre-conditions such as the practice of free liberal approaches, political pluralism and other liberal democratic criteria, were not placed on countries as happens now. Conflicts soon flared after the end of the Cold War. These conflicts took the form of multi-partyism and demands for pluralism in Africa. These calls and demands by members of the opposition were largely resisted by members of the ruling class in different countries in the continent (Cho, 2004). These resistances could have caused tension and dissonance in most of these countries.
According to Murithi (2007) ethno-cultural conflicts in Africa, just like in other places in the world, denote the de-legitimization of governance by the state. Ethnicity has brought about the de-legitimization of governance by the state in modern liberal democracy as people tend to bestow statehood according to tribal boundaries. Bayart (1986) argues that the state in African societies is controlled by a few individuals who tend to monopolise power and the nation’s economy. This results into a delegitimisation of the legal systems in modern African states. This is because, unlike the West where a state constitutes those from one ethnic group, in Africa there are multi-ethnic groups in a single state. This has negatively affected state loyalty and patriotism. An example of ethnic loyalty exhibited at the expense of state loyalty and patriotism is the case of the Hutus and Tutsis, who engaged in inter-ethnic conflict at the expense of the state in 1994. This conflict caused the death of over 700,000 people. Another example where ethnic loyalty superseded statehood was the case of the 2007 Kenyan General Elections, where voting was done along ethnic lines. Later, conflict exploded after the disputed tallying, and the battle lines took an ethnic pattern.

Kenya, like Ethiopia to its north, Sudan to the North West, Somalia to the east and Uganda to the west, has several ethnic groups who have competing interests, thus causing political conflicts. Conflicts have occurred along ethnic boundaries, and ethnic loyalty has further fuelled the conflicts. In Ethiopia, conflicts have taken the form of ethnicity. The Eritreans fought battles for separation from Ethiopia for several years, and the main complaint was that Eritreans have a different culture and language from the rest of the Ethiopians (Scholler, 2006). This dissimilarity has propelled the campaign for an independent state. Eritreans defined “state” by ethnicity. To the southern side, bordering Kenya is the Oromo Liberation Front whose main complaint and cause for conflict with the Ethiopian state is that they are Oromos, and therefore must not be merged with the rest of the Ethiopians. Somalia can be defined as Africa’s first failed state because the state monopoly of force has been compromised by several militia groups who operate along clan lines such the Dharod, Hawiye, Abgal and Ogaden (Francis, 2005). Each of these clans has formed a powerful militia group which is well armed and fights for its clan rights. Uganda has experienced an eight-year civil war that culminated in the overthrow of the then-Ugandan President Idi Amin Dada. However, there has
been a continuation of guerrilla warfare in the North against the Lord’s Resistance Army (LRA) in Northern Uganda. The LRA comprises members of the Acholi ethnic group who feel that the Kampala government has short-changed the people of Northern Uganda (Nyot 1993). Therefore, ethno-cultural conflicts in Africa seem to take the form of conflicts over distribution of natural resources. Sudan, too, has had decades of civil war that took the form of an ethnic dimension between the Northerners who are of Arabic origin and the Southerners who are of black African descent. For years there was civil war between these groups, with the Southerners feeling that the Northerners were cheating them of their oil wealth. They fought hard to separate from the Northerners whom they viewed as different from themselves (Markakis, 1994). Again, this is an example of loyalty to an ethnic group rather than to a state.

In Kenya, a number of ethnic-based conflicts have been experienced. Such conflicts have occurred in areas such as Likoni in 1997, Enoosopukia in 1992, and Mount Elgon in 2007, where people from different ethnic groups fought against each other (Akiwumi, 2002). The other major ethnic conflicts in the country have been those in the North Eastern Province, where there were Somali separatist movements in the early sixties. Wamugo (2005) explains that in Kenya, ethnic competition has often emerged in periods of acute contestation over resources or state power. He observes that state power has remained the dominant instrument of dispensing resources and patronage. Murithi (2007) argues that the sensitization of the different ethnic groups to be conscious of their communal identity, otherwise known as politicized ethnicity, accumulates a momentum which is manifest in a group’s drive to make its claim and concerns heard.

This study reflects on the issue of how political conflicts have been influenced by the media in weak liberal democracies in Africa. These liberal democratic situations are also called “unstable liberal democracies”. In order for the political and ethnic actors to obtain public support, the media have had to play a central role in shaping public opinion and attitudes. Terzis & Smeets (2004) observe that the media play an important role in negotiating the structural factors, as well as generating, facilitating and triggering factors that lead up to a crisis and conflict, such as the case of Rwanda in 1994 and Sierra Leone in the late 1990s. They
add that the media play a significant role in conflict situations, not only by provoking panic, hatred and even violence, but also in promoting stability, conflict resolution, management and transformation. These roles that have been ascribed are very significant. They encourage discussion and debate on the influence of the media necessary for a liberal democratic order.

2.4 **Structuralizing Ethnicity in Kenya: Ethnic Identity and General Elections**

In order to understand how ethnicity has developed in the country, it is necessary to discuss tribalism during the colonial era in Kenya. The divide-and-rule that was practiced by the British during colonial times has been evidenced in present-day Kenya politics as practiced by Daniel Moi and Mzee Jomo Kenyatta. Both men ruled the country as heads of state and used this approach to ensure that they maintained their place at the helm of Kenya’s politics. During Jomo Kenyatta’s tenure as President, all the country’s Provincial Commissioners came from his Kikuyu community except Simon Nyachae. In the 15 years that Kenyatta ruled Kenya, all the Finance Ministers and Ministers of State in the Office of The President came from his ethnic Kikuyu community. During the Moi government, a similar pattern was repeated as Moi appointed most District Commissioners from his ethnic group. Daniel Moi used this tactic to encourage an “anti-big-tribe” feeling. These tribes were the Kikuyu and the Luo. Moi preached unity amongst the small tribes against the big tribes. Mzee Jomo Kenyatta practiced Kikuyu ethnic jingoism and nationalism (Oyugi, 1997). To show the extent of ethnicity in the country, the 2007 General Elections are discussed as a case of ethnic groups ganging up against each other.

The 2007 General Election in Kenya was a case of an alliance between other ethnic groups against those from the Mount Kenya region. The voting patterns revealed that most of the ethnic groups in the Mount Kenya region voted for Mwai Kibaki, who originates from there, while the other ethnic groups largely voted for Raila Odinga, who originates from Nyanza Province.
Reaction against the colonial rulers was in the form of armed resistance by the Mau Mau, who were mainly drawn from the Kikuyu and other political parties such as the Young Kavirondo, and the Akamba People’s Party (Wanjohi, 1997; Badejo, 2006). These tribal reactions to colonialism marked the politics of the colonial era and the present political predisposition during the multi-party era of the 1990s and the 2000 periods. The Mau Mau and other groups that resisted foreign rule in Kenya were ethnic reactions as each of these groups was undertaking the limited mandate of a territorial fight. The Mau Mau were mainly fighting for the liberation of land around Mount Kenya. These groups were fighting for the liberation of their land from the colonialists, while the Young Kavirondo were fighting for land around Lake Victoria. These groups failed to embrace present-day statehood, and instead concentrated on their ethnic regions because each had an ethnic base.

Markakis (1996, 73) observes that the “invention of tribes” during this period was not simply a result of administrative expedience on the part of the colonial state, but was also an African response to radical changes in the socio-economic and political environment. These meant that different ethnic groups reacted to foreign occupation by resisting in order to preserve their ethnic identity. This scenario created a fertile environment for negative political conflict rooted in ethno-cultural identity. The conflicts were tailored along the line of capturing the ultimate political power, as was the purpose of all the various ethnic-based political parties. In order for them to succeed in their pursuit for power, they turned to the media like Ramogi and Muiguithania to popularize their cause.

The desire to identify with the tribe provided a sense of ethnic security and solidarity. This sense of solidarity became a fertile ground for political conflicts as these groups had different objectives which were not harmonized, and when Kenya became independent, they all found themselves in one state. Spurs of ethnic nationalism were apparent during both the colonial and the independent Kenya. Ethnic nationalism manifested itself whenever an ethnic group felt politically or economically threatened. Reactions to colonialism took the form of ethnic groups as the political parties that emerged were mainly along ethnic lines. Parties such as the Kikuyu Central Association, the Akamba People’s Party and the Young Kavirondo, even in their names, suggested that they were parties for
specific ethnic groups in the country. In Kenya, political bargains were undertaken along ethnic rather than national political party lines. The 1963 General Elections reflected an alliance between the big tribes namely the Kikuyu and the Luo on one side and the smaller tribes, such as the Kalenjin, Mji Kenda, and Taita, among others (Ogot, 1996). Therefore, ethnicity was perpetuated by people as a way of actualizing their economic and political aspirations. Employment was guaranteed by one’s ethnicity, as different parastatals employed only members of a particular ethnic group, and employment provided an income for the individual. Elective politics encouraged one to play within the political enclave of voters who belonged to the same ethnic group. This scenario created ethnic politics.

To illustrate the point, one could cite then-President Daniel Moi’s rule when the Kikuyu community felt economically threatened, and as a result revolted politically against the regime. Daniel Moi’s KANU national party did not get a single seat in the Kikuyu-dominated province of Central Province and parts of Rift Valley that were also dominated by the same ethnic group during the 1992 and 1997 General Elections (Wanjohi, 1997). The same reaction was witnessed in the 2007 General Elections when members of the Kalenjin community felt politically and economically threatened because the Kibaki regime had unfairly sacked members of the Kalenjin community from senior government positions. An example of those who felt ill-treated was the then head of the Kenyan Civil Service, Dr Sally Kosgey. She was sacked from her position and was not even given her terminal benefits. Zakayo Cheruiyot was also sacked unceremoniously from his position of Permanent Secretary in the President’s Office. The voting pattern in the succeeding general elections could be described as a protest vote, as members of the Kalenjin community voted against the Kibaki regime in the 2007 general elections.

This ethnic consciousness as a result of mobilization by community leaders later evolved into negative conflict (Wamugo, 2005, 2002; Steeves, 2006). Conflicts were experienced as a result of ethnic mobilization, such as the case of Enoosepukia in Maasailand where the Maasai felt that the Kikuyus should be evicted from the place since they did not support their cause. Other examples were in Londiani and Molo, where ethnic clashes took place in 1992 and 1997.
These clashes took place along tribal lines, with members of the Kalenjin community attacking members of the Kikuyu community. Their complaint was that Kikuyus would not vote along their pre-designed lines, namely for President Moi.

Oyugi (2005) observes that in the Kenyan context, most commentators concede that ethnic competition has often emerged in periods of acute contestation over resources or state power, which incidentally has remained the dominant instrument of dispensing resources and patronage. The periods of acute contestations took place during the 1992, 1997 and the 2007 General Elections.

These times of contestation have mostly occurred during general elections or national referendums. Politicians have tended to rally members of their ethnic groups to their political standpoints. In the 1997 General Elections, Raila Odinga rallied members of his Luo ethnic group to support his political ambition of ascending to the presidency of the Republic of Kenya through the National Development Party of Kenya. Similarly, Mwai Kibaki garnered support from members of his ethnic group, the Kikuyu, in that year’s general elections. These are ideal examples of politicians who mobilized their communities to support specific political causes.

Peter Habenga Okondo (1995) who was a Minister for Labour in the Moi regime, describes ethnicity as “the use of tribe to discriminate against other ethnic groups on the basis of their ethnicity”. He alleges that this kind of patronage was rampant in the period of the Kenyatta and Moi presidency. Okondo’s examples were a reference to negative ethnicity, which has often led to ethnic conflict. Negative ethnicity is exhibited when ethnicity is used to engage in their different political conflicts and to discriminate against those who do not belong to one’s ethnic group. An example is the case of the 1997 ethnic clashes in Londiani, and deliberately skewed appointments in favour of specific ethnic groups during the Moi and the Kibaki regimes. These kinds of discrimination have variously caused political conflicts amongst the different ethnic groups. Mass media have been used to propel the agendas of different protagonists in the different conflicts, starting from the Molo 1992 ethnic clashes to the 2007 General Elections, where the media portrayed the conflicts on camera and in print. It is argued that their
portrayal could have led to further conflicts, as media coverage tended to rationalize conflict between people.

The media were used during the 1997 General Elections to transmit hate messages to opponents. Examples of such messages that were transmitted by the media and directed to the Kikuyu community by William Ole Ntimama, Minister in Daniel Moi’s government included the infamous statement “Lie low like an envelope or else you will be humbled” (Wanjohi, 1997, 124). This statement served as a threat issued to members of the Kikuyu community during the 1992 General Elections. Through it, Ntimama warned members of the Kikuyu community not to express their “different” political opinions. They should instead conform to the Kalenjin political way of seeing things i.e. support President Moi. These politicians largely used the media to publicize how they had benefited their own communities, thus ethicizing appointments and the allocation of national resources.

The Luo voted for the opposition in those elections, thus showing their anti-establishment stance. In 1992, all the parliamentary seats in Luoland were won by FORD Kenya, an opposition party, while in 1997 the community also voted for the National Development Party of Kenya, another opposition party. During the 2002 General Elections, the community demonstrated overwhelming support for the opposition party, the National Rainbow Alliance Coalition (NARC). It is argued here that the tendency of the Luo to support the opposition was indeed a show of rebellion because the vote against the government was an expression of protest against marginalization by the government.

In an argument that focuses on ethnicity in Kenya, Ogot (1997) discusses the origins of Luo ethnicity. He says that Luo ethnicity deepened significantly after the country attained independence in 1963. He argues that successive regimes isolated the community and denied them resources, unlike other communities. Ogot observes that this caused self-awareness among them and at times promoted politics of rebellion as witnessed in the past three general elections of 1992, 1997 and 2002. Political tension in the country was experienced as a result of certain ethnic groups feeling short-changed. Different ethnic groups have at
different times felt marginalized, for instance, the Luo during the tenure of the first President Jomo Kenyatta, and the Kikuyu during the Moi regime. The reaction of the political leadership of these ethnic groups was to oppose the government of the day through both lawful and unlawful means. During the Kenyatta administration, the Luo political leadership formed the Kenya People’s Union of Jaramogi Oginga Odinga and used this to oppose the government of the day. Later, the Kikuyu used FORD Asili of Matiba and the Democratic party of Mwai Kibaki to oppose the government of President Moi. Unlawful means of protest took the form of a military coup in 1982 by members of the air force, who were mostly drawn from the Luo community. The Kikuyu, too, used unlawful means to oppose the government of Daniel Moi. Their political leadership represented by Minister for Constitutional Affairs Charles Njonjo, attempted to overthrow the government of Daniel Moi (East African Standard, 3 November 2008).

Different media articles have focused on perceived community conflicts which served to entrench ethnicity in Kenyan politics (Jonyo, 2003). Amani (2008) argues that the media was responsible for post-election violence in the 2007 General Elections as they depicted scenes and situations which easily made the audience susceptible to violence. He reasons that “before the media highlighted tribalism in the protests against the presidential results, the 42 Kenyan communities coexisted peacefully. He continues to argue that “there was unity in diversity as political leaders tolerated each others’ divergent views”. This is not the case today. Award-winning pictures of violence victims fill newspapers and screens here and abroad. Photographs are gruesome and too difficult to forget. Even journalists covering the death toll of allied troops in Iraq would hardly display the corpses as has been the case in African wars and internal conflicts.

Nyambugua argues that “Government approaches that tend to frustrate specific ethnic groups, that are not perceived to be supportive of the government have largely been responsible for an increase in the level of ethnicity which has from time to time resulted in ethnic-based conflicts such as the ones witnessed in the period prior to the 1992/97 General Elections” (Nyambugua, 2004, 485-90). These approaches and attitudes include deliberate under-development of certain parts of the country like the case of Luo, Nyanza during the Kenyatta and Moi era and the
case of negative attitude amongst residents of Nyanza province on issues of taking loans. Such conflicts continued to haunt the country up to the 2005 Referendum, where ethnicity played a crucial role in the campaigns and in the media (Cottrell and Ghai, 2007). Ethnicity was an important factor during the Referendum as other ethnic groups apart from the Kikuyu Meru and Embu voted against the Draft Constitution of Kenya. Voting for or against the Draft Constitution seemed to have taken an ethnic trend, as the results of the Referendum on the draft constitution suggest. According to Bratton and Kimenyi (2008), the strongest effects of ethnicity were witnessed amongst the Kikuyu-Embu-Meru complex and the Luo and Kalenjin clans. They argue that in the 2007 General Elections, Kikuyus were most likely to vote for the current President Mwai Kibaki, while the Luo and their allies were most inclined to vote against him. In the 2007 elections, there was a predictable likelihood of voting for Kibaki amongst 90% of the Kikuyu against 4% of the Luo. This trend clearly portrays a tribal or an ethnic voting pattern amongst the country’s 42 ethnic groups.

Murungi (1995, 1), former Minister for Justice and Constitutional Affairs, observed, “We cannot pretend that ethnicity is not an important factor in Kenyan politics. It is part of our historical and social reality”. Ethnicity was manifested in the country’s political alliances and subsequent jostling for power that was witnessed in the 1992, 1997, 2002 and the prelude to the 2007 General Elections.

The results of the 2005 Referendum polls showed that all ethnic groups except the Meru, Embu, and Gikuyu voted against the Wako Draft (Cottrell and Ghai, 2007). It is argued here that ethnic message in the press such as "the Kikuyus are selfish and want a constitution to suit them” caused anti-Kikuyu sentiments resulting in an overwhelming vote against the Wako Draft, which these different ethnic groups interpreted to be representative of Kikuyu interests.

Ethnicity in Kenya has been so politicised, as described above, that even the leaders’ very political pronouncements as reported in the media tend to appeal to ethnic chauvinism, thus causing competition and by extension conflict amongst the different ethnic groups since they are portrayed as competing groups.
Ethnicity, as was practiced, therefore resulted in possible political tension and conflict in Kenya.

When he was still a member of the opposition, Kenya’s former Minister for Justice and Constitutional Affairs, Kiraitu Murungi (1998) in an article published in the *Daily Nation* stated that Kenyan politicians had been pretending to be nationalist while in the real sense they were actually acting on the basis of their tribal and personal interests. In essence, the Minister was acknowledging the presence of ethnicity in the country’s political landscape. Therefore, the tribalization of politics is evidenced by the above political machinations which were ethnic-based.

### 2.5 Ethnicity and Conflict

This section discusses ethnicity and conflict. It starts from a clarification of the concepts of ethnicity and conflict in Africa, and how they have contributed to conflicts in the continent. The discussions eventually spotlight Kenya and how the ethnic divide has contributed to violent political conflicts through the press.

Structural violence plays a very fundamental role in Africa’s resource-related conflicts. By definition, structural violence refers to a state where there is no physical violence, but governing frameworks inhibit the realization of people’s full potential. It is possible that anomalous social structures favour the elites, who then try to safeguard the *status quo* because it serves their vested interests. Frustrated by the system, the society mutates into a social pressure cooker, and if the exploitative conditions prevail for long, violent political conflicts emerge.

Kenya has experienced numerous political conflicts that have mostly occurred during times of political contestations. These conflicts have been covered mainly by the mass media. Conflicts have been central to the mass media’s news and analysis columns since journalists are trained that conflict is a determinant of news. An example of how the media depicted conflict in their news columns is that of first President Jomo Kenyatta and his first Vice President. Jomo Kenyatta preferred a capitalist economy while his Vice President preferred a socialist-leaning economy. This formed a point of conflict between the two top politicians in
Kenya. The second instance where conflict was widely reported in the mass media was the scrapping of the KANU party’s Vice Presidential position and the creation of seven Party Vice-Presidential positions. A number of politicians angled for the newly created positions in the provinces while party Vice President Oginga Odinga, whose dominance in the party was under threat, bolted out to form an opposition party, the Kenya People’s Union. His party membership was mainly concentrated amongst members of the Luo community. Other events that caused ethnic-based political conflicts include the assassination of the Minister for Justice and Constitutional Affairs, Tom Joseph Mboya, the standoff between the First President Jomo Kenyatta and the then Vice President Oginga Odinga in Kisumu, and the attempted coup in 1982. The 1982 failed coup was staged by Luo air force officers as a pre-emptive move to upstage another that was supposedly to be spearheaded by then Minister for Constitutional Affairs, Charles Njonjo a Kikuyu (Ochieng 1996, Maxon & Ndege, 1996). This attempted coup was a protest against perceived government marginalization of Luoland and general maladministration by the state. There was a strong feeling that then President Moi was using strong-arm tactics against his opponents. He barred any opposition party in Kenya thus forcing any opposition to be underground rather than visible. The coup was a culmination of years of intense political anxiety in the country, with several underground groups and university lecturers coming up to oppose the government of the day for suppressing people’s political rights.

These examples of political conflict resemble those conflicts that took place before the 2005 Referendum. All the key features in the conflicts as observed by newspaper analyst Mwita (East African Standard, 3 June 2006) were ethnicity, political power struggle, and violence. Ogot (1996) and Badejo (2006) state that the media portrayed first Vice President Oginga Odinga as a Luo Leader. This portrayed tribalization of Kenyan politics, since a leader was not seen as Kenyan, but as the leader of a tribe. This view could be explained by Ekeh’s two publics which posits that loyalty lies between the modern state and the primordial public. In this state, one is loyal to their ethnic group rather than to the modern state and when they view national leaders they tend to view them from their ethnic background rather than the substance that they represent (Osaghae 2006).
Odinga was epitomized at a public function in Kisumu’s Provincial General Hospital. The presidential guards opened fire on a crowd that greeted the President with the former Vice President’s rival political party slogan. A hundred people were killed in the process (Badejo, 2006).

A possible factor that could have contributed to Mboya’s assassination was the fact that President Kenyatta was viewed as too old and Mboya as a probable successor, thus causing political tension and unease. The President’s perceived old age resulted in jostling for his position (Goldsworthy, 1982). The media undertook an informative role on the events that unfolded in the period before and after the assassination. Goldsworthy (1982) comments that Mboya’s rising political career worried the Kikuyu elite as they saw him as a threat to their own political ambitions. These political conflicts between Mboya and other contenders for the presidency were originally published in the mainstream media, and may have had the unintended effect of creating political conflict. This bears a lot of similarity to what took place in the period prior to the 2005 Referendum. During campaigns, the government side, through the former Vice President Moody Awori and other cabinet Ministers, made statements to the effect that Kikuyus must protect their presidency by voting for the Draft Constitution. These statements may have helped to sensitize the Mount Kenya ethnic groups to vote for the Wako Draft, while the rest of the Kenyans voted against it. The voting patterns were mainly along tribal lines, as the results of the 2005 Referendum showed. Conflicts that took place seem to have taken a tribal trend, uncannily resembling the earlier conflicts described in this chapter where the Kikuyus were involved in a political conflict with the Luos. Murithi (2007) is of the opinion that the campaign for communal identity, otherwise known as politicized ethnicity, accumulates a momentum which is manifested in a group’s drive to make its claim and concerns heard.

This review gives an example of how political conflicts were influenced by the media in a weak liberal democracy in Africa. These liberal democratic situations are also called unstable liberal democracies. In order to engage public support, the media had to play a central role in shaping public opinion and attitudes. Terzis & Smeets (2004) observe that the media play an important role in negotiating the
structural factors as well as generating, facilitating and triggering factors that lead up to a crisis and conflict, such as the case of Rwanda in 1994 and Sierra Leone in the late 1990s.

2.6 Media’s Educational Role Prior to the Referendum

This section of the review reflects on the media’s role in a weak liberal democracy and how that role assists in furthering liberal democracy. The media constitute what some scholars such as Voltmer (2006) have concluded to be the backbone of a liberal democracy. To justify this statement she argues that the media are responsible for providing information that voters use to make decisions whether to vote for or against a government or candidate in an election. As a result, this review presumes that the mass media undertake a critical role in disseminating information and in educating the masses in a referendum. A number of scholars reviewed in this section of the chapter have highlighted the media’s critical role in a liberal democracy. The media thus assist their audience in understanding the implications of media message on the political climate and the democratic process in weak liberal democracies.

The mass media are useful in a democracy because they identify problems in liberal democratic societies and serve as spheres for discussion (McCombs, 2004). The media also serve as a watchdog that is relied on for uncovering errors and wrongdoings by those who wield political power. The media are expected to perform up to certain standards with respect to those functions, and democratic society rests on the assumption that they do so (Venturelli, 1998; Kellner, 2004; McQuail, 1993; Skogerbø, 1996).

McQuail (1993, 106) states that “not only do people acquire factual information about public affairs from the news media, but readers and viewers also learn how much importance to attach to a topic on the basis of the emphasis placed on it in the news”. The media thus provide the information and also the importance that is attached to specific issues. The ordering of articles in the media shows the importance that the media attach to certain issues. This arrangement fits well into a liberal democracy since people refer to what they have read and use it to
discuss political issues. It is presumed that different perspectives can emerge in the process, thus possibly causing political conflicts as a result of divergence of viewpoints.

Newspapers provide a host of cues about the salience of the topics in the daily news, such as the lead story on page one, other front-page displays, and large headlines (McCombs, 2004). He adds that television news also offers numerous cues about salience, such as the opening story on the newscast, and the length of time devoted to the story. These cues repeated day after day effectively communicate the importance of each topic. In other words, the news media can set the agenda for the public’s attention to that small group of issues around which public opinion forms.

It is presumed that the media partake in a number of tentative models because fierce economic competition forces them to produce entertaining stories that appeal to people’s emotions (Fog, 2004). In the process of producing entertaining stories, the media undertake an educational role. Some of the media’s preferred topics include danger, crime, and disaster. These are presented in ways that often make the audience perceive the world as more dangerous than it is. This influences the democratic process significantly in the direction of authoritarianism and intolerance. It is this image of violence and intolerance in the mass media that may influence violent action among the audience.

2.7 Conclusion
It can be deduced from this chapter that Kenya is a weak liberal democracy seeing that its electoral system did not allow for a free and fair election. This is because the electoral body that governs the entire electoral process has a skewed representation in favour of the government. This chapter typifies Kenya as a weak liberal democracy since several senior appointments are unilaterally made by the executive.

The review has also revealed that Kenya has not adhered to all the basic tenets of liberal democracy, such as separation of powers between the different arms of government. It is argued in the chapter that liberal democracy needs the media in
order for it to inform its citizenry and also to allow the citizenry to make informed decisions. The Kenyan media fulfills a commercial or private agenda at the expense of its task as public watchdog. The private commercial-orientated agenda has mostly revolved around covering political conflicts in order to increase newspaper sales. This review also suggests that if the media concentrate on political conflicts, they negate its role of educating the citizens and sensitizing them to socio-political issues that are important for making informed decisions. It is further deduced from this chapter that newspaper coverage of political conflicts has often pursued an ethnic dimension, as tribes or ethnic groups are sometimes pitted against each other in the articles. However, this analysis shows a dearth of studies on how the media undertake their informative role in a liberal democracy. There is a further gap in knowledge on how the mass media operate in a diverse liberal society such as Kenya, where there are many different ethnic groups.
CHAPTER 3
MEDIA EFFECTS AND POLITICAL COMMUNICATION

This research uses a combination of theories to enhance understanding of the interplay between media content and its impact on media audiences in a society. These theories deal with the effects of mass communication, and an attempt to explain the political functions of the media. The theories used here belong to what McQuail (2005) refers to as “social scientific models”. The question concerning the effects of media content is of major importance in terms of the possible correlation between media coverage, political conflict and the nature of media content.

The theories in this study that deal with the effects or influence of the media include that of agenda setting, two step flow, priming, and framing. The theory of the public sphere postulates how the media influence political discourse in a society and how people become engaged as a result of possible imperfections in the liberal democratic systems in political conflicts within the state. Agenda setting, two step flow, priming, and framing theories are considered to be theories of fundamental communication effects. They serve to show how the mass media affect society. These theories seek to explain how the press influences its readers as well as how this influence causes the readers to internalize perceptions and attitudes.

The question of whether the media influence opinions and actions has been a subject of several scholarly debates over the years. This issue is pertinent to this study because of the central question in this research: did the media influence the different levels of political conflict that took place in the period preceding the 2005 Referendum on the Draft Constitution of Kenya? The question of media effects is of major public importance because people want to know whether the media, on which they depend for information and entertainment, have positive or negative effects on their audiences (Gans, 1993). The media can be said to have had a positive effect on their audience if they have informed, entertained, acted as a platform for cultural transformation, facilitated national discourse and educated the audience. In the same breath, the media are deemed to have undertaken a negative role if through their information role they have created disharmony and
violent political conflicts at the expense of national cohesion. This chapter therefore reviews the theories behind media effect on readers.

3.1 The Media Effects and Impact
Kenya has what Kabatesi (1997) termed “a vibrant press” that has been at the forefront of advocating for liberal democracy. It is argued in this study that in the course of the media’s advocacy, they influence their audience through the tendency of readers to identify with different standpoints, such as those supporting a draft constitution or those opposed to the draft constitution. This influence may be negative when it leads to violent political conflict, and positive when it causes national cohesion.

Studies of media effects are as old as the profession of journalism. To study these effects, in Kenya, it is necessary to understand the socio-political environment of the study that is detailed in Chapter 1. Kellow and Steeves (1998, 108) state: “Although early theories, stemming from mass society concept, assumed strong effects of media, later theories assumed that media could exert either strong or weak influences, depending on context and circumstances.” The perceived media influence and role in the debate that focused on the Referendum warrants a study on whether there is strong or weak media influence. This is because the press published analyses of issues that were pertinent to the draft constitution.

Roberts (1971, 355) states that “human reality is structured not from interpretation of informational signs which occur naturally in the environment, but from interpretation of informational signs which men create and through which they exchange information for human communication”. The mass media messages are man-made and designed by the source to elicit specific reactions or responses to the symbols that have been transmitted.

Subject to data analysis, this study makes assumptions that the Kenyan press packaged their messages in specific patterns that resulted in either reinforcement of pre-held notions or a change of attitude towards the draft constitution of Kenya. Messages from opinion leaders such as politicians and journalists were
transmitted through the media, and interpretation depended on the receiver’s experience. Similar experience of the sender and receiver ensured similarity in interpretation of symbols or commonality between the sender and the receiver.

In order to understand the discussions on media effects, it is important to examine what Berelson, Lazarsfeld and Gaudet, (1944), Chaffe (1977), Katz (1987); Huesmann & Eron (1986) and Glynn, Hayes, & Shanahan (1997) had to say about media effects. They suggested that media influence goes through three stages, namely activation, reinforcement, and conversion. Activation is the act of presenting compelling arguments for a position. This is true of formal propaganda presented by mass media campaigns and personal persuasion. Meirick (2006, 632) states that “people have a lay theory of media, or media schema, resembling the ‘hypodermic’ model to the degree that individuals believe that the average person is susceptible to media or that the media are all powerful, they can logically infer that others are more vulnerable to media than themselves”. The perception that the media are all-powerful continues to be popular amongst researchers and media users. The perception seems to relate to what people perceive of media influence on others, rather than on themselves. Meirick (2006) finds that people’s estimation of media effects on others is powerful when compared with their estimation of media effects on themselves. It is this perception that this research seeks to determine.

In negative conflict situations, political convictions cause confrontation or persuade individuals to practice violence. In the pre-referendum conflict hotspots of Mombasa, Kisumu, and Bungoma, activation could have occurred when the media supposedly played a crucial role in the provision of compelling arguments that caused hatred. In the case of Bungoma, violence was triggered when a team of politicians who were against the draft constitution went to campaign against it in an area dominated by its supporters. Draft constitution supporters attacked those who had gone to Bungoma to campaign. In Mombasa, the attacks took the form of local militias who attacked those who opposed the draft constitution in Mombasa, calling them “bad spots to be eliminated”. In Kisumu the situation was aggravated by the visit to the area of supporters of the draft constitution in a region hitherto considered to be dominated by opponents of the draft constitution. When the pro-
draft constitution politicians led by then Minister for Information and Broadcasting Hon Raphael Tuju visited the city to campaign, they were pelted with stones, and violence erupted, causing the death of two people.

“Reinforcement” is defined here as the provision of arguments that reinforce pre-existing opinions, notions and stereotypes. Lazarsfeld, Berelson, and Gaudet (1944) suggest that conversions are undertaken through clever use of words and emotional appeals or rational arguments. It is presupposed in this statement that in order for readers to change their opinion on an issue, messages are deliberately framed to persuade them to do so. The framing is done in such a way as to closely follow the readers’ pre-existing notions, in order to make them feel the message is in conformity with their own ideas. Conversion is the final product of activation and reinforcement. Conversion is the achievement of commonality in the communication process and the accompanying change of thought, to reflect that of the message sender. In later related research conducted by Bauer (1965), the concepts of the transactional and interactive nature of communication were analysed. In a closely related study, Cantor (1994), Cantor and Sparks (1984) discussed mass media effects. Nathanson (1999) conducted further research on the role of other people in modifying the mass media experience. All these researchers have served to reinforce the perception that the media indeed do influence audience actions.

On the effects of the media on the electorate, Cantor (1994) and Cantor & Sparks (1984) concluded that media could activate the indifferent voters, reinforce the partisan ones and convert a few of the doubtful. Consequently, conflicts can occur after the three processes between different message senders and media have taken place. To use these arguments on the pre-referendum situation in Kenya, it can be assumed that the three processes of activation, reinforcement and conversion were experienced, because the active public spheres continued to supply the media with a platform for debate and an avenue of opinion exchange. Activation could have occurred when voters who were predisposed to vote for a particular side in the Referendum did so after the messages aroused interest in voting. This may have led to increased exposure which in turn could have activated people into selective media attention although they did not pay attention.
to messages which were not in conformity with their own views. It is possible as a result that people already knew which side they were going to vote for during the Referendum and thus selected media messages that reinforced their decisions. According to Graber (1989), conversion takes place when relatively neutral people attend media message outlets and become convinced of a viewpoint. In this particular instance, they may have been convinced to vote either for or against the draft constitution. That situation is described as conversion.

In an earlier research on media effects which focused on the influence of the movies in the 1920s, it was argued in the Payne Funds research that the media had powerful effects on the people of that period (Lowery and Defleur, 1995). The movies, they said, constituted a strong influence on attitudes which provided models for behaviour and shaped interpretation of life. The movies probably had as many pro-social influences as those that disturbed adults at the time. The Payne Funds studies are an important media effects research, although they focused on media influence on children, not on media’s role in political conflict, which is the focus of the present study. In a related research, Lasswell (1948) undertook a study on media effects and coined the definition “Communication is who says what, to whom, through what channel and with what effect.” In this phrase, which is still popular with scholars in defining communication, there is an implied assumption that the media have an effect on their audience. A more recent research by Noelle-Neuman (1974) tackles media effects as postulated in the theory of the “spiral of silence” which states that the minority tend to be silent while the majority view is often expressed loudly. Separately, McDonald, Glynn, Kim, and Ostman (2001) used the 1948 American election data collected by Berelson, Lazarsfeld, and McPhee (1954) and found support for the theory.

In support of media impact research, Jefres, Neuendorf, Bracken and Atkin (2010) agree that communication serves as a link between man and his political environment, and its effects may be explained in terms of the role it plays in enabling people to bring about more satisfying relationships between themselves and the world around them. The “political environment” means that the way man understands political affairs or articulates political issues depends on how the mass media transmit messages from sender to receiver through the different
organs of mass communication. The 2005 Referendum was one of the instances in which the newspapers were used to inform the people. This investigation presupposes that the information that was transmitted by the newsrooms was used to make political decisions during that referendum. Newspaper readers could have used the information that they gleaned from the press to discuss issues to do with the referendum and the draft constitution which was under contestation. Decisions such as how to vote and possibly the manner of campaign and the tendency of voters could have been influenced by the media.

To continue the discussion on the possible influence of mass media on public opinion, Cooley (1956, 386) has stated that “always and everywhere men seek honour and dread ridicule, defer to public opinion, cherish their goods and their children and admire courage, generosity, and success.” What Cooley was alluding to is that man dreads to be seen to be losing, and would always like to be in the winning team. It is perhaps possible that people supported the perceived majority side in the referendum as portrayed by the media, because they feared being seen to be the minority (Cottrel and Ghai, 2007). Several opinion polls that were conducted prior to the referendum and published in the mainstream media showed that the anti-draft constitution side was ahead of supporters of the draft constitution (Nation, 18 and 10 November 2005) and East African Standard, 10 and 18 November 2005). The results vindicated the opinion poll results where the anti-draft constitution obtained 58% while those supporting the draft obtained 43% (Office of Government Spokesman, 2011). These articles in the press could have influenced voters to vote in support of the perceived winning side in the referendum. The referendum, being a contested event, could have influenced this tendency in people to support what the newspapers had portrayed as being the winning side.

In a discussion that highlights how the media impacts on its audiences, Davison (1975) affirms, “Most of our needs or wants can be satisfied only if we are able to manipulate parts of the world outside ourselves or to adjust in some way to this environment.” The press offers man the chance to manipulate opinion and the attitude of others. Steeves (2006), and Cottrel and Ghai (2007) point out that the media published articles analyzing the implications of voting for or against the
draft constitution. The articles concentrated on promoting public debate between Kenyans and the Review Commissioners on the process and content of the draft constitution (Cottrel and Ghai, 2007). These reports and analyses, according to Cottrel and Ghai, impacted on public opinion and attitude. They add that the reports resulted in the emergent voting patterns witnessed on 21 November 2005.

Experimental studies by Cappella and Jamieson (1997) have linked exposure to political oriented news to political cynicism. First, they found that participants exposed to political oriented news remembered more of that political orientation or bias to information about candidates than those who were exposed to issue-based news. In addition, the researchers have found that strategic news enhanced political cynicism.

Literature on social psychology suggests that people have multiple schemas for understanding and processing information, not all of which will be activated at any given time (Capella and Jamieson, 1997). The reaction of the people or media audience to media messages could be influenced by different levels of schema such as the media message, the desirability of the message, and the receiver (Meirick, 2006). Schemas are thus factors that influence or affect message reception such as those elucidated above. On reflection, Goffman argues that individuals apply interpretative schemas or “primary frameworks” (Goffman, 1974) to classify information and interpret it meaningfully. Meirick (2006, 634) also contends that “third person perception occurs when perceived media effects are greater for others than for oneself”. These third-person effects are what could be termed perceived effects since they are what others feel about the potential effect of particular media messages. In the case of this research, the idea could easily fit, since those who are interviewed are those who could have witnessed the violence but did not necessarily participate in it. They would respond to the questionnaires on the potential impact of specific kinds of media content based on their perception of the possible effect of that kind of content.

Jeffres, Neuendorf, and Bracken (2010) have analyzed the third-person perception and concluded that it is well suited to bridging other theories about effects. Since it is an audience perception of effects, the third-person literature at
its core posits a difference between perceived effects on self and on others. The difference between third-person and first-person effects is largely determined by the direction of the effect, that is, whether it is a positive or negative media impact such as improving healthy behaviours or inciting aggression.

### 3.2 Communication Effect Theories

Communication effects or what are termed “media effects” by scholars such as Sparks (2002), and McDonald, Glynn, Kim, Ostman (2001) have been at the centre of mass communication research and continue to interest many scholars. These scholars have argued the question of whether the mass media has a strong or weak effect on its audience. They have largely advocated for the strong media effects through their studies. This section of the chapter deals with some of the theories on communication effects that are used to provide a theoretical foundation in this research. Theories of communication effects are reviewed under the following sections.

#### 3.2.1 The Two Step Theory

The two step theory is important for this study as it focuses on the effects and how the media influence their readers. This aspect is important because the study is based on media effects and how they influenced opinion in the Kenyan referendum campaigns. This theory reflects on how media messages could have been transmitted from the media through opinion leaders such as teachers, the clergy and even journalists, to readers. The theory deals with how messages from the media are reinforced by opinion leaders. It suggests that communication from the mass media first reaches the opinion leaders who then filter information they gather to their associates, with whom they are influential (Case, Johnson, Andrews, Allard, Kelly, 2004, Katz; 1987). Previous studies on the flow of information have revealed evidence suggesting that the flow of mass communication is less direct than previously supposed. The Two Step theory shows the process of information flow and possible patterns of influence during the 2005 Constitution Referendum. An analysis of The Nation and East African Standard newspapers’ coverage reveals that debates and campaigns that preceded the referendum focused on news about the activities of the opposing
camps and an analysis of the implications of some of contentious sections of the draft constitution. The articles appearing in the newspapers were typical of a campaign period coverage of events, where there is concentration on issues and candidates in contention. This therefore makes previous studies conducted on election campaigns such as those by Semetko (2008), Lazarsfeld and Stanton (1949), Lazarsfeld (1955), Katz (1955) and Lang (1983) valid for this study as the authors similarly focused on the media and electoral campaigns.

Later studies on the Two Step theory by Case, Johnson, Andrews, Allard, Kelly (2004) and Katz (1973) have confirmed earlier assertions that personal influence seems more important in decision-making processes than that of the mass media. They add that influential individuals seem to constrain themselves to topics that they know better thus acting as subject or theme opinion leaders. The opinion leaders seem evenly distributed among social, economical, and educational levels within their communities. Amongst the respondents in this research are a cross section of professionals in the society as represented by teachers, journalists, the clergy and the political class.

The Two Step theory focuses attention on whether news coverage by the two daily newspapers, namely the Daily Nation and East African Standard, directly influenced political opinion of the readers or whether there was a two step transmission to the audience that eventually influenced public opinion. Audiences read the newspapers and understand newspaper content, then discuss the issues contained in the newspapers in the public sphere. Through this process, they influence opinion formation. According to Katz (1975), the flow of mass communication may be less direct than has been commonly imagined. He argues that influences stemming from the mass media first reach opinion leaders who in turn pass on what they read and hear to the people who look up to them for information and opinion. The two step theory involves opinion leaders and shows how the media transmit information to their audiences through opinion leaders. Lowery and Defleur (1995) explain as follows:

The two step theory is the assumption that very opposite kinds of variables might be important. The two step flow concept presumed a movement of information through
interpersonal networks, from the media to people and from there to other people, rather than directly from media to mass.

This theory has a potential impact on the liberal democratic process as people depend on mass communication to make informed decisions. The theory presupposes that information moves from the media to the readers and also to opinion leaders, who in turn transmit information to the readers. The double flow concept implies that the media readers form networks of interconnected individuals through whom mass communication is channeled. These opinion leaders have diverse impacts on the readers. For instance, they influence what the readers talk about or what is termed “agenda setting” for the readers, and act as a model for the readers, what they discuss and what they think about leadership issues. Certain individuals tend to have more influence than others, such as opinion leaders within a specific community. Meirick (2006) and Katz (1975) observe that with the given importance of inter-personal influence, there is an apparent tendency of perceived strong third-person effects in the information transmission process. This is an attempt to portray the difference in influence and impact by different individuals within a society. Statements made directly to the masses about the draft constitution by politicians, members of the civil and religious societies, members of the provincial administration, and scholars, during the campaign period can an effect on them. An example of such a statement carried in the Nation Newspaper of 11 November 2005 would be that Raila, then-Minister for Roads, was planning to overthrow the government of President Kibaki. Another such statement by then Justice Minister Kiraitu Murungi and then Vice President Moody Awori probably served to probably solidify the support base for those who supported the draft constitution. Some people could have imagined that voting for the draft constitution was tantamount to safe-guarding the government of President Kibaki. These politicians could have acted as opinion leaders for some voters during the referendum as they interpreted events for them.

Burt (1999) and Lazarsfeld, Berlson and Gaudet (1948) state that there are opinion leaders in every class and occupation. Decision makers frequently influence friends, co-workers and relatives. Opinion leaders exist at every level of
society, and are presumably similar to the people whom they influence. Unlike the people who are influenced, opinion leaders have relatively more exposure to radio, newspapers, and magazines. Therefore, an analysis of how people understood newspaper content during the period that preceded the referendum is important because those who were opinion leaders with the masses such as the clergy, teachers, and journalists, might have influenced their perception of issues.

The 2005 Referendum could have demonstrated the influence and impact of different cadres of professionals on Kenyan psyches. Scholars, politicians, businessmen and members of the provincial administration may have wielded varying degrees of influence and power amongst the citizenry in the period that preceded the 2005 Referendum. It is proposed here that during the campaigns that followed, the opinion leaders played a critical role in national and community debates. The question that this research concerns itself with is to establish the extent to which these people influenced their audience. How did the opinion leaders affect or influence people’s conduct during the period prior to the violence that erupted in Bungoma, Kisumu and Mombasa?

An important theory that supplements the two step theory discussed above is the multi step theory or the diffusion of innovation theory. The diffusion of innovation theory is an important theory to this study as it reinforces the two step theory. In the Diffusion of Innovation theory, the media, that has a message, influences opinion leaders who in turn also turn to influence the masses. This study provides avenues for the application of this theory as opinion leaders such as teachers, journalists, clergy, politicians and the mass media provide different information that could serve to reinforce or dismiss perspectives that readers have learnt in the media. Unlike in the two-step flow theory which involves only two steps of influence, this theory exposes multiple sources of influence (West & Turner, 2000). Diffusion thus involves the process through which an innovation is communicated through certain channels over a period of time among members of a social system.
This theory assumes that the audience is completely influenced by the opinion leaders whose source is the media. An example is the political conflicts that occur during times of political contestation. During these times of political contestations there is a tendency by the audience to receive and to sieve information from the media but with the help of opinion leaders who put political media content in perspective.

3.2.2 Framing
This study is concerned with the effects of media messages on newspaper readers. The theoretical premise of framing posits that media content which is transmitted to media audiences is influenced by journalistic norms and the world view of individual journalists. Several authors have stated that many human beings find it difficult to understand the world in its complexity (Nwuneli, Okoye, Okunna Ayo, 1993; Goffman, 1974; Heider, 1958). Therefore, people tend to infer a sense of the world through journalistic depictions or transmissions. In order to discuss media effects, it is important that an understanding of message presentation or message framing be focused on. It is argued in this study that message framing influences message reception, which in turn impacts on readers’ attitudes and actions. Fischer & Johnson (1986) explain that frames are individual means of processing and structuring incoming information. These actions can vary from inter-audience conflict to conformism as a result of the kind of frame that has been adopted in a news article.

This study focuses on the portrayal of news using Goffman's (1974) concept of news frames as defined by McQuail (2005), who explains news framing as a way of presenting interpretations of events and items of fact. Through framing, journalists present issues in a predictable manner. They arrange facts and order stories in patterns that are unique to each media house. This study concerns itself with the divergent editorial approaches which may have produced different news frames. These news frames could have influenced the interpretation of the issues by various opinion leaders, with consequences of the two step paradigm as discussed above.
It is assumed that the editors of the *Daily Nation* and *East African Standard* choose information that highlights specific aspects of an event, and in the process, they de-emphasize certain other aspects, thus using a deliberate frame. Gamson states that:

> News frames are almost entirely implicit and taken for granted. They do not appear to either journalists or audience as social constructions but as primary attributes of events that reporters are merely reflecting. News frames make the world look natural. They determine what is selected, what is excluded, what is emphasized. In short, news presents a packaged world (Gamson, 1985, 617).

It follows that framing of articles is the packaging of facts or themes in a particular format. Previous research by Shoemaker and Reese (1996) and Tuchman (1978) has isolated five factors that potentially influence news frames. These factors include journalistic routines, and ideological or political orientations of journalists. The composition of the articles in the *Nation* and *East African Standard* will be reflective of their editorial approaches as presumed in this study. A hypothetical question that is asked in this section therefore is: Did the two newspapers possess different news frames and if so, how did they impact differently on their readers during the 2005 Referendum? How the two newspapers framed their news and commentary pages is important for the research as their framing probably influenced opinion leaders as discussed in the two step flow theory. The manner of framing the newspaper content probably would have biased readers and opinion leaders either for or against the draft constitution.

Framing differs significantly from other accessibility-based models such as priming and agenda setting. The theory is based on the assumption that the manner of news packaging or how news is framed or characterised can have an influence on how news is understood by readers. Framing is often traced to news writers, journalism lecturers, and the different media houses’ editorial that determine how news items are packaged (Sheufele and Tewksbury, 2007). The assumption in this theory is that the manner of presentation and arrangement of ideas and issues influences audience attitude on the issues. This issues or themes as used in this study also show the levels of importance attached to the different ideas presented. This implies that readers will attach the same level of importance to issues that they may consider equally important. This could rationalize the
assumption that the manner of framing of issues impacts on the audience. Scheufele and Tewskbury (2007) assert that framing is a macro construct since the term “framing” refers to modes of presentation that journalists and other communicators use to present information in a way that resonates with existing underlying schemas among their audience. News presentations in the two media houses could have been packaged or framed in a manner that enabled them to elicit the highest level of interest amongst readers.

3.2.3 The Agenda Setting Theory

The 2005 Referendum provided an example of how the media sets public agenda. The pilot study conducted earlier revealed that during the period that preceded the 2005 Referendum, discussions in coffee houses, churches and other public places focused mainly on the content of the Draft Constitution and whether it was beneficial to the people or not. These discussions were held by people who could be regarded as opinion leaders, such as teachers, the clergy, lawyers and journalists. This discourse revolved mainly around the Draft Constitution, and more specifically on the distribution of powers in the executive arm of the Kenyan government, land issues, and devolution of government. These issues constituted discussions and were initially gleaned from the media, which set the agenda for public discussion.

The Draft Constitution had a clause which proposed the office of Prime Minister to have no executive powers. This formed the thrust of the arguments as people discussed the suitability of such a system. This clause sparked debate as to whether a non-executive prime minister would be ideal for the country or whether a titular President and an executive Prime Minister would be better. The discussions in the public domain also dwelt on which politician was best suited to hold which position. Arguably, the media were critical in setting the agenda on the new constitution in the public domain. What then is agenda setting? This is defined as the ability of the media to influence the public’s perception of important topics and issues of the day (Walgrave, 2004; Simon 1980). The media’s ability to influence public discussions is critical in this study which seeks to correlate the relationship between the media content and the public agenda through the two steps flow system of transmission. This linkage is arguably further influenced by
the kind of news and commentary frames that are adopted by the two newspapers sampled for this study.

According to Okolo (1994, 34), “The mass media reports the society to itself, and based on the reports, the society critically looks at itself and fashions out new ways of life while consolidating the old accepted ways.” This theory discusses how the media depicts news, what people talk about, and what they think about. The theoretical rationale for agenda setting postulates a direct effect of the media in creating the public agenda. In terms of specific issues such as political campaigns, on which agenda setting studies have concentrated to date, there is a possibility that there could be actual effects of the media on their audience, albeit through various intermediaries such as opinion leaders.

The 2005 Referendum on the Draft Constitution showed the influence of the media in the public sphere. The campaigns were conducted in the media. The media highlighted specific issues such as the fact that the draft constitution was drafted by the Attorney General of Kenya at the instigation of the President in exclusion of the other protagonists who were in favour of the alternative Bomas Draft which had earlier been drafted by delegates drawn from all over Kenya. The reports carried in these articles ultimately impacted on people’s attitude to the Draft Constitution. The process of highlighting specific issues in the media, and thus turning them into public topics at a specific time, is termed by the media “agenda setting”. People soon took up active debate on such media articles. Severin and Tankard (1992) define agenda setting as an idea that the news media, by their display of news, come to determine the issues that the public thinks and talks about, for instance in Bunges in the countryside and towns. These Bunges are forums where people discuss what they have read in the newspapers and the implication of such articles.

A number of issues on the Draft Constitution were highlighted, and they eventually caused or led to a specific positive or negative predisposition towards the Draft Constitution. Amongst the issues highlighted, were that the land would be controlled by the central government, and the Presidency would maintain its immense powers. The Draft Constitution was also depicted as being a document
that was promoted by some tribes. It could be argued that some of these issues that were played out in the public sphere could have contributed to the overwhelming rejection of the draft constitution in seven provinces and supported only in the Central province, which was dominated by the Kikuyu ethnic group.

Manheim (1987) proposes that agenda setting involves the interaction of three agendas, namely, the media agenda which originates from media owners and editors who influence newspaper content, the public agenda where the opinion leaders from all strata of life such as the teachers and the clergy probably contribute to people’s attitudes and actions, and a public agenda which is driven by the executive arm of government. The three elements impact on one another because each of them has its basis in the general public.

This theory is certainly very central to the study of media effects, as Dearing and Rogers (1996, 15) point out that “agenda setting is related to several other kinds of effects including the bandwagon effect, the spiral of silence, diffusion of news, and media gate keeping”. Therefore, the theory explains how the media impact on people in a liberal democratic situation. The media function in this case engages the citizenry in discourse which is used to keep them informed and allows them to make informed choices in a liberal democracy.

Sunday (2007), Sheufele and Tewskbury (2007) among others argue that the mass media compel attention to be given to certain issues. They reason that the media tend to build public images of political figures by means of various newspaper headlines which seem to guide public discourse. The Bunges are a case in point. These forums mainly provide points of discussion and also follow closely on the content of the newspapers. The media constantly present objects, suggesting what individuals in the general public should think about, know about, and finally have feelings and make opinions about, as in a liberal democracy where the people’s freedom to contribute to debates is cardinal to the very success of the system.

Sheafer and Weimann (2005) posit that the mass media influence public opinion by emphasizing certain issues over others. The amount of media attention or the
importance devoted to certain issues influences the degree of public concern for these issues. The media give legality and currency to issues. Such a standpoint is reflected by how the media reported the constitution-making process which was flawed as it did not allow for citizenry participation (*Daily Nation*, 1 November 2005).

Lippman (1922) argues that the world is too complicated and out of reach, and consequently we should rely on the media to understand it. The media use their reach, which is beyond any individual, to inform their audience in the manner, and with the arrangement of information, that they deem fit. The newspapers under study focused on issues of the draft constitution, such as a devolved government, two tier governments, land rights, and a non-executive Prime Minister. Studies which have been conducted on agenda setting have focused on media content and public issues, and their ranking in the public domain. Amongst those who have conducted various studies on agenda building and setting, are McCombs and Show (1972) and Funkhouser (1973). Each of them envisioned a functional information system in a liberal democracy which requires the citizenry to make informed decisions and dialogue amongst themselves.

Scheufele and Tewksbury (2007, 14) observe that “the traditional agenda-setting approach is based on memory-based models of information processing and [is] therefore an accessibility model”. Agenda-setting effects thus assume that the entire realm of media effects depends on the extent to which the audience can access the media. Thus, it is not information about the issue that produces the effect; rather, it is the fact that the issue has received a certain amount of processing time and attention that carries the effect.

Dearing and Rogers (1996, 2) point out that “agenda building concentrates on two major independent variables which affect real-world conditions, and events such as the Referendum of 2005 in Kenya” in addition the activities of different political actors who adopted opposing views on the draft constitution constituted the national public agenda on constitutional issues. The media depict an agenda that is reflective of their own media agenda before they influence the audience. An
example is the perceived agenda of the *East African Standard* which was openly against the Draft Constitution, as was found in the pilot study.

### 3.2.4 Priming

This theory articulates how the mass media influence "the standards by which governments, presidents, approaches, and candidates for public office are judged by making some issues more salient than others" (Lyengar and Kinder, 1987) A number of studies have demonstrated that there is a dimension of powerful media effects that goes beyond agenda setting. These studies include that of Elizabeth Noelle Neuman (1974) who undertook studies on the spiral of silence, which showed how powerful the media are in silencing the minority. The majority view tends to triumph over the minority view, according to Noelle Neuman’s theory of the spiral of silence, and by extension the media’s power and effects on its audience.

Lyengar and Kinder (1987) has identified this aspect as the “priming effect”. Priming entails “the processes through which the media attend to some issues and ignore others and thereby alter the standards by which people evaluate election of candidates” (Severin and Tankard, 1997, 258). The theory is based on the postulation that people do not have intricate knowledge about political topics and do not take into account everything they do know when making political decisions – they must consider what more readily comes to mind. What readily came to mind in the case of these researches were themes such as executive/separation of powers, violence, devolution, leaders’ utterances, land/inheritance, process of constitution making, ethnicity, political conflict, provincial administration, legislature, and the Bill of Rights which were highlighted by the mass media.

The media can draw attention to some aspects of politics such as the referendum themes at the expense of other issues in the political sphere at the time. This is illustrated by the famed memorandum of understanding which was signed between the then-President candidates Mwai Kibaki and Raila Odinga, which was not implemented. The media might thus help to set the terms through which political judgments are reached, including evaluations of political figures (Alger,
1989). The memorandum of understanding constituted how members of the National Rainbow Coalition were meant to share power. In this research, the media’s role in priming specific thematic issues elaborated above becomes clear when analyzing how the media covered the referendum campaigns.

Priming is important in this study since the theory attempts to evaluate political attitudes that occur as a result of mass media messages. Scheufele and Tewksbury (2007) state that priming occurs when news content suggests to news audiences that they ought to use specific issues as benchmarks for evaluating the performance of leaders and governments. Most newspapers such as the Nation and the East African Standard tend to present opinion pieces that discuss what they perceive to be the best way of governance or what kind of constitution could serve the country best. In the process, priming takes place. It can be argued that priming is a temporal extension of agenda setting, since it deals with setting what people discuss and how they discuss the issues in the public sphere.

3.2.5 The Theory of the Public Sphere
This theory is important for this theoretical framework as it suggests how the media audience or readers interlink with media content and democratic players such as the three initial estates link with the civil society. This theory helps to give the end function of the Two Step flow, Agenda Setting, Framing and the Priming theories. While the preceding theories show how the media content is transmitted and impacts on society, the Public Sphere theory articulates how media content enriches liberal democracy, in particular through assessing the processes of public discourse which are critical in a liberal democracy.

The media, politics and conflict are arguably inter-related through linkages that could be partly explained by the theory of the Public Sphere that was coined by Habermas in 1962 in *The Structural Transformation of the Public Sphere*. The public sphere theory postulates that the public sphere mediates between the society and the state, in which ‘the public organizes itself as the bearer of public opinion’ (Habermas, 1989). In this research, political discourse encourages or at times results in political conflict. Political conflicts may occur if, in the course of
discussions, differences of opinion emerge. A case in point is an occasion when the then Minister Raphael Tuju accused the anti-draft team of being insincere in their criticism of the draft constitution. Political conflicts that emerged after that statement may have led to the death of four people in Kisumu in November 2005. *Daily Nation* and *East African Standard* of 4 November 2005 reported that what started as a mere protest by people opposed to the Cabinet Minister Raphael Tuju's rally, ended tragically with the death of four people. Raphael Tuju was a staunch supporter of the draft constitution. The two issues of *Daily Nation* and *East African Standard* newspapers further stated that three people were shot dead on the same day - among them a 14-year-old schoolboy Paul Limera - while a fourth victim died the following day after being admitted to Nyanza provincial hospital with gunshot wounds. At least 30 other people were left nursing gunshot wounds, and property of an unknown value was damaged. These differences of opinion in the public sphere seemed to have ended in a tragic way as they probably led to the four deaths and the injury of over 30 people.

The Public Sphere theory informs media’s role and influence on political discourse. Habermas uses this term in relation to the media’s role in political debate or discourse. Tomaselli (2003) observe that the independent media is intrinsic to the infrastructure required for knowledgeable debate, informed choices, and the general transparency needed in a mature liberal democracy. This is part of the “public sphere” – that space wherein all citizens can freely discuss politics independent of the influence of state or capital (Tomaselli, 2003). Therefore, the agenda set by the media informs the discourse in the public sphere. The media serve to extend and guide the public sphere in a liberal democracy.

Eighteenth century Europe was characterized by liberal democratic movements in many countries. These movements were marked by increased discussions and public discourse where political discussions were focused on issues of governance that took place in houses, salons, and club houses. The Kenyan scenario could have replicated the situation in 18th century Europe.

The bourgeoisie created networks of information sharing. This period was well served by industrialization that enabled the publishing of newspapers. The
newspapers’ circulation of views enlarged the European public sphere. In Kenya the scenario has been marked by heated political exchanges amongst the general citizenry and the political class. These exchanges could have caused negative political conflicts amongst the people, resulting in an informed public in the country.

Tomaselli (2003) observe that “the concept of the public sphere is most frequently associated with either the liberal print press or public service broadcasting”. Kenya already has a vibrant press system, which arguably ensures debate on the referendum issues. The public sphere is a virtual space in which citizens engage in conversations with the guarantee of freedom of assembly and association, to express and publish their opinions.

The Nation Media Group which publishes The Daily Nation, The Sunday Nation, and Taifa Leo, and also produces Nation Television and Easy FM, a radio station, all operate using the same editorial approach referred to earlier. This has ensured the production of five different media outlets which arguably articulate the same editorial viewpoint as detailed in the Nation’s editorial guidelines. Habermas was rather uncomfortable with this scenario, which allows cross ownership and, by extension, saturation of similar views in the public domain. He envisioned a situation where different thoughts and viewpoints were exchanged freely and, in the process, a consensus necessary to create the type of debate that liberal democracy requires.

The East African Standard newspaper has also reflected the same tendency of cross ownership. East African and the Kenya Television Network (KTN) are both owned by Baraza Limited, and they both have the same editorial approach. This has resulted in the circulation of similar view across two different media. This scenario has not served to promote what Habermas envisioned as a lively exchange of views and ideas by many different people in the press. The ownership patterns in the Kenyan Press arguably have frustrated the germination of ideas amongst the Kenyan citizenry. This is because the newspapers in the country are multiple-owned, and the Nation Media Group has a radio and
television and three different newspapers, thus ensuring circulation of similar editorial viewpoints in different public sphere outlets.

One notices that these two newspapers are commercial ventures, which depend on advertisement for revenue. Habermas (1997) argues that this dependency on advertisement or commercialization of the press serves to limit public debate, as advertisers to control the level and the tilt of editorial content. The two newspapers are privately owned, and each has had its share of government interference at different times of its historical development. An example of the interference is that of the *East African Standard* which was raided on 2 March 2006 by intruders who countermanded that day’s copy of the newspapers, and destroyed machinery and computers belonging to the company (*Daily Nation*, 3 March 2006). The intruders were suspected to be state secret agents under official government direction, as was admitted by then Minister for Internal Security John Michuki. The motive for the *East African Standard* raid is to be established, though rumours are that the newspaper was raided because it was about to publish defamatory statements about the head of state.

Habermas in McQuail (2005) points out that “access to the space is free, and expression is guaranteed. The space lies between the base and the top of society and mediation takes place between the two”. The base, he adds, “can be considered to be the private sphere of the life of individual citizens, while the political institutions at the centre or top are part of the public life”. Habermas’s theory on the public sphere captures the increased discourse that took place in the period that preceded the referendum because that period was marked by what Masinde (2005) termed “concentrated public discussions” in eating places, clubs and even various street corners. The cornerstone of the public sphere philosophy is freedom of expression, freedom of assembly and freedom of the press. These freedoms constitute the cornerstones of a liberal democracy. Incidentally, the constitution review was necessitated by a feeling that the principles of liberal democracy, as captured by the three freedoms, were only partially enjoyed by the citizenry. As stated earlier, freedom of expression is negated by several sub-clauses, such as that which inhibits information sourcing, as argued by Kabatesi (1997).
In a comment on the role of the press, Habermas (1997, 105) states: “When the public is large this kind of communication requires certain means of dissemination and influence. Today, newspapers, periodicals, radio and television are the media of the public sphere”. The media’s role in a liberal democracy is captured by the Public Sphere theory, which seeks to explain how the media facilitates debate in a nation-state. Meaningful national debates cannot be undertaken unless through the national media which can transmit divergent points of view to distant corners of the country instantaneously, as happened during the referendum on the constitution of Kenya. Therefore, the mass media is critical for the success of a liberal democracy, as it is only through it that national discourse can be achieved.

In a democracy, the media functions originate from an objective observation of media activity. How the audience views the media in a society is derived from the media content that they read and use (Curran, 1991; McQuail, 1987, 1991, 2005, Skogerbo, 1991). The uses of the media, stated above, are arguably serving the needs of a particular society in which that specific media house belongs. During the referendum, Kenya epitomized a weak democracy at work, as discussed in Chapter 2 of this study. It was resolutely dependent on the media for issues and interpretation of the draft constitution, such as implied in the agenda setting theory.

The Public Sphere is the place where an individual citizen can discuss issues, and then turn to the state to deal with it. In the public sphere, one of the issues that can be addressed is whether the public is happy with the performance of the state. In a liberal democracy, the public sphere is used by the state to create state engagement, and is not managed by government. It has to be separate in order to provide a counter-weight to absolutist states, and to mediate between the state and society so as to hold the state accountable to society (Fraser and Nancy, 1990, 57- 58). The public sphere belongs to what political philosophers call “the civil society” (Calhoun, 1996, 453). Civil society is defined by Bratton (1994) as a sphere of social interaction between the household and the state. It is manifest in norms of community cooperation, structures of voluntary association, and networks of public communication. Common elements in the civil society discourse are a critique of state domination of public life, a preference for reform
over revolution, and a strategy for political change based upon negotiations and elections. These are also the basic cornerstones of a liberal democratic situation. In a liberal democracy, the citizens need to be politically active as they are responsible for electing people into positions of responsibility. That task necessitates civic discourse which facilitates information amongst the populace. Bratton (1994) observes that civil society is stronger where there is a diversity of media outlets and political views. These outlets empower the citizenry to communicate independently of state supervision. A healthy civil society is thus a multi-stranded web of cross-cutting channels of communication. Civil society is an important aspect of the public sphere as it helps to engage the citizenry in independent uncontrolled discourse which seeks to achieve consensus on public issues.

Public journalism and civic journalism are concepts that propagate or advocate for improvement of the quality of civic life by fostering participation and debate. According to Glaser and Craft (1997) public journalism calls for a shift from journalism of information to journalism of conversation. The public needs not only information, but also engagement in the day’s news that invites discussion and debate. The print media in general, and the Nation and the East African Standard in particular, were engaged in participatory discussions through active Letters to the Editor sections, which reflected public concerns in the period that preceded the referendum.

Whilst Habermas’ Public Sphere Theory is an important in explaining how the media messages are deliberated in the public, Ekeh’s Two Public Theory is better suited in an African context. Essentially, Ekeh stresses that the impact of colonization is still evident, and therefore, the primordial public still plays an important role in socio-political life. Members of the primordial public tend to be ethical and moral in pursuit of their larger group ideals despite the fact that these ideals could be contradicting the ideals of others and in essence causing political conflicts which are so rampant in Africa. While Habermas assumes one public in a modern state, Ekeh presents two publics namely the primordial and the civic public in the African context.
3.3 Theoretical Synergy

The Two Steps Flow, Agenda Setting, Priming, Framing and the Public Sphere theories are closely related. These theories have been used in the present study to attempt to explain how mass media content reached the public domain during the referendum campaigns, and how these theories are applied within the referendum social context. Theories such as agenda setting, priming and framing have the power to increase levels of importance assigned to issues by the media audience. This study offers a point of analysis of how the media participated in information dissemination guided by framing and priming of media content, which resulted in agenda setting of issues in the public sphere.

The media as reasoned by the five theories mentioned above have the capacity to increase the salience of issues or the ease with which these considerations can be retrieved from memory if individuals have to make political judgments about political actors. Whereas through the two step flow media content is transmitted to the audience, the process of selection and agenda setting by mass media necessarily needs to be a conscious one. Framing is based on restrained wording and sentence structure that most likely cause unintentional effects or at least effects that are hard to predict and control by journalists (Scheufele, 2000). The public sphere theory seeks to explain how the media engage with the society independently of the government, through discussing matters that touch on approaches and the manner of governance within a liberal democracy.

In essence, through this research, it is evidenced that models of agenda setting and framing link media content as the unit of observation to audience characteristics. In order to examine the link between discourse in the public sphere and media content, the aggregate measures of public opinion on different thematic issues that could have occurred during the referendum on the draft constitution will be discussed so as to seek an understanding of media effects on negative political conflicts.
3.4 Conclusion

This chapter has provided a framework for analyzing the media in a democratic environment. Five theories reviewed explain how the media influence people in a liberal democracy, and outline the process of awareness and information internalization. The role and impact of mass media on their audience provide a theoretical basis of concluding that the media influence readers, however strong or weak they may be. However, this chapter also reveals certain gaps in knowledge as discussed. The gaps centre on whether the theories on media effects and democratisation impact on diverse communities with different ethical and cultural inclinations. The chapter indicates that there is a gap in knowledge of how the mass media undertake their information and advocacy role in a weak liberal democracy, especially where press freedom is not guaranteed.

These theories are therefore critical in providing a foundation for further analysis on the role of the mass media in a democratic engagement such as the Kenyan referendum campaigns of 2005, as they each explain the behaviour of messages and possible impacts on audiences. Theories such as agenda setting, priming and framing, which have been analysed in this chapter, deal with the levels of importance assigned to issues by the media and the audience. They are important theories that seek to explain how specific issues or agendas are highlighted by the media and amongst the audience. The theory of the public sphere is also critical as it explains how the people in a liberal democratic society engage with each other as a result of freedom of expression/ freedom of speech, freedom of movement and freedom of the press. The following chapter will present the methodology which will help in developing an understanding of how information flows in a weak liberal democracy.
CHAPTER 4
RESEARCH METHODOLOGY

This chapter focuses on the methodological approach to this study. The purpose is to present an understanding and appreciation of the development of research in mass communication. The choice of sampling procedures, tools and instruments for analysis and procedures for interpretations is outlined and justified. Aspects of reliability and validity tests of the tools to be used are also discussed.

4.1 Area of Study

At the time of the 2005 Referendum, Kenya was divided into eight administrative provinces. The research was conducted in three of the eight provinces, namely Western, Nyanza and Coast Provinces. Kenya has since undergone a constitutional change, with the country adopting a new constitution which changes the provincial administration structure. The country will now have counties as the largest unit of administration instead of provinces. The districts will, however, remain as units of central government. Going by this new structure, the study area covers three counties, namely Mombasa, Kisumu and Bungoma. In the pre-existing Western Province of Kenya, Bungoma and Butere/Mumias districts were sampled. Most of the Members of Parliament and civic leaders in these areas belonged to the FORD Kenya party. The previous two Party leaders of FORD Kenya have come from this district. The majority of the inhabitants who are Bukusus voted for the draft constitution. One area that experienced a spate of violent conflicts was Matungu constituency in Butere/Mumias district. The constituency was also represented by a Member of Parliament from the FORD Kenya Party.

Like other African countries which have had a number of political conflicts, Kenya is a typical example of a diverse and weak democracy. It attained its independence in 1963. The country is considered to have a weak democracy because of the control that the executive arm of government has over the other arms of government, namely the legislature and the judiciary. The President of the country has powers to personally appoint members of the judiciary, the electoral commission and other constitutional offices such as the Attorney General and the
Governor of the Central Bank (Okondo, 1995). With these immense powers, the other arms of government are easily controlled by the presidency, hence the label “weak democracy”. In an analysis of the presidency and how it does not encourage divergent views, Okondo (1995, 208) states “Under section 52 of the constitution, the President is a constituency member of parliament, head of state, head of government, all at once, enabling him to sit on the throne in parliament like a monarch; he pontificates and issues decrees from state house, all at the same time”. These multiple powers bestowed on the presidency make the position extremely powerful and untenable for a democracy. It is again the executive that controls the registration of political parties through the presidency. This has created a situation where there is no level playing ground.

The position of the President of the Republic of Kenya continues to trample on other institutions such as those mentioned above. This has affected liberal democratic development in the country. Due to these structures, the institutions have not been able to manage the diverse interest groups within the Kenyan polity. This is a possible cause of the conflicts that have continued to appear in the mass media during times of political contestations such as general elections or referendums. The executive has had an overbearing control over these institutions.

Political conflicts in Kenya have revolved mainly around ethnicity, power struggles and land issues. Okondo (1995) observes that the government of Kenya used ethnicity to covertly govern her subjects. Power struggles are mainly driven by contests about the distribution of public appointments based on ethnic balancing. Ethnic groups who have felt short-changed, such as the Meru and the Kipsigis who felt inadequately represented in the cabinet (Mutua, East African Standard, 1 October 2008, 1) have always campaigned for more appointments and in the process, the media has highlighted those political conflicts. Political appointments are done with the ethnic group in mind. Similarly, political and administrative boundaries are drawn along ethnic territories of the main ethnic groups. It is important to note, however, that those occurrences of political conflicts are not unique to Kenya.
4.1.1 Butere-Mumias District

This district is one of the newly created districts in the country and covers an area of 939 km². It was formerly part of the larger Kakamega district in Western Province, Kenya. The district has seven rivers which serve as the source of water for the residents (District Development Plan, 2010). It has a population of 476,928 (Republic of Kenya, 2010).

The area has an approximate population of 512,686 people. The growth rate is 2.4 % (DHS, 2004). Most of the inhabitants of Butere-Mumias district belong to the Luhya tribe, with a few other tribes inhabiting the area, especially around the urban centre that hosts the Mumias Sugar Company.

The district’s per capita income in the area is Ksh. 50 per person per day (this is below the UN level of US $1/d), according to Kenya’s economic survey of 2003. This means that 60 % of the population lives below the poverty line. Adult dependency, which is characterised by communal way of life, is high as a result of high levels of unemployment. This causes general poverty in the area.

The main cash crop in the district is sugar-cane which is milled at the Mumias Sugar Company. Most of the inhabitants of the project area have turned their farms into small plantations of sugar-cane with an average size of plot holdings of four acres, in an effort to earn cash from the company. Sugar-cane takes up to two years to mature. This compels farmers to wait for long periods to get an income. Over-concentration on the cash crop in the district has resulted in a food-poor economy in the area, as foodstuffs have to be imported from other districts into Butere-Mumias. This has resulted in people of the district using money to buy food instead of producing it themselves.
Table 4.0 Local Authorities in Butere-Mumias (Councils)

<table>
<thead>
<tr>
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</tr>
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<tbody>
<tr>
<td>Mumias</td>
<td>Municipality</td>
<td>91,592</td>
<td>36,158</td>
</tr>
<tr>
<td>Butere/Mumias</td>
<td>County Council</td>
<td>385,336</td>
<td>9,761</td>
</tr>
<tr>
<td>Total</td>
<td>-</td>
<td>476,928</td>
<td>45,919</td>
</tr>
</tbody>
</table>


Amongst the councils in the district the county council represents more people than the urban council. The County Council of Butere-Mumias represents a population of 385,336 people in total.

Table 4.1 Administrative Division

<table>
<thead>
<tr>
<th>Division</th>
<th>Population</th>
<th>Urban Population</th>
<th>Headquarters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Butere</td>
<td>111,637</td>
<td>8,636</td>
<td>Butere</td>
</tr>
<tr>
<td>Khwisero (Kwisero)</td>
<td>88,234</td>
<td>0</td>
<td>Khwisero</td>
</tr>
<tr>
<td>Matungu</td>
<td>108,314</td>
<td>414</td>
<td>Matungu</td>
</tr>
<tr>
<td>Mumias</td>
<td>168,743</td>
<td>32,965</td>
<td>Mumias</td>
</tr>
<tr>
<td>Total</td>
<td>476,928</td>
<td>42,015</td>
<td>-</td>
</tr>
</tbody>
</table>

Source 2009 Census

Amongst the divisions of the district, Mumias division has the highest population while Khwisero has the lowest of the four divisions of Butere-Mumias district. The district has four constituencies represented by members of parliament from the Orange Democratic Party. The constituencies are Butere, Khwisero, Matungu, and Mumias.

4.1.2 Bungoma District

Bungoma District is one of the eight districts in Western Province of Kenya which was selected for this study. The district borders the expansive Rift Valley province. It also borders Uganda at the North Western town of Lwakakha. The district lies between latitudes of $0^\circ 25.3'$ and $00 53.2$ north and longitude $34^\circ 21.40$ and $35^\circ 04'$ east. The district thus covers an area of $2,068.5km^2$. This constitutes about 25% of the total area of the province. The larger Bungoma District was subdivided into four Districts, namely Bungoma East (with headquarters at Webuye), Bungoma North (Mukuyuni), Bungoma West (Chwele) and Bungoma South.
(Bungoma town). The data collection for this research concentrated on Bungoma South, which includes Bungoma town. The total population of the larger Bungoma district is currently estimated to be 1.4 million people. This area is therefore, densely populated. Unemployment puts pressure on land and other natural resources. Bungoma South District has a total population of 408,598 people, according to the 2009 census results (Republic of Kenya, 2010). The township has a total population of 11,032 people with a population density of 3,133 per square kilometer.

The district hosts a factory, namely Pan Paper Mills, and a number of non-governmental organizations such as Sacred Africa, which is a cultural research and training centre that works with farmers to improve small-holder agricultural productivity and marketing, while protecting and enhancing the environment. Academic institutions such as Masinde Muliro and Moi Universities have opened campuses in Bungoma town in the process of increasing access to higher education.

Table 4.2 Local Authorities in Bungoma (Councils)

<table>
<thead>
<tr>
<th>Name of Authority</th>
<th>Type of Authority</th>
<th>Population</th>
<th>Urban pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bungoma</td>
<td>Municipality</td>
<td>60,650</td>
<td>44,196</td>
</tr>
<tr>
<td>Kimilili</td>
<td>Municipality</td>
<td>71,299</td>
<td>10,261</td>
</tr>
<tr>
<td>Webuye</td>
<td>Municipality</td>
<td>48,806</td>
<td>19,606</td>
</tr>
<tr>
<td>Malakisi</td>
<td>Town</td>
<td>38,004</td>
<td>3,762</td>
</tr>
<tr>
<td>Sirisia</td>
<td>Town</td>
<td>22,703</td>
<td>822</td>
</tr>
<tr>
<td>Bungoma County</td>
<td>County</td>
<td>635,029</td>
<td>10,852</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>-</td>
<td><strong>876,491</strong></td>
<td><strong>89,499</strong></td>
</tr>
</tbody>
</table>

Source 2009 Census Report, Central Bureau of Statistics

The table shows that the larger Bungoma district has up to five urban Councils and a County Council of Bungoma. The area has up to three municipalities that are busy trading centres.
Table 4.3 Administrative Divisions

<table>
<thead>
<tr>
<th>Division</th>
<th>Population</th>
<th>Urban Population</th>
<th>Headquarters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bumula</td>
<td>129,011</td>
<td>0</td>
<td>Bumula</td>
</tr>
<tr>
<td>Central</td>
<td>60,605</td>
<td>0</td>
<td>Central</td>
</tr>
<tr>
<td>Chwele</td>
<td>41,174</td>
<td>2,677</td>
<td>Chwele</td>
</tr>
<tr>
<td>Kanduyi</td>
<td>163,568</td>
<td>38,407</td>
<td>Bungoma</td>
</tr>
<tr>
<td>Kimilili</td>
<td>96,674</td>
<td>9,631</td>
<td>Kimilili</td>
</tr>
<tr>
<td>Malakisi</td>
<td>36,042</td>
<td>3,341</td>
<td>Malakisi</td>
</tr>
<tr>
<td>Ndivisi</td>
<td>57,336</td>
<td>1,905</td>
<td>Ndivisi</td>
</tr>
<tr>
<td>Sirisia</td>
<td>44,088</td>
<td>769</td>
<td>Sirisia</td>
</tr>
<tr>
<td>Tongaren</td>
<td>133,296</td>
<td>5,313</td>
<td>Tongaren</td>
</tr>
<tr>
<td>Webuye</td>
<td>114,697</td>
<td>18,257</td>
<td>Webuye</td>
</tr>
<tr>
<td>Total</td>
<td>876,491</td>
<td>79,490</td>
<td>-</td>
</tr>
</tbody>
</table>

Sources: 2009 census.

Bungoma district has a total of ten divisions with a population of 876,491. Webuye division has the highest number of persons at 18,257 while Sirisia has only 769 people, revealing a wide disparity.

4.1.3 Kisumu District

The district has a population of 473,649 people. Its population density is 847 with a household population of 115,502 people. Kisumu district is situated in the pre-existing Nyanza Province. The inhabitants are predominantly members of the Luo, Kisii, Kuria and partly the Luyha communities, who have since migrated into parts of the province such as Migori and Kisumu Counties. The headquarters of this district is Kisumu town, which was formerly known as Port Florence by the European settlers. The locals named it Kisumo (the place for shopping). It has since been renamed as Kisumu. The city serves as the capital of the Western Kenya region, which consists of the entire Western and Nyanza provinces and the Kericho County area.

4.1.4 Local Authorities

Two local authorities, namely the Municipal Council of Kisumu and the County Council of Kisumu, operate within Kisumu district. The Municipal Council represents a population of 332,024. Out of these, the urban population is 194,390 and the rest add up to 137,634 (1999 census). The Kisumu County Council population at the time was 172,335 while the urban population was 2,687.
Table 4.4 Administrative Divisions

<table>
<thead>
<tr>
<th>Division</th>
<th>Population</th>
<th>Urban Population</th>
<th>Headquarters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kadibo</td>
<td>48,934</td>
<td>0</td>
<td>Rabuor</td>
</tr>
<tr>
<td>Kombewa</td>
<td>60,183</td>
<td>0</td>
<td>Kombewa</td>
</tr>
<tr>
<td>Maseno</td>
<td>65,304</td>
<td>2,199</td>
<td>Maseno</td>
</tr>
<tr>
<td>Winam</td>
<td>412,323</td>
<td>123,918</td>
<td>Kisumu</td>
</tr>
</tbody>
</table>

Source, 2009 census.

The table above shows the population distribution and the headquarters of the four divisions in the old Kisumu district. Winam division, which is in the town, has the highest number of persons, while Kadibo division which is on the outskirts, has the lowest.

The district has three constituencies, namely Kisumu Town East, Kisumu Town West, and Kisumu Rural Constituencies. However, there has been a re-drafting of the boundaries of the district following the creation of new districts. These district boundaries have given the three constituencies their own districts. The research was undertaken in the schools that were situated across the old Kisumu district. The journalists were mainly based in Kisumu Town West, but had their reporting offices in the old district. The referendum-related violence was mostly experienced in Kisumu Town East constituency. The majority of the people from this area who happen to be Luo voted against the draft constitution. The leader of the Liberal Democratic Party was a Luo. The Luos have been staunch supporters of the Liberal Democratic Party. However, the city has a cosmopolitan admixture of residents from other ethnic groups.

4.1.5 Mombasa District

Coast province has seven counties, namely Taita Taveta, Kwale, Malindi, Kilifi, Tana River, Lamu and Mombasa. The counties cover the original districts as they existed in 1992. After 1992, the government of President Moi initiated several new districts. His successor, Mwai Kibaki, has also established several new districts in the country. Mombasa district is the gateway to eastern Africa, as the largest port in the region is based in Mombasa. This port serves Uganda, Southern Sudan, Rwanda Burundi and parts of the Congo.
Mombasa has two new districts that were carved from the old Mombasa district. This research, however, focuses attention mainly on areas where data was collected, namely Likoni area. Likoni has a total population of 111,804 people. The male population is 59,408 while the female population is 52,396. Likoni has 35,690 households with a population density of 9.5 per square kilometer. Mombasa district lies between latitudes of 3°56’ and 4°10’ south of the equator and longitudes 39°34’ and 39°46’ East (GOK, District Development Plan).

The Likoni constituency will be the focus of analysis for Mombasa. This constituency also has a representation of people from up-country, namely the Luo, Kamba and Kikuyu speakers in that order (Population Census, 1999). The constituency overwhelmingly voted against the draft constitution despite the fact that its Member of Parliament supported the draft constitution (Mwakio, 24 November 2005 in the East African Standard).

4.2 Study Design
This study adopts a Triangulation Convergence Design within a mixed method. This research uses both quantitative and qualitative methods of data collection and analysis. Amongst the different types of mixed methods research, triangulation is the most common and well-known approach (Creswell, Plano Clark, 2003). The purpose of this design in this study is “to obtain different but complementary data on the same topic” (Morse, 1991, 122). It achieves a better understanding of the research problem as discussed in this section of the chapter. This design synchronizes the differing strengths and non-overlapping weaknesses of quantitative methods such as large sample size, trends, and generalization, with those of qualitative methods such as small N, details, in depth (Patton, 1990).

This design and its underlying purpose of converging methods have been discussed extensively in the literature (e.g., Jick, 1979; Brewer & Hunter, 1989; Morse, 1991). This design is used owing to the need to directly compare and contrast quantitative statistical results with qualitative findings, and to validate and expand quantitative results with qualitative data.
The research uses a questionnaire to collect data in a Lickert scale, which is then subjected to SPSS for entry and analysis. The product of this process provides results on a quantitative basis. A quantitative method is used to examine the inter-relationship between media content and different levels of conflict. Respondents’ perceptions of how different media content could have influenced their actions are tested through the use of the Lickert scale questionnaire.

Further quantitative data collection and analysis was undertaken in order to create an understanding of how the two newspapers being investigated used various referendum themes during the three-month campaign period prior to voting on 21 November 2005. The placements are quantitatively examined so as to show how the newspapers treated the themes in the different pages which journalistically had different levels of importance attached to them. In addition, qualitative data was collected in this study so as to confirm what had been obtained through quantitative methods such as the questionnaire and the content analysis that focused on manner of placement of different referendum themes. Primary data was collected through the questionnaire. In order to create an understanding of the primary data collected, secondary data was collected, focusing on content analysis of the referendum themes. The secondary data for qualitative analysis was collected from the East African Standard and the Nation newspapers. The mixed-method research that was used in this study was found useful as it allowed the unique advantages of the different methods of investigating the different forms of data in this study. These methods allowed triangulation to take place. The data was collected concurrently because perceptions of opinion leaders and the media content analysis were collected and processed within the same timeframe.

4.3 Units of Analysis

A unit of analysis is a measurable variable within the population of research. The units of analysis were divided into different analyzable sub-sections of the daily newspaper readers. These were the people in a group of opinion leaders including teachers, politicians, and the clergy, who formed a broad spectrum of opinion leaders in Kenya. The two newspapers (the Nation and the East African Standard) formed a different unit of analysis that was examined in terms of their editorial levels, ranging from one to five.
The media content was scrutinized in terms of its educational role in aspects of land tenure, which included ownership, usage and inheritance, the political executive, devolution of power, legislature and Bill of Rights. These themes were identified as contentious themes in the draft constitution (Cottrell & Ghai, 2007). The analysis focused on issues pertaining to the above as they were presented in the *Nation* and *East African Standard* newspapers three months prior to the 2005 Referendum. These months formed the main campaign months of that referendum.

### 4.4 Operationalization of Terms

#### 4.4.1 Conflict

Political conflict was measured by the levels of divergence or disagreement of political opinion among newspaper readers that might result in death, physical injury, or expression of verbal disagreements and differences. As discussed in the literature review chapter, conflict as described by Ekanola (2005) entails strife, collision, struggle, difference and disagreement. On the other hand, Deustch (1991) defines conflict as a struggle in which the aim is to gain objectives and simultaneously neutralize, injure or eliminate rivals. For the purpose of this study, political conflict occurs when politicians, political parties or different political groups move into dissonance as a result of divergence of views or differences of interest by those political groups. These conflicts are played out in the mass media which cover such differences or dissonance as news items.

<table>
<thead>
<tr>
<th>Degree of Conflict</th>
<th>Consequence of conflict</th>
<th>Opinion of Respondent</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Conflict</td>
<td>Some People died</td>
<td>Strongly agree</td>
</tr>
<tr>
<td>Medium conflict</td>
<td>Some People were injured</td>
<td>Agree</td>
</tr>
<tr>
<td>Low Conflict</td>
<td>Verbal Differences</td>
<td>Disagree</td>
</tr>
<tr>
<td>None</td>
<td>No conflict was experienced</td>
<td>Strongly disagree</td>
</tr>
</tbody>
</table>

The degree of conflict described above refers to the extent of conflict that was experienced. The degree could be experienced in the form of the consequences of a conflict. The consequence occurs after the conflict and can occur where some people have been killed, some people have been injured, where verbal differences have been experienced, or where there was no conflict as a result of
media content. The respondents’ opinions were obtained on possible consequences of different types of content to newspaper readers. A Lickert scale measurement tool was used to analyse the impact of different media content on their readers. The scale was graduated along the scales of strongly agree, agree, disagree, and strongly disagree.

4.4.2 Media Content
The media content studied here consisted of newspaper coverage of the referendum debates that focused on issues that were contained in the Wako and Boma Drafts. The Wako and/or Bomas Draft clauses formed the crux of media content that was grouped into themes. These themes were covered by the Nation and the East African Standard newspapers during the 2005 Referendum campaigns that were conducted prior to the month of November 2005. Newspapers with nationwide circulation such as the Daily Nation, Sunday Nation and the Saturday Nation were each studied. For the purpose of this research, the name Nation newspaper was adopted. The general name of the East African Standard was used in this research though the sister publications such as the Sunday Standard, Saturday Standard and the daily East African Standard which belong to the same Standard Group Company were also examined. Different themes were used to investigate media content in the newspapers that were selected for this study. The themes whose effect on the different levels of violence was measured were:

1. Land tenure (ownership, usage and inheritance)
2. The Executive
3. Devolution of power
4. Legislature
5. Bill of Rights
6. Provincial administration

4.4.3 Educational Role
The educational role was identified by the level of importance assigned to it by the newspaper, based on the page and place of presentation. There is a logical order to article placement in newspapers. Broadsheets place the most newsworthy
material "above the fold" on Page 1. Teasers on the front page also draw attention to inside stories through a table of contents. Most people are right-handed, so the more important articles are usually on right pages, and the lesser ones on the left. All pages have the largest headlines at the top. Some people disregard internal sections and read from Page 1 to the sports, business or local news sections, which will probably have a layout similar to Page 1 (Loveless, 2008). The above thematic areas were evaluated on the frequency of their appearance on selected pages.

4.5 Study Population
The study population for this research was readers of the East African Standard and the Nation newspapers. Samples came from Bungoma, Butere/Mumias, Kisumu and Mombasa districts in Kenya. Specific sample areas were purposively selected based on the fact that these areas experienced some levels of violent political conflicts resulting in loss of life just before the 2005 Referendum. The media have been assumed by a number of scholars to have a critical role in influencing liberal democratic life for citizens (Voltmer, 2006; M'Bayo, 2003).
Figure 4.0: Map of Africa showing the positions of South Africa and Kenya
4.6 Selection of the sample

Ideally data should have been collected from the entire population of the study area, but the sheer size of the population of the three districts would be unmanageable. In order to have a representative body of respondents for this research, a purposive and convenient sample was drawn from the identified areas of the study. Care was taken to ensure that the sampling method used was deliberate and premeditated as explained in the preceding sections on the study population. As explained above, the sampled areas experienced the highest levels of political conflicts just before the 2005 Referendum.
The Kenyan society is composed of people from diverse backgrounds of educational level, religion, culture and political ideology. This diversity was factored into the sampling criteria for this research. Respondents to the questionnaire were selected to reflect the social diversity of the target population. The other factors which were considered important in the selection of the sample and which possibly impacted on this study were captured by the *Kenya Times* newspaper editorial of 13 November 2005 as follows:-

1. Political ideology or leaning is critical for this study as it affects how people interpret political events. It was assumed that those who were sympathetic to either the anti-draft or the pro-draft campaign each viewed the success of their side’s campaign positively.

2. Religion contributed to the interpretation of the draft constitution as the Muslims perceived the draft to be against the Muslims while the Christians perceived the same draft to be anti-Christian as it specifically recognized the Muslims. It could then be deduced that religion could have influenced acceptance or rejection of the draft constitution.

3. Educational level determines the ability to connect ideas and interpret different issues. The higher the level of education, the higher an individual’s ability to connect ideas and interpret issues. During the referendum campaigns, this could have influenced people’s perspectives.

4. Culture determines people’s beliefs and as a result biases their world view. A case in point is that of the 2005 Referendum, when politicians tended to use different cultural beliefs to decide which side to vote for.

The content analyses of the two daily newspapers under study were assessed with a view to determining how the press covered thematic issues during the campaign period that preceded the referendum. In order to create an understanding of how the media articles influenced the different types of political conflicts, a Lickert scale questionnaire was prepared.
The research examined the relationship between the press content and different levels of political conflict that were experienced in the period that preceded the referendum. These other factors were also factored into the questionnaire.

Table 4.5 Sampling Frame

<table>
<thead>
<tr>
<th>Category of respondents</th>
<th>Districts</th>
<th>Study Population (N)</th>
<th>Sample Size (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary School Teachers</td>
<td>Kisumu</td>
<td>350</td>
<td>183</td>
</tr>
<tr>
<td></td>
<td>Bungoma</td>
<td>320</td>
<td>174</td>
</tr>
<tr>
<td></td>
<td>Butere Mumias</td>
<td>300</td>
<td>168</td>
</tr>
<tr>
<td></td>
<td>Mombasa</td>
<td>400</td>
<td>195</td>
</tr>
<tr>
<td>Journalists</td>
<td>Kisumu</td>
<td>106</td>
<td>83</td>
</tr>
<tr>
<td></td>
<td>Bungoma</td>
<td>51</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>Butere Mumias</td>
<td>51</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>Mombasa</td>
<td>200</td>
<td>132</td>
</tr>
<tr>
<td>Clergy</td>
<td>Kisumu</td>
<td>300</td>
<td>168</td>
</tr>
<tr>
<td></td>
<td>Bungoma</td>
<td>200</td>
<td>132</td>
</tr>
<tr>
<td></td>
<td>Butere Mumias</td>
<td>200</td>
<td>132</td>
</tr>
<tr>
<td></td>
<td>Mombasa</td>
<td>300</td>
<td>168</td>
</tr>
<tr>
<td>Politicians (councillors)</td>
<td>Kisumu</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Bungoma</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Butere Mumias</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Mombasa</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Study Population=2880</td>
<td>Sample size=1739</td>
<td></td>
</tr>
</tbody>
</table>

In this study, the politicians who answered the questionnaires were drawn from the councillors who represented various wards from the selected districts. The study population of the councillors was drawn from the Urban and County Councils of the various districts. Saturated sampling was used because the numbers involved were small. The clergy included the priests, pastors, bishops, sheikhs and other religious leaders from the religions that existed in the various districts. The study population figures were obtained from the District Social Development Officers in the selected districts. The sample population of journalists was drawn from print, electronic and wire agencies. Their numbers were obtained from the Provincial Information Offices of Western, Nyanza and Coast Provinces. The population of the primary school teachers was obtained.
from the District Education Officers in the selected districts. The sample size was obtained through the Fisher’s formula.

### 4.7 The Sample Size

The non-probability sampling method (purposive and judgemental) was used to select 23 primary schools from each of the four districts. Primary school teachers were preferred because they tended to originate from the dominant ethnic group in the area of the schools’ community. All the teachers in the 23 selected schools were asked to complete the questionnaires. Such systematic sampling was able to provide a total of 720 teachers from the four selected districts. In order to obtain 95% confidence level, the sample size was calculated using the Fischer’s formula which states that if the target population is greater than 10,000 =384 but less than 10,000, the sample size is calculated using this formula:

\[
n = \frac{384}{1 + \frac{384}{N}}
\]

**Study Population**

Saturated sample size was used because the study population was small. The saturated sample size provided a broad spectrum of the divergent views that existed in the districts. Since the politicians were indigenous to the location of research, they were considered relevant as opinion leaders. A total of 102 politicians were interviewed from the four selected districts. In each constituency, there might be 15 or more elected councilors.

Further, the non-probability sampling method (purposive and judgmental) was used to select 600 clergy from the four selected districts. In this way a total of 600 clergy were interviewed. The clergy were indigenous to the location of research, so they were considered relevant as opinion leaders. The denominations targeted for selection were Catholics, Protestants, Dinia Musambwa, Hindus, and Muslims. This is because each of the religious groups firmly took a common stance on the Draft Constitution, and all the followers in the sects subscribed to the same opinion as the leader. Three hundred and seventeen journalists were selected for interview from amongst the private and public media houses in each of the four district areas. Saturated sampling was used for journalists from Bungoma and
Butere Mumias, while the Fischer's formula was used for Journalists who came from Kisumu and Mombasa. This was because their population exceeded 100.

4.8 The Dependent and Independent Variables
The media content was the independent variable in this research. Media content was a constant because all respondents were analyzed according to how they reacted to the various contents in the selected two newspapers. The dependent variables were the levels of violent political conflict displayed by the various groups of respondents. Dependent variables were the role played by the opinion leaders in the displayed levels of conflict among their followers; communicating the stance of the community on how to vote; and how to perceive media content. The educational roles of the media contents were correlated with the different levels of violent political conflicts experienced in the community. In other words, the outcome of media on leaders and their influence on communities based on the media content were examined.

Table 4.6 Variables and Measurement methods

<table>
<thead>
<tr>
<th>Variables</th>
<th>Measurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent</td>
<td>Media Content</td>
</tr>
<tr>
<td></td>
<td>Grouping (Themes and manner of Placement)</td>
</tr>
<tr>
<td>Dependent</td>
<td>Readers' Incitement to different levels of Conflicts</td>
</tr>
<tr>
<td></td>
<td>High Conflict, Medium Conflict, Low Conflict, No Conflict</td>
</tr>
</tbody>
</table>

4.9 Instrumentation
A questionnaire was used to collect information and data from the listed respondents as newspaper readers. Closed-ended questionnaires with limited open-ended questions were administered. Such a tool is ideal for capturing a wide range of attitudes and perceptions from a large sample. The questionnaires were divided into three sections. Section A contained demographic characteristics of the respondents such as age, sex, income, education level, area of residence, political affiliation, newspaper of choice, and profession. Sections B and C had questions that dealt with cause/effect relationships between media content which focused on ethnicity, the executive and devolution of power, newspaper use, and the 2005 Referendum opinion. These two sections, B and C, used a Lickert Scale.
to measure the varying degrees of effects on media audiences. Four levels of Lickert scale were used. The effects of media content on the audience were measured on a continuum scale of strongly agree to strongly disagree. The open-ended question sought the respondents’ opinion on how they reacted to any specific content of media. This facilitated an analysis of whether there was a direct link between specific media themes and the different levels of political conflict.

Media content was written and read out to the respondents to help them answer the cause/effect questionnaire without the interviewer’s bias. The content examined for effect entailed the critical issues in the draft constitution that caused political differences amongst the proponents and the opponents of the draft constitution. The issues focused on manner of coverage and placement were land tenure, (which included ownership), usage and inheritance, the executive power, devolution of power, the legislature, and the Bill of Rights. Questions asked focused on the themes which constituted a section in the questionnaire. Each thematic area was measured using the Lickert scale, ranging from strongly agrees to strongly disagree.

4.10 Data Collection Methods
4.10.1 Primary Data Collection
This was done after the initial mapping of the area of data collection had been established through a pilot study. Ten research assistants were used in each of the four districts. The pilot study focused on the number of schools to be selected for the study in the selected districts. In each of the districts, 23 primary schools were identified for data collection. In each of the 23 schools, data was collected from all the teachers. The ten research assistants first collected data from the schools which were done within a period of two weeks. The same research assistants collected data from the clergy in the four districts. The clergy were identified by their faith and their religious sites. This meant that for the Christian denominations, data was mostly collected on Sundays, while for the Muslim clergy, data was mostly collected on Fridays. It took three worship days to obtain the requisite data from each of the districts.
In order to obtain data from the politicians, ten research assistants were deployed in the county council offices during full council days. In each of the districts, one full council day was used to collect the requisite data. This is because the number of politicians in each of the target councils was small. This necessitated the use of saturated data. In Kisumu Municipal Council, the numbers of councillors were 30, in Bungoma 20, in Butere Mumias 20 and in Mombasa 32.

One week was used to collect data from journalists from the different media houses in the four districts. Ten research assistants under the supervision of the lead researcher were deployed in the media houses which were located in the district headquarters of the respective districts. In Kisumu, data was collected from 83 journalists, in Bungoma from 51, in Butere Mumias 51, and in Mombasa 132. For Bungoma and Butere Mumias districts, saturated sampling was used.

4.10.2 Secondary Data

The content analysis method was used to collect data from the two newspapers studied, the Nation and the East African Standard. Research assistants were deployed to collect newspapers for the three months that preceded the 2005 Referendum. These newspapers were obtained from the main Maseno University Library. Ten research assistants were used to collect data from the newspapers over a period of one week. Five of the research assistants were deployed for each of the two newspapers. The research assistants specifically collected data guided by how many referendum themes appeared in each of the newspapers and where they were placed by the editors. The second level of content analysis that was conducted by the same group of research assistants focused on the thematic content published by the two newspapers. The research assistants collected data on the targeted themes from the two newspapers.

4.11 Media Content Analysis

The content analysis tool identified articles in the news and opinion pages that tackled areas of contention in the Draft Constitution. The presence of such articles and their quantification provided an understanding of how Draft Constitution articles were displayed and covered in the period preceding the Draft Constitution.
The quantification was accomplished by counting the number of stories in each of the Draft Constitution themes that appeared in the media. Quantification of the articles was performed by counting the frequencies of appearance in the selected pages. As mentioned earlier, the newspapers presented issues on violence, leaders’ utterances, and process of constitution making, ethnicity, and political conflict other than focusing on the six thematic areas listed above. The eleven thematic issues were scored a point each, based on their frequency of appearance on the *East African Standard* edit levels of newspaper articles, giving a total of 11 thematic levels.

In addition, content analysis determined the level of importance that was attached to specific themes in the draft constitution by conducting an analysis of the positioning of the articles in the two newspapers under study. Coding concentrated on articles that dealt with the executive, legislature, judiciary, land, violence, leaders’ utterances, the process of constitution making, and political conflicts. Content analysis revealed the kind of display and the quantity of articles that were devoted to specific themes on the Draft Constitution.

### 4.12 Validity and Reliability tests

The tools were tested to check their efficacy. The test-retest method of reliability check was used to ascertain the functionality and clarity of the questionnaire. The questionnaire was administered on a pilot basis to teachers and politicians. The pilot phase involved the administering of 50 questionnaires to that group of respondents. Their feedback was consolidated to adjust the questionnaire and make it more precise and user-friendly. Questions that could cause confusion were edited to make them clearer, and the questions were adjusted for directness. This adjustment prevented confusion. The results were comparable to those of the actual data collected for the main research work. In the case of the content analysis coding sheet, the coders coded at least some 10 newspaper issues to test the usability of the coding sheet. After the pre-test, corrections were undertaken, and the reliability and validity index were calculated.

Content and face validity were used to make sure that all the major dimensions of the variables under consideration were measured or appeared to be measured as
necessary, based on the media theories that guided this study. In the process of ensuring that face validity was tested, the study supervisors were the critical guides in ensuring that there was content validity in this research. All the objectives of this study were covered by the tools of the research, and the content was validated by the supervisors of the research and the independent readers who assessed the research tools.

4.13 Data Analysis
The Statistical Package for Social Science (SPSS) computer software package was used to perform descriptive statistics. Nominal and ordinal measurement scales were used in this mixed research method. Simultaneous descriptive content analyses of qualitative variables were performed on the data. Statistical data is presented in tables, graphs and figures in Chapter 5.

4.13.1 Quantitative data
The quantitative data in this research mainly originated from the questionnaires that were administered to journalists, clergy, politicians and primary school teachers from the four districts of Kisumu, Butere/Mumias, Mombasa and Bungoma. Descriptive analyses using ordinal measurement scales were used for this purpose.

The content analyses study done in this study used descriptive statistics. Different percentages and frequencies were calculated in order to determine the percentage of the different categories of themes that appeared in the newspapers. Newspaper placements were examined in the two newspapers to show what percentage of each theme appeared on the front page, Page 3, and the editorial pages.

4.13.2 Qualitative data
In this study, data was collected on the actual content of the various themes that were covered by the two newspapers. The qualitative data that was collected concerned themes of land, provincial administration, ethnicity, the executive, devolution, and the judiciary. These themes were discussed variously by different
commentators, leaders and professionals, and were in turn covered by the press. The analysis of qualitative data thus involved contextualizing the excerpts from the two newspapers.

### 4.13.3 Presentation of Results

The results of the quantitative data are presented through use of pie charts and bar graphs that show different frequencies of occurrence for the different themes in the case of the content analysis. In the case of the data from the questionnaires, the results are presented in frequencies depicting reader tendencies. The qualitative data are also presented in frequencies that represent the different themes under study. The other qualitative data used in this study is that of the newspaper excerpts ranging between September and November 2005. These are mainly quotes from the main themes that occurred during the period that preceded the referendum. They are presented and examined at the same time.

### 4.14 Ethical Considerations

In pursuit of this research, deontological, teleological and relativistic ethical theories were considered. The rights and dignity of the respondents were respected. This included the right to decline to participate as a respondent to the questionnaire or as a community informant, and freedom to present other views on related areas without fear of repercussion. The purpose of the research was clearly explained to the participants without necessarily divulging details of the study, in order to avoid respondent bias or pre-formed opinions.
CHAPTER 5
RESULTS AND ANALYSIS

5.0 Introduction
This chapter presents the results and analyses that relate to the three research objectives. The first objective focuses attention on the relationship between media content and the different levels of political conflict. The second objective investigates the extent to which the media undertook its educational role prior to the referendum in the polity of the diverse and weak liberal democracy of Kenya. The third objective deals with the nature of coverage of issues that related to the draft constitution, namely the political executive, the legislature, provincial administration, Bill of Rights, the judiciary, devolution, and land tenure. The data presented and analysed here was collected using three methods, namely questionnaires for a survey, content analysis of newspapers, and personal observations.

The analysis section of the chapter gives the results of the study. The themes of the Draft Constitution, namely the political executive, devolution, judiciary, legislature, provincial administration, process of constitution making and land tenure were the issues which were considered contentious (Oyugi, 2005). It was expected that these issues would have been accorded good coverage in order to create adequate awareness and knowledge necessary to understand the pros and cons of the draft constitution. The analysis discusses excerpts on the themes from the newspapers, to create an understanding of the newspapers’ coverage of the themes of the referendum campaigns. This chapter also interrogates the assumption that low levels of coverage of the draft constitution content would translate into an equally low level of education and awareness. It was deduced that a low level of awareness would lead readers to undertake action without adequate information on the issues under contention about the draft constitution which was to be voted on.

The content analysis coding sheet analysed news coverage in the news Pages 1 and 3, as well as opinion pages of commentary, letters to the editor, and the editorial. These pages served to inform and to set the national agenda. Issues that appeared on the two pages provided topics for the opinion pages which examined
them and offered varying viewpoints on them. The public sphere agenda also followed the media agenda as it appeared in Pages 1 and 3. The analysis section of this chapter focuses on the opinion pages of the two newspapers. In the opinion pages, the editorial page, opposite editorial page and the commentary pages were selected for investigation.

This chapter analyses readers’ perceptions of the role and impact that newspaper articles probably had on their audience or readership as well as the impact of newspaper content on the different levels of political conflict.

5.1 Results on the Media’s Role in Educating Readers

In order to create an understanding of the media’s role in educating readers, an analysis of the coverage of the Draft Constitution in the Nation and the East African Standard of September, October and November 2005 was undertaken and is presented in this chapter. The media’s educational role is deduced from the readers’ perception of the role of newspapers in providing knowledge to readers. This is presented through an analysis of feedback from the questionnaires.

On newspaper coverage, a total of 94 issues of the Nation and 84 of East African Standard were analysed. Ten copies of the East African Standard for the period in focus were unavailable from my library source. This brings the overall total analysed to 178. The newspaper copies were selected from Monday to Sunday. The analysis focused on themes that emerged in the referendum period, which included the political executive, the legislature, the Bill of Rights, devolution, process of constitution making, and the provincial administration.

The presentation of findings also includes an analysis of how the issues were covered, and their placement in the newspaper pages. The referendum themes were considered as the core issues about which the people needed to be educated as they were dubbed contentious (Oyugi, 2005). These areas provided a platform for the divergent opinions that emerged in the referendum. One group supported the enactment of the draft constitution while the other opposed it. The proponents of the two sides took different positions on the contentious issues. The media’s educational role was based on the extent to which they covered the
contentious issues in their analysis pages. The thematic coverage was examined on the basis of how the media focused on the contentious issues that were contained in the draft constitution and also how they covered side issues related to the draft constitution. The side issues that were covered included ethnicity, violence, political conflicts and leaders’ utterances. This section therefore provides an analysis of the results based on readers’ perceptions as well as news and political feature placement of draft constitution themes in the columns of the two newspapers.

5.1.1 Main Editorial Page
Out of the 178 newspaper issues that were sampled for analysis, 97 had up to three articles on the draft constitution, as shown in Table 5.0. Page 6 is the main opinion page of the newspaper.

<table>
<thead>
<tr>
<th>Type of newspaper</th>
<th>Number of articles main editorial pages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None  1  2  3  4  7  8</td>
</tr>
<tr>
<td>Nation</td>
<td>7     6  19  62 0  0  0  94</td>
</tr>
<tr>
<td>East Africa Standard</td>
<td>0     2  35  35 10  1  1  84</td>
</tr>
<tr>
<td>Total</td>
<td>7     8  54  97 10  1  1  178</td>
</tr>
</tbody>
</table>

Out of a total of 178 newspapers, only 7 did not have an article on the Draft Constitution. Incidentally, all the newspapers that did not have an article on the Draft Constitution belonged to the Nation group of newspapers. The East African Standard had all the sampled 84 newspapers covering referendum themes. This means that the Nation group of newspapers did not consider the referendum theme to be that important as compared to the Standard newspapers which used the referendum theme in all of those newspapers that were sampled. It is possible that the Nation newspapers used more stories that favoured businesses because such articles provided advertising revenue.
5.1.2 Main Editorial Page Edit 1 of the newspapers’

As stated in section 5.1.1 above, the main editorial page is the main opinion page of a newspaper. In Table 5.1 below, only 92 out of the 178 newspaper issues had used the 2005 Referendum theme as their headline story of the page. *The East African Standard* gave 45 articles on the Draft Constitution as the headline stories in the main editorial page out of a possible 84 articles, while the *Nation* had 50% of the newspapers using the referendum themes as their headline stories. The other 50% of the headlines did not use the referendum themes.

**Table 5.1 Themes of articles in the main editorial page Edit 1 of the Nation and the East African Standard newspapers focusing on referendum issues**

<table>
<thead>
<tr>
<th>Themes of articles in the main editorial page edit1</th>
<th>Type of newspaper</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nation</td>
<td>The East African Standard</td>
</tr>
<tr>
<td></td>
<td>Freq</td>
<td>%</td>
</tr>
<tr>
<td>None</td>
<td>47</td>
<td>50</td>
</tr>
<tr>
<td>Executive</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Devolution</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Land/Inheritance</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Provisonal administration</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Legislature</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Bill of Rights</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Violence</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>Leaders’ utterances</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Process of Constitution Making</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Political Conflict</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>94</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 5.1 shows that a total of 52% of the newspapers concentrated on the referendum issues. Forty-eight percent of the newspapers did not have a main editorial page headline that focused on the referendum themes. This table also shows that violence dominated the referendum as about 13% of the newspapers had on their main editorial page articles on the violence theme. The main editorial pages of the newspapers had up to 8% of the main editorial page headline articles concentrate on statements made by different leaders. Leaders’ utterances
constituted 8% while violence accounted for 13%. These two theme scores were fairly close to each other. It is possible that leader's utterances could have influenced the ensuing violence that preceded the referendum on the draft constitution. The provincial administration scored only 1 headline story out of 178. The *Nation* had 1 headline story on the theme while the *East African Standard* had no headline on the provincial administration. This means that the theme of provincial administration which was amongst the contentious issues in the draft constitution was not deemed as an important attraction to readers by the two newspapers. They tended to downplay issues to do with the provincial administration theme. In this page, the themes that were contained in the Draft Constitution scored a low of below 10 while the side issues had an occurrence rate of above 10%.

5.1.3 Opposite editorial page newspapers’ Cross tabulation

This page is another opinion page where the newspaper displayed opinion articles from its writers and also from guest columnists. Out of the 178 newspapers that were coded as shown in Table 5.2, 174 had articles on the Draft Constitution. This included the filler articles, namely “The Cutting Edge” in the *Nation* and “Palaver” in the *East African Standard*. These concentrated their focus on the Draft Constitution. Only 5 out of the total 94 issues of the *Nation* did not have a story on the Draft Constitution. Out of the 94 *Nation* newspapers, 44 had articles on leaders’ utterances. It is significant to note that the *East African Standard* did not have a single story in this page based on leaders' utterances.
Table 5.2 Themes of articles in the opposite editorial pages of *Nation* and *East African Standard* focusing on referendum issues

<table>
<thead>
<tr>
<th>Themes of articles in the opposite editorial pages</th>
<th>Type of Newspaper</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>Nation</em></td>
<td>Freq</td>
<td>%</td>
<td><em>E.A Standard</em></td>
<td>freq</td>
<td>%</td>
<td>Total</td>
</tr>
<tr>
<td>None</td>
<td></td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Executive</td>
<td></td>
<td>8</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Devolution</td>
<td></td>
<td>12</td>
<td>13</td>
<td>26</td>
<td>31</td>
<td>38</td>
<td>21</td>
</tr>
<tr>
<td>Land Tenure</td>
<td></td>
<td>14</td>
<td>15</td>
<td>7</td>
<td>8</td>
<td>21</td>
<td>12</td>
</tr>
<tr>
<td>Legislature</td>
<td></td>
<td>1</td>
<td>1</td>
<td>13</td>
<td>15</td>
<td>14</td>
<td>8</td>
</tr>
<tr>
<td>Bill of Rights</td>
<td></td>
<td>1</td>
<td>1</td>
<td>35</td>
<td>42</td>
<td>36</td>
<td>20</td>
</tr>
<tr>
<td>Violence</td>
<td></td>
<td>7</td>
<td>7</td>
<td>3</td>
<td>4</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Leaders’ utterances</td>
<td></td>
<td>44</td>
<td>47</td>
<td>0</td>
<td>0</td>
<td>44</td>
<td>25</td>
</tr>
<tr>
<td>Constitution making</td>
<td></td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>94</td>
<td>100</td>
<td>84</td>
<td>100</td>
<td>178</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

The differences between the two newspapers are illustrated in the presentation of results in the page, mainly about the Bill of Rights and leaders’ utterances. While the *Nation* published only 1% of its articles in the page on the Bill of Rights, the *East African Standard* produced up to 42% of its articles on the same theme. This was a significant difference in the coverage. The other theme where there was a difference in the coverage was that of leaders’ utterances, where the *Nation* had up to 47% of articles on the issue while the *East African Standard* had no articles on that theme. The other major difference between the two newspapers’ coverage was in the land tenure theme, where the *Nation* had 15% of its articles on the theme and the *East African Standard* had only 8%. The *Nation* chose to publish comparatively more articles on land tenure on this page. There were a total of 14 out of 94 copies of the *Nation* that had articles on land tenure while the *East African Standard* had 7 out of 84 copies addressing this theme. The *East African Standard* concentrated its articles in this page on the Bill of Rights, which formed the core theme in the draft constitution. A total of 35 out of 84 The *East African Standard* newspapers had Bill of Rights articles on the page. This is just below half of the total number of newspapers that were coded. The *Nation* had only one newspaper out of 94 covering this theme.
5.1.4 Letters to the Editor Page newspapers’ Cross tabulation

Out of the 178 newspapers that were coded in Table 5.3, 44 issues of the newspapers concentrated on leaders’ utterances. This frequency represented 25% of the total percentage of newspapers that were coded. Twenty-four per cent of the Nation’s articles in the selected issues concentrated on leaders’ utterances while The East African Standard had up to 25% of its editorials in the period covering the theme of violence in the letters to the editor page. Twenty-five per cent of letters to the editor articles focused on the theme of leaders’ utterances. Closely following the theme of leaders’ utterances was that of violence, which had a 15% occurrence rate as compared to the other themes which registered below 10%. The provincial administration theme appeared in a total of 17 newspapers, 10 from the Nation and 7 from the East African Standard.

Table 5.3 Themes of articles in the letters to the editor page in the Nation and The East African Standard newspaper focusing on referendum issues

<table>
<thead>
<tr>
<th>Themes of articles in the letter to the editor page</th>
<th>Nation</th>
<th>The East African Standard</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freq.</td>
<td>%</td>
<td>Freq.</td>
</tr>
<tr>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Devolution</td>
<td>7</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Land inheritance</td>
<td>11</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>10</td>
<td>11</td>
<td>4</td>
</tr>
<tr>
<td>Provincial Administration</td>
<td>10</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td>Legislature</td>
<td>7</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>Bill of Rights</td>
<td>4</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Violence</td>
<td>6</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Leaders’ Utterances</td>
<td>23</td>
<td>24</td>
<td>21</td>
</tr>
<tr>
<td>Process of Constitution making</td>
<td>10</td>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>Political conflict</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>94</td>
<td>100</td>
<td>84</td>
</tr>
</tbody>
</table>

The other Draft Constitution themes such as land tenure, executive, legislature and devolution all scored below 10%. The executive scored only 3%, Nation 2% while the East African Standard had 1%.
5.1.5 Commentary pages Presentation

A total of 60 newspaper copies out of 178 did not have an article on the themes of the Draft Constitution, as shown in Table 5.4. Out of the 60 copies of the newspapers which did not cover the themes of the Draft Constitution, 31 were from the Nation and 29 were from the East African Standard. The commentary pages had 29% of reporting covering the land tenure theme, of which the Nation had 23% and the East African Standard 35%. This shows that the two newspapers devoted a significant proportion of their coverage to the issue of land tenure, thus contributing towards the educational role of the press in this regard. Reportage on the theme of the political executive constituted 19% of the articles. The Nation newspaper had 21% of the articles devoted to the executive theme while the East African Standard devoted 15% of its articles to the same theme.

Table 5.4 Themes in the commentary pages in the Nation and The East African Standard Newspapers focusing on referendum issues

<table>
<thead>
<tr>
<th>Themes in the commentary pages</th>
<th>Name of newspaper</th>
<th>Nation</th>
<th>The East African Standard</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freq.</td>
<td>%</td>
<td>Freq.</td>
<td>%</td>
</tr>
<tr>
<td>None</td>
<td>31</td>
<td>33</td>
<td>29</td>
<td>35</td>
</tr>
<tr>
<td>Executive</td>
<td>20</td>
<td>21</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>Devolution</td>
<td>19</td>
<td>20</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Land Tenure</td>
<td>22</td>
<td>23</td>
<td>29</td>
<td>35</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>94</strong></td>
<td><strong>100</strong></td>
<td><strong>84</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

In these newspapers, 33 copies dealt with on the executive, 20 were from the Nation and 13 from the East African Standard. The only side issue that found its way into the commentary page was the issue of ethnicity. Out of the 178 newspapers that were coded, 8 had the theme of ethnicity in their commentary page, of which 2 out of 94 had the Nation and 6 out of 84 were from the East African Standard.
Figure 5.0 Respondents' thoughts on the role of the newspaper as a forum for national dialogue.

Figure 5.0 shows respondents’ feelings on the role of the mass media in creating a platform for national discussion. A total of 48.7% of respondents felt that indeed it is a platform for national discussion. Up to 35% strongly agreed with the statement that the newspaper is a platform for national dialogue. Only 18.8% of the respondents felt that newspapers are not a platform for national debate.

Figure 5.1 Respondents' Reaction to the press as a source of political information to readers
Figure 5.1 presents data of how respondents felt about the role of the media in providing political information, and the education of readers on political events. Of the respondents, 56% strongly agreed that the media provides information that helps to create political understanding amongst readers. In contrast, only 2.5% disagreed with the media’s role in providing information to its readers. Another 39% agreed that the media provides political enlightenment to its readers.

5.2 The Analysis of the Media’s Role in Educating Readers

The media shape public opinion, but they are in turn influenced and manipulated by different interest groups in a society. Through the information that they choose to publish, the media influence what people talk about and how they will view different issues. The media is, however, also dependent on public policy groups, civic groups and other opinion leaders who act as intermediaries between them and readers. These discussions offer an understanding of the educational role of the media during periods of intense competition such as referendums. During such a period, voters went to the polls to vote for or against the Draft Constitution. The media provided information and analysis on the content of the Draft Constitution. Voltmer (2006) argues that the media can promote liberal democracy by educating voters, protecting human rights, promoting tolerance among various social groups, and ensuring that governments are transparent and accountable. How the media promote liberal democracy by providing a forum for debate is part of the focus of this section.

The media’s opinion pages that were analysed were important as they provided readers with an understanding or education of the issues that were central to the 2005 Referendum. How the media promotes democracy by providing a forum for debate is also addressed here. All these specified aspects were witnessed in the 2005 Referendum on the Draft Constitution. However this discussion will concentrate on the educational role of the media.

The opinion pages of the East African Standard and Nation displayed partisan views as they were direct opinions on different political and social events. These direct opinions contributed to readers’ attitude formation as they formed the basis for discussions and actions, as argued by McQuail (1987). The public sphere and
agenda setting theories discussed in this study focused on how the media linked with the society and individuals or how the mass media influence society in social and political activations. It is observed that some of the activations are the dysfunctional effects of the mass media such as political conflicts that take the form of ethnic rivalry.

The media’s role in educating its readers reveals that there is a symbiotic relationship between the media and the state, as the state needs the media to transmit information to its citizens. Figure 5.1 shows that readers rely on the mass media to understand what happens in the society and also to keep informed of daily occurrences. In Figure 5.0, it emerges that up to 83% of respondents agreed that newspapers were a forum for national dialogue, underscoring its critical educational role in the society, where 18.8% disagreed with that position. The media messages could be aimed at educating the people or even persuading them to adopt a line of thinking or action. In order to educate their readers, the media require information from the government to publish, as readers are usually eager to know about government operations and performance since this directly affects them. Lastly, it is observed here that the media are a business, as argued by Netanel and Koren (2002), and no business can operate where there is no political stability. This stability can only be provided by a government, hence the media’s vested interest in a stable democratic government. The media actively provide information to maintain a flow that is important for democratic governance. The media thus actively provide information to maintain the status quo.

The opinion pages of the *East African Standard* and *Nation* newspapers educated readers on the Draft Constitution and the implications of its various sub-sections. As Curran (2002) observes the media has a social responsibility of educating readers, this responsibility is particularly performed by the opinion pages since they provide educative information for the reader. The editorial page is the main educative section of the newspaper. Some of the editorial guidelines of the newspapers state that “The newspaper supports all those human rights which have come to be seen as part and parcel of a modern democratic society including the right to assemble and to express views within the constraints of the
“law” (Nation, 2002). The findings of this study portray the important democratic function of the mass media through Figure 5.0. This figure shows the important place of the media in information transmission to their audience. In turn the East African Standard’s editorial approach (7, October, 2003, East African Standard) states that “politically we will position ourselves as responsible mainstream pro-democracy pro development media group… Our loyalty will be for the public good as reflected by the changing issues and priorities of the times.”

These statements, coming from the editorial guidelines of the two newspapers, reflect their intentions to be objective and supportive of democracy. It can thus be suggested that the two newspapers were important participants in the Kenyan democratic political arena as they were the suppliers of information for the citizenry, who used it to make voting choices. The study findings reveal that readers indeed use the media for accessing information that they use for national dialogue, as reflected in Figure 5.0.

The level of coverage of side issues that is shown in Tables 5.5, 5.6 and 5.7 and even those in the opinion pages as reflected in Tables 5.2, 5.3 and 5.4, portray that besides undertaking its educational role, the media can also play anti-democratic roles. In an assessment of newspaper content in Third World countries, Okigbo (1994) underscores the importance of objective journalism instead of sensational journalism which could encourage political conflicts. It is argued in this thesis that the media could have focused on sensational issues such as violence, leaders’ utterances and political conflicts at the expense of content that could have assisted in educating readers on the content of the Draft Constitution. This is reflected in Tables 5.5 to 5.7. These tables also show how the media engage citizens in discussions, as aptly described by Habermas (1997) in the theory of the public sphere and also by Katz (1975) in the two step postulation of the media’s information sharing role.

The side issues covered by the media can potentially cause fear and division, both of which can contribute to violence or political conflicts as shown in Figure 5.7, which shows that newspapers tend to influence politicians and political actions. Tables 5.5 and 5.6 exemplify that statements from leaders were given
fully, instead of themes that could promote liberal democracy and explain the contents of the Draft Constitution, such as the meanings of the political executive, Bill of Rights, provincial administration, legislature and devolution. The coverage of leaders’ utterances promoted free debate, as is expected in a liberal democracy. This situation could have contributed to the apparent democratic decay in Kenya which is a country with weak democratic institutions such as the judiciary, electoral commission and the civil society.

This research presents the themes that the media focused on and educated its readers on. The opinion pages of the *East African Standard* and the *Nation* newspapers namely the Editorial page, the page opposite the editorial page, and the commentary pages, serve as the pages of analysis to determine the educational role of the media on the subject of the Wako Draft.

The study analyses the portrayal of news using Goffman's (1974) concept of news frames as defined by McQuail (2005) who explains news framing as a way of presenting interpretations or analysis of events and items of fact. Through framing, journalists present issues in a predictable manner. They arrange facts and order stories in patterns that are unique to each media house. This uniqueness is what this research has revealed; the *East African Standard* and the *Nation* newspapers pursued a similar slant of content in their coverage. Table 5.5 shows that both papers displayed the same level of coverage for issues such as political conflict, ethnicity, the provincial administration, and leaders’ utterances.

Each of the media houses had editorial approaches that focused on language and style of writing. The approaches did not address how to report or portray political and business news. This however belies the fact that each of the media houses, as stated by Ochieng (1992), has an editorial approach which, although not written, has important guiding principles for the editors when they are making decisions of what to include and what to omit. The editors choose information that highlights specific aspects of the content, and in the process, they downplay certain other aspects, thus deliberate frames emerge from the media houses. This is what the results have revealed as shown in Table 5.5 which focuses on conflict, ethnicity and leaders’ utterances.
The research is informed by Gamson’s (1985, 617) analysis of news framing which states that

News frames are almost entirely implicit and taken for granted. They do not appear to either journalists or audience as social constructions but as primary attributes of events that reporters are merely reflecting. News frames make the world look natural. They determine what is selected, what is excluded, what is emphasized. In short, news presents a packaged world.

It follows from the definition above that framing of articles is the packaging of facts or themes in a particular format. The composition of the articles in the two media houses used in this study is indeed reflective of their editorial policies. A number of factors could have influenced the frames adopted by the newspapers. This study focused on the two dailies and how their content may have impacted on political conflicts during the period under study.

The media’s cardinal role is to provide a platform for discussion, as depicted in Figure 5.8. The figure shows that respondents depend on the media to set the discussion agenda in the public forum. However, in undertaking audience education as alluded to above, the media would have been hampered by legal and political constraints in their role. These constraints could have fuelled political dissonance or conflict in Kenya which culminated in violent conflicts that were witnessed in the period preceding the 2005 Referendum. The legal and political constraints in the mass media are discussed in order to show, first, how the constraints influenced divergence or political conflicts in the mass media, and secondly, how the legal and political constraints impacted on news reporting and news analysis in the dailies. It is important to understand these constraints because media content was a focal point of this study. Ochieng (1992), Wanyande (1995), and Kabatesi (1997) argue that existing political and legal constraints have been responsible for undermining the media’s capacity to support democracy in the country. They believe that democratic pluralism has not been supported by the media owing to either self-regulation or existing extra-legal provisions that do not support pluralism of ideas, or political divergence experienced during the period under study. To underscore the argument above, and in reference to weak liberal democracy, Kabatesi (1997) observes that the expected role of the media in a democracy and the political establishment in Kenya have been known to negatively influence editorial decisions of newspapers,
to the point of compromising the quality of journalistic output. The increased political space after the repeal of Section 2A and the advent of multi-party politics in the country, could have led to a freer mode of reporting of divergent political opinions, as seen by the number of leaders’ utterances that revealed internal conflict and free debate amongst the leaders.

To further discuss media’s educational role in the 2005 Referendum, it is important that an understanding of liberal democracy is revisited, since the referendum was undertaken in this environment, as stated earlier in this thesis. The respondents indicated that they used the media to receive information (Figure 5.0) and as a forum for national discussion. In order to have a functional liberal democratic government, people must have an influence on government through open discussions such as those found in the mass media as shown in Figure 5.0, and which recognize the right of freedom of speech and expression. In this kind of democracy, the people elect members of the executive who wield power over the state. The legislature is occupied by people who are elected by the general citizenry. As observed by Fonseca (2006), a wide-ranging flow of information is essential for the success of a liberal democratic system. Key among the sources of this information in a liberal democracy are the media, as indicated in Figure 5.1. It is, however, very necessary to guard liberal democracy against the creation of monopolistic positions or political and economical concentration of power.

The editorial guidelines in the Kenyan scenario are used to ensure that the media houses serve as an ideal liberal democratic engagement (Eilders, 2002). It is with this background that the content analysis was conducted in order to create an understanding of how the media used its role of informing and educating readers about the draft constitution. Tables 5.0 to 5.5 provide an avenue for creating an understanding of how the media performed in a weak democracy with weak institutions such as the judiciary, the e force, the electoral commission, and the civil service. These tables show the level and extent of thematic discussions that citizens engaged in before the referendum. During such periods of great political contestations, side issues were mostly used to persuade media audiences to adopt varying viewpoints, as shown in Table 5.1. This table shows that non-mainstream themes like political conflict, leaders’ utterances and violence,
constituted the main coverage in the page. The apparent concentration on coverage of side issues meant that the public were not adequately educated on actual referendum themes.

Tables 5.1 to 5.5 present the content of the three pages that concentrated on opinions and readers’ comments. These pages focus on what the newspapers considered important for their readers through their editorial choice of articles. These pages also contain articles that explain the issues and that take different ideological and editorial positions on the different themes contained in the Constitution. A common trend in the kind of articles that are published could reveal the editorial bias of a newspaper. In the case of articles that were reviewed, side issues seem to have dominated the content of the newspapers in this study. This is exemplified by Tables 5.1 and 5.6 which represent the hard news section and the soft news sections. The editorial page which is captured in Table 5.1 contains the newspaper’s editorial for the day. A close analysis of the editorial of a newspaper could reveal the newspaper’s philosophy. The opinion pages also aid in gauging the public opinion on relevant political issues of the day. Voltmer (2006) observes that media content such as those discussed above can be used in assessing public opinion. He concludes that public opinion is used in a democracy to make decisions on matters that affect the people. Opinion pollsters have mastered the art of influencing democracy through publishing their findings in the media while policy makers such as parliamentarians and senior civil servants have used the media to try and determine people’s opinion.

The main editorial page as represented by Tables 5.1 and 5.2 contains the most important story in the paper and also portrays the editorial bias of the newspaper. Table 5.1 shows the significance that the two newspapers gave to the referendum theme as it shows that of those analysed, there was no single East African Standard newspaper issue which missed out on it. The Nation newspaper, however, did not attach as much importance to it as out of the 94 newspapers that were analysed, 7 issues did not have a story on the referendum. The East African Standard also had more referendum stories than the Nation. This means that the editorial team at the East African Standard attached more value to providing opinion stories about the referendum. In attracting readers to the editorial page,
48% of the newspapers did not use the 2005 Referendum as an attraction point (Table 5.1). At 8%, leaders’ utterances interestingly followed the topic of violence which hit 13%, suggesting that the utterances could have led to violence. This close correlation is seen throughout the opinion pages, thereby suggesting that leaders’ utterances could have influenced aspects of the violence or political conflict, as this too yielded 8% (Table 5.2). The importance of the correlation between newspaper content and readers’ interpretation of views is critical for a liberal democracy because other modes of communication such as interpersonal, interpersonal mediated, intrapersonal, and group communication cannot be used for a mass heterogeneous audience. This correlation takes a special place in a liberal democracy such as Kenya because these systems of government depend on public opinion and continuous information dissemination which creates awareness of issues and education of the readers. Awareness of issues is analysed through the coverage of Draft Constitution themes in Tables 5.6 and 5.7, while tables 5.1 to 5.5 mainly focus on the educational role of the newspapers.

As concerns the editorial page, Table 5.2 shows that amongst the contentious issues, the process of constitution making was the most contested one. This position validates the points made by those who felt that the constitution making should have ended at Bomas and should not have been taken to Kilifi where the Attorney General created a new version of the Draft Constitution that was presented to the people of Kenya at the 2005 Referendum. Gulati (2004) observes that journalists search for inconsistency, hypocrisy, or scandal and can require politicians to speak to issues that the press deem newsworthy. This argument is reflected in the high occurrence of the theme of leaders’ utterances in Table 5.2. This observation highlights the fact that the press tends to focus on political differences, which in the case of the referendum, could have been tracked from the leaders’ utterances, political conflicts and violence. The two newspapers focused on aspects that seemed scandalous and conflictual in nature, hence the big percentage of political conflict and violence in the news pages.

This trend was not followed in the core content of the Draft Constitution such as the political executive and legislature, Bill of Rights and land tenure. Tables 5.1 to 5.6 show that the opinion pages concentrated their focus not on educating the
readers on the content of the Draft Constitution but on side issues or purely on the
differences over the process of constitution making. The opinion pages in these
newspapers show that the news and analysis were overly focused on tactics and
strategies of politicians instead of the real issues on which readers were supposed
to be educated. It can thus be argued that readers did not wholly rely on the
newspapers to be educated on the issues that were in contestation during the
referendum campaigns. It can be deduced that newspapers took an active role in
setting the political agenda by focusing on themes such as the process of
constitution making, political conflicts, land tenure and leaders’ utterances. The
strategies of the pro- and anti-draft constitution campaign teams seem to have
been revealed through the big percentage of leaders’ statements that were
covered by the two newspapers in the opinion pages. The main editorial page
which had this theme scored 8% against the highest issue which was violence at
13% (Table 5.2). On the same table, devolution had 4%. In table 5.3, leaders’
utterances took 25%, which was the highest score in the table, followed by
devolution at 21%. In the Letters to the Editor page, as represented by Table 5.4,
the leaders’ utterances theme scored 15% and devolution 7%.

Table 5.2 shows that leaders’ utterances and devolution in terms of the
occurrence rates as described above, were among the real issues in the opinion
pages. It is only the process of constitution making and devolution which had any
substantial occurrence rates. Devolution can be argued to have been presented
from an ethnic perspective in the opinion columns, as it was shown in the stories.
The articles mostly argued that if devolution was adopted it would mean greater
gain for members of the different ethnic groups, while those opposing devolution
felt that they would be denied the right to benefit from resources from the other
regions of the country (Andreassen and Tostensen, 2006). This focus could have
promoted ethnic feelings amongst voters and probably led to the results which
followed a clear ethnic line, as described by Andreassen and Tostensen (2006)
where apart from the Central Province which is inhabited by members of the
Kikuyu community, the other provinces voted against the Draft Constitution. This
implies that the other ethnic groups were against the Draft Constitution, while
members of the Kikuyu ethnic group of President Kibaki voted for the Draft
Constitution. The tribal voting pattern was repeated in the 2007 General Elections
where all the provinces except Central and Eastern provinces voted for the Orange Democratic Movement.

From Table 5.4, it is apparent that the Letters to the Editor page had 25% of the articles in the page addressing violence. This follows a similar trend to the other tables where leaders’ utterances occupied 15%, this being the second highest score. This suggests a strong relationship between leaders’ utterances and violence that erupted in the period that preceded the referendum. The trend is again similar to that in other tables where devolution registered the highest percentage in the issues around the Draft Constitution. This theme suggests a high premium that was put on ethnicity, as devolution was discussed from an ethnic perspective, as illustrated in the previous paragraph. The influence of ethnicity on the 2005 Referendum is highlighted in Table 5.4 by the relatively large coverage of the devolution theme. The rationale and argumentation for and against this theme were shown by the extent to which it would assist or benefit an ethnic group, as was argued by Oyugi (2005) and Andreassen and Tostensen (2006). It can thus be inferred from the data that articles on devolution and their interpretation were based on ethnicity and the different feelings of ethnic groups about devolution of power benefiting them as a community.

5.3 Results on the different Thematic Areas of Coverage
The chapter assumes that what is published in the main story of any of the pages takes a premier place and is treated as the most important story. Page 1 is the most important page in the two newspapers. What appears in the page is considered by the editors as most important. These results focus on how the two newspapers treated specific themes and highlighted them in their news and opinion pages. This section shows the different newspaper themes and how they were presented in the news columns of the two newspapers.

5.3.1 Spread of Page 1 Edit 1 Articles in the Nation and East African Standard newspapers
Page 1 edit 1 is the single most important page and its headline article is critical for the newspaper’s ability to attract readers. It is used as a signpost for a newspaper as it displays what the newspaper would like to use to attract readers.
The headline story is thus the edit 1 article of the newspaper. An understanding of how the two newspapers displayed articles in the headline story is critical in determining the editorial bias of the newspaper and also in understanding how these newspapers strategised attracting readers. Leaders’ utterances constituted the majority of the headline stories in this page, as reflected in Table 5.5. The leaders’ utterances theme had an average of 17% of the headlines in the page. The Nation had 21% on leaders’ utterances while the East African Standard had 13%. It is also worth noting that this theme was closely followed by that of violence, which registered an average of 15% of the total coverage for the two newspapers. The percentage of the two newspapers on the violence theme was 16% for Nation and 14% for the East African Standard which is a close score as indicated in Table 5.5.

A total of 31 articles were on leaders’ utterances, with Nation displaying 20 out of 94 newspapers who dedicated their headline story to the subject and the East African Standard having 11 out of a total of 84 on the theme.

Table 5.5 Themes of articles in page 1 edit 1 in the Nation and East African Standard newspapers focusing on referendum issues

<table>
<thead>
<tr>
<th>Themes of articles in page 1 edit 1</th>
<th>Name of Newspaper</th>
<th>Nation</th>
<th>East African Standard</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freq.</td>
<td>%</td>
<td>Freq.</td>
<td>%</td>
</tr>
<tr>
<td>None</td>
<td>24</td>
<td>26</td>
<td>19</td>
<td>2</td>
</tr>
<tr>
<td>Executive</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Devolution</td>
<td>4</td>
<td>4</td>
<td>15</td>
<td>18</td>
</tr>
<tr>
<td>Land</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Provincial administration</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Legislature</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Bill of Rights</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Violence</td>
<td>15</td>
<td>16</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Leaders’ utterances</td>
<td>20</td>
<td>21</td>
<td>11</td>
<td>13</td>
</tr>
<tr>
<td>Constitution making</td>
<td>16</td>
<td>17</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Political Conflict</td>
<td>5</td>
<td>5</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>94</td>
<td>100</td>
<td>84</td>
<td>100</td>
</tr>
</tbody>
</table>
Issues which were arguably at the core of the Draft Constitution such as the political executive and Bill of Rights were not used much in the headline story of the newspapers. None of the Nation headline articles in Page 1 were on the executive. Table 5.5 depicts that the East African Standard had 2% of its headline articles based on the executive theme. The Bill of Rights did not fare any better as each of the newspapers used that theme only once as a headline article to attract readers to its newspaper. Other aspects which could be considered as side issues to the actual content of the Draft Constitution such as the process of constitution making, had a total average of 12% occurrence rate. The Nation had 16 out of 94 newspapers with headlines on the theme while the East African Standard had only 6 out of 84. Political conflict, which is also another side issue, garnered a total of 18 out of 178 headlines. It is worth noting that during the period under analysis, 24% of the newspapers did not use Draft Constitution issues as a headline story. The East African Standard Newspaper had 19 while Nation had 24 newspapers which did not use this theme for their headlines.

5.3.2 Articles Presentation in Page 3 of the Newspapers

Page 3 is the second most important news page of a newspaper because of the nature of its display. It is thus important to examine articles that are published in that page since they represent what the newsroom considers as important.

<table>
<thead>
<tr>
<th>Themes of articles in Page 3</th>
<th>Name of newspaper</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nation</td>
<td>East African Standard</td>
</tr>
<tr>
<td></td>
<td>Freq.</td>
<td>%</td>
</tr>
<tr>
<td>None</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Executive</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Devolution</td>
<td>41</td>
<td>44</td>
</tr>
<tr>
<td>Land Tenure</td>
<td>27</td>
<td>29</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Provincial administration</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Legislature</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Violence</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Leaders’ utterances</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Political conflict</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>94</td>
<td>100</td>
</tr>
</tbody>
</table>
The devolution theme had 33% of the total percentage of Page 3 articles as shown in Table 5.6. The Nation scored a total of 44% of its articles on the devolution subject while the East African Standard had 20%. Land tenure scored 32%, with the Nation scoring 29% while the East African Standard had 36% on the theme. Comparatively, the percentage of land tenure in an informative page such as Page 3 is closely related to that of 29% in Table 5.4 of the commentary page, which is an educative page.

5.3.3 Page 3 edit 1 newspapers’ Cross tabulation

This is the most important column in Page 3. It carries the headline article of the page. There were between 23 and 27 articles published on the Draft Constitution in Page 3. Table 5.7 shows that 62 newspapers out of 178 in page three did not have an article on the Draft Constitution in Page 3. Table 5.7 demonstrates that a side issue such as leaders’ utterances scored highest, followed by the process of constitution making, which again suggests a relationship between leaders’ utterances and violence. A total of 34 articles on leaders’ utterances appeared as the main article in Page 3 out of a possible 178 headlines. It seems that the two newspapers did not give the Bill of Rights the necessary emphasis, as only 4 copies of the 178 newspapers coded published articles on it as the headline story of the page. Violence and political conflict tied at 16 headline stories for the page.

<table>
<thead>
<tr>
<th>Themes of articles in page 3 edit 1</th>
<th>Name of newspaper</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nation</td>
<td>East African Standard</td>
</tr>
<tr>
<td></td>
<td>Freq.</td>
<td>%</td>
</tr>
<tr>
<td>None</td>
<td>30</td>
<td>32</td>
</tr>
<tr>
<td>Executive</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Devolution</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Land Tenure</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Provincial Administration</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Legislature</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Bill of Rights</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Violence</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Leaders’ utterances</td>
<td>18</td>
<td>19</td>
</tr>
<tr>
<td>Process of constitution making</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Political Conflict</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>94</td>
<td>100</td>
</tr>
</tbody>
</table>
In Page 3, 32% of the Nation and 38% of East African Standard newspapers had no referendum themes. This means that, on average, 35% of both newspapers did not use a 2005 Referendum story as their headline. The trend of leaders’ utterances being close to violence was replicated in the headline story of the page, as 19% of the headline articles were on that theme and violence and political conflicts each scored 9%. The process of constitution making constituted 13%, which makes it the most covered amongst the contentious issues in the draft constitution.

5.4 The Analysis of the Thematic Areas of Coverage
The themes of the 2005 Referendum used in this study were derived from news coverage in Pages 1 and 3 of the East African Standard and Nation newspapers. These are themes which originated from the contentious issues in the Draft Constitution. These issues largely informed the divergent positions that were taken by those who supported or opposed the Draft Constitution. Analysis of Page 1 is critical for creating an understanding of how newspapers covered the issues. The page created an appreciation of the political editorial bias of the newspapers being studied. The page reveals a newspaper’s editorial tastes and preferences. This section presents an analysis of the results in the page and the implications of those results. The Edit 1 story in Page 1 is an important story as it represents a newspaper’s sense of news. Their presentation shows what is important and how that which is important has been used to ensure that the newspaper for the day attracts readers and sells. The media highlight those issues which they consider important for public consumption and also those that have the potential to attract readers to the newspaper (Ehrlich, 1974; Gerbner et al., 1969). This argument lends credence to the fact that the mass media used the 2005 Referendum themes as an attraction to readers since the media deemed the 2005 Referendum to be important for its readers. Through this emphasis, they set Referendum themes as a critical agenda for discussion in the public sphere. The thematic areas thus rely on the fundamental theories in this study, the agenda setting theory, and the public sphere theory.
A number of factors could have influenced the themes adopted by the newspapers. Key amongst these are the editorial approaches of the newspapers, training of journalists, politics, society and ethnicity. This research was therefore further justified by the need to ensure that the Constitution could allow for the freedoms that are necessary for democracy to thrive. The civil society and the religious class are a reflection of the Kenyan society. A number of publics were apparent, and they each served as a forum for political engagement. It is assumed that the media as represented by the Nation and the East African Standard reflected existing plurality of ideas amongst the Kenyan populace as shown by the themes that emerged in the newspapers. These ideas and themes could have resulted in strong anti-Draft Constitution opinion that eventually saw voters defeat the Draft Constitution, leading to violent political conflicts.

The 2005 Referendum was the single most important item that was used by the two newspapers in their Page 1 stories. The newspapers deemed the 2005 Referendum to be a potential attraction theme for the period under study. The way the media chose to frame the Referendum themes such as leaders' utterances (Table 5.7) largely influenced audience actions such as political conflicts and violence (Tables 5.7 and 5.8). Kabatesi (1997) argues that the Kenyan press has tended to use political themes to attract readers to its newspapers. This position is justified in this research since the two newspapers under study have tended to use Referendum themes in their Page 1 edit 1 articles. This article, which is the banner headline story for the newspaper, is critical as it shows what the newspaper considers the Referendum themes to be the most important display story of the day. It further gains eminence as it is the article which determines whether a newspaper is to be picked from the newsstands by readers. Out of the 178 newspaper issues, 135 had Referendum themes as their Page 1 headline story, according to Table 5.6. Eighty four copies of the East African Standard newspapers were analysed, 65 of which used the Referendum to attract readers to their pages. Of the 94 Nation newspapers that were selected for analysis in the three-month period that preceded the Referendum, up to 70 copies of the newspaper used Referendum themes to attract readers. The Referendum being a political subject means that the two newspapers devoted most of their headline articles to local political news at the expense of other possible subjects such as
the economy, sports, and the environment. This implies that readers were mostly treated to local politics as Page 1 headline stories on most days of the 90-day period covered by the study. As shown in Figure 5.2, the two newspapers relied on political articles to attract readers to the newspapers.

Despite the fact that most of the reviewed newspapers used the Referendum to attract readers, they did not use the content of the Wako Draft to educate them about the content or its implications. Side issues such as leaders’ utterances and violence formed the core of the headline stories. Leaders’ utterances featured criticisms of each other on issues that were not specific to the Draft Constitution but were more about character assassination. Such articles did not focus on substantive issues. Instead they served as emotional statements that could only enhance hatred. Table 5.6 shows that the theme of leaders’ utterances scored 17% of the total percentage of the themes, and violence scored 15%. These percentages suggest a relationship between leaders’ utterances and violence. It is worth noting that in Page 1 of the *Nation* newspaper, not a single story on the political executive was used to attract readers to the newspaper despite the fact that the political executive was one of the most contentious issues of the 2005 Referendum.

Amongst the various themes, the issue of whether there should be an executive Prime Minister, a ceremonial President or an executive President was not focused on in the headline articles of the newspapers. This was despite the fact that this issue caused tension between the two sides that supported or opposed the Draft Constitution. The powers and the composition of the political executive caused discomfort amongst the political class during the campaigning period. It actually led to a walk-out by a section of the government who opposed the Bomas recommendations that advocated an executive Prime Minister. According to Ambani and Kindiki (2005), the executive theme of the Draft Constitution of 2005 was perhaps the most contested theme in the entire document. It would have been expected that a theme which was that controversial would also have been used by the editors in the Page 1 headline of the newspapers. On the contrary, the theme appeared for only 1% of the themes in Table 5.5.
According to Blumler (1969), the most controversial issues are most newsworthy. This study however, reveals through the newspapers’ treatment of the political executive, that not all controversial aspects were given headline coverage. Instead, the newspapers tended to cover those issues that they believed would sell their newspapers. The newspaper editors clearly did not feel that the theme could attract readers as much as leaders’ utterances and conflict. This probably could have been due to the serious orientation of the topic, since its content focused mainly on the advantages and disadvantages of a ceremonial presidency.

Other matters that were contained in the Draft Constitution such as the legislature had only 5 headline articles in Page 1, 3 in the East African Standard and 2 in the Nation. This further raises an interesting spectacle as the Draft Constitution had proposed a bi-cameral parliament, a change from the current single-house system. Because there was an obvious proposed change to a bicameral system there was a need to educate readers on the possible change and its implications. Lack of an appropriate coverage in the front page headline story revealed that the legislature was not considered an important subject despite the central position that it held in the Draft Constitution. Table 5.6 reveals that the legislature theme scored a paltry 3% among the other themes that were covered. The legislature theme is considered central in the Draft Constitution discussion as the legislative assembly is at the core of deliberating on the laws that govern a nation in a liberal democracy.

Devolution was highly rated in Table 5.6, where it scored 11%. This theme obtained the highest score amongst the contentious issues. Devolution, which is also known as “majimbo” meaning devolved regional government, captured the imagination of readers because newspapers highlighted their thematic preference in the public agenda. This theme, according to Ambani and Kindiki (2005), was discussed by politicians and members of the provincial administration equally as it had implications on the existence of the provincial administration. The Draft Constitution proposed that the provincial administration should be scrapped and replaced by an elected regional council and body (Kriegler, 2008; Steeves, 2006). The research results in Table 5.5 show that the newspapers used 11% of their Page 1 edit 1 space for the devolution theme. The East African Standard
registered the highest percentage of 8% while the Nation had only 4%. The other contentious issues of land, judiciary, executive and legislature, all scored below 5%. This shows that amongst the contentious issues, devolution was accorded wider coverage. This could have been because politicians, civil rights groups and other opinion makers tended to comment more on this theme. It could have received more coverage in the East African Standard because of its clear departure from the existing provincial administration that was heavily controlled by the executive, and also because the newspaper’s editorial approaches encouraged coverage of the theme. Table 5.7 also shows a high concentration of the devolution theme in the news pages.

According to Tables 5.6 and 5.7, which show the portrayal of news content in Pages 1 and 3, side issues were heavily covered by the two newspapers. These issues were used to attract readers to the newspapers. These issues included the process of constitution making, violence and leaders’ utterances and tended to get the majority coverage.

Table 5.1 presents Page 3 articles on the Referendum themes. The article spread reveals a trend similar to the Page 1 trend where devolution is the main contentious issue that was scored highly by the two newspapers. The Nation had up to 44% while the East African Standard had only 20%. In a significant departure from Page 1, Page 3 had two contentious themes receiving coverage, thus creating more awareness on the issue of land tenure. The East African Standard had 36% of the newspapers covering the land tenure theme and the Nation had 29%. This means that the two newspapers attached equal importance to that theme. A positive trend in this page in both newspapers is that Page 3 contained more articles that informed the readers on contentious issues such as the executive, which had 33 out 178 newspaper copies covering the topic. The Nation had 17 out of 94 newspaper copies while the East African Standard newspaper had 16 out of 84 newspaper issues covering the theme of the executive. This means that Page 3 of the two newspapers was less sensational and more serious in content as it contained issues that were contained in the Draft Constitution. A perspective worth noting in Page 3 is that each of the 178 newspapers that was studied had an article on the Referendum themes. This
trend was however, not replicated with the main headline story of the page. The two newspapers continued their Page 1 trend of using sensational matters such as leaders’ utterances and violence as headline articles to draw readers’ attention to the page. This means that the editors of the two newspapers tended to use matters other than those that were educational to attract readers to the two newspapers’ news pages.

However to underscore the importance of thematic coverage during the Referendum period and to demonstrate the level of coverage and how it impacted on readers, media scholars such as Voltmer (2008), Krasnoboka & Brant (2006) and Gans (1993) have discussed the positive contributions of the press in democracies. They affirm that liberal democracies require robust discussions and debate which is aided by the mass media. This debate influences public opinion and eventually impacts on the voting patterns of the readers of the newspapers. The Nation and the East African Standard both displayed information in their front pages. These headline articles contributed to the public political agenda and also aided in shaping the public sphere agenda and discussions. In the Referendum debates, it was therefore necessary for the media to highlight issues to do with the three arms of government, since the executive executes the laws; the judiciary adjudicates in cases of disputes, and the legislature legislates. The scholars concur that the media are central in facilitating dialogue and encouraging public debate. These scholars further observe that the media are useful in setting the national agenda as reflected in the news Pages 1 and 3. The newspapers presented the referendum agenda under specific media frames that concentrated on leaders’ utterances at the expense of substantive draft constitution issues.

5.5 The Nation and East African Standard Newspapers’ Coverage of the Referendum Campaigns on the Draft Constitution

The poll represented the will of Kenyans through a voting process that was largely seen as free and fair. The campaign was divided into two referendum camps, namely the Bananas or "Yes" and Oranges or "No". The proposed new Constitution was rejected by 57% of voters, while 43% voted in favour of it (Mugonyi, 25 November, 2005, Daily Nation). The voter turnout was slightly above 52%. The print and electronic media covered both camps of the campaign in a
balanced manner. According to Lamba (2005), the state-controlled Kenya Broadcasting Corporation, however, was biased in favour of the "Yes" campaign. The Referendum campaign reaffirmed that Kenyan politics was characterised by ethno-political cleavages and political loyalty based on ethnicity. It is therefore reasonable to interpret the result as a popular demand for an alternative new constitution. This implies that the issue has not been resolved so far.

The following section analyses the theoretical framework of the function and role of the press within the pre-set normative theories of the press. It attempts to highlight the key characteristics of the media in a weak liberal democracy, and the subsequent section provides a thematic analysis of the media’s coverage of the referendum campaigns.

5.5.1 Normative Theories

Normative theories of the press can be applied to the Kenyan situation in an attempt to provide an understanding of the concepts that anchor press operations in the country. It is important to note that the press may not always follow one particular theory in a given country. In some instances, it follows practices that can be traced to different normative theories such as developmental, social responsibility, libertarian and, at times, authoritarian. Normative theories of the press are theories that relate to how the press performs its role in the society. These theories take into consideration the fact that the press performs its tasks within different socio-political environments. The African situation provides one such example of media diversity. This diversity extends to the socio-political environments as stated by Thompson (1995). Thompson explains that Africa offers a unique situational analysis for the study of political systems as it provides a variety of political systems, ranging from military governance to weak liberal democratic governments.

Normative theories can be traced to the political system that is in operation in a country. The normative theories of journalism concern what can be termed “the ideal functions of the press” as well as showing how the press behaves within a political establishment (Benson, 2005). The diversity in world political systems is
replete with similar diversity in media functional systems. The normative systems range from Marxism-Leninism to diverse conceptions of democracy (Oxford, 2010). The Marxist Leninist and the authoritarian theories have been typified as being non-democratic despite the fact that most African countries have embraced democracy. Those theories that could be considered to be leaning more towards the democratic systems include libertarian, social responsibility, democratic elite, democratic participatory, public sphere, and post-modern.

The diversity of political systems in the African continent means that the operating press theories are equally diverse. The normative ideologies are hardly static as there are no rigid rules that govern media operations within specific socio-political environments. However, academics have tended to group character traits on media governance and operations within different political environments. Some of the concepts have tended to cluster around specific ideals such as representation, deliberation, and accountability (Siebert, Peterson, & Schramm, 1956; McQuail, 1983, 2005). The Kenyan situation provides an example of media that could be termed to be representative as the country has a language press, a regional and a national press. The ownership patterns of the Kenyan press could be termed “broad spectrum” since both local entrepreneurship and government ownership exist. This divergence of ownership has provided divergence in the existing editorial approaches and media content (Ochieng, 1992). In an attempt to turn public opinion against those who were campaigning for the adoption of the draft constitution, the then Minister, Najib Balala, observed that the era of old men was over and leadership should be handed over to young and industrious leaders (Buluku, Nation, September 11, 2010).

African countries have not had anything like a typical African political system, as argued by Thompson (1995) who states that there is no such thing as a typical African Polity. However, Ekeh’s Two Publics attempts to describe the African public. The two publics are the primordial public and the civic society (Osaghae, 2006). Ekeh’s argument that the African situation is unique since it is among the continents that experienced colonialism, an experience that could be termed as unique and revolutionary in nature. The primordial public explains the tendency to want that which is gained for the community. This public is particularly happy if the
tribe is advantaged in terms of resource distribution. They campaign for tribe benefits and they ensure that members of the public are communal in nature and mostly tend to be ethical and morally upright except where community interests are at stake. In order to enlist the support of this public, most of the political leaders in Kenya at the time of this study tended to discuss the themes of the Draft Constitution from an ethnic perspective. In other words they tended to try and interpret how the different themes in the Draft Constitution would benefit their ethnic groups. There are 53 separate independent states in Africa. Each state is unique with its own system of politics. As a result, each of these nations has their own unique systems of press which pursue diverse lines of ownership and system of operation. In Kenya during the period under study the leaders’ utterances theme, there was a manifestation of this diversity in the kind of press system that operates in the country. This diversity is seen through government directives such as those that shut down KASS FM. The KASS FM was deemed to have broadcast what could be conceived to be hate messages that were directed at specific communities. This could be considered an instance of authoritarianism since shutting down of a radio station can be construed as a sign of government intolerance. At the same time, some of the statements from leaders could also be construed as showing that the country was leaning more on the democratic theorems of the normative theories of the press such as libertarianism, or even the social theories of the press. Statements such as those by the COTU Secretary General Francis Atwoli to the effect that the draft constitution was created by only a few individuals could be termed as critical of the government since it portrayed the government in a bad light (Nation, 2 September 2005).

Authoritarian theory posits that the press should be subordinate to the interests of the state in maintaining social order or achieving political goals. In this kind of system, the press does not criticize the government of the day. Instead, it amplifies what the government does and pursues the official line of obtaining information, such as using the government briefs. In the authoritarian system, the press would avoid use of investigative journalism since this could criticize the status quo. Siebert, Peterson, & Schramm (1956) state that authoritarianism is subordinate to the interests of the state in maintaining social order or achieving the political goals of those who are in authority. In Kenya, the press undertook
investigative journalism as reflected in some editorials that were written in the *East African Standard* and the *Nation* newspapers during the time of study. The press in this kind of system is controlled directly by the government, who monitor what appears in the press. They retain the right to punish the press whenever they veer off into stories that the government considers as intrusive.

The other theory, as defined by Siebert, Peterson and Schramm (1956), is the development theory. This theory focuses on the media’s role in encouraging development. The theory originates from the need by the third-world countries to support development. Development theory supports economic development and nation-building efforts of impoverished societies (Schramm, 1964; McQuail 1983). The theory propagates people’s right to be heard. The development theories, as observed by Siebert, tend not to support non-democratic theories as anti-democratic, whatever their potential merits. However, in third-world countries, these non-democratic theories are quite popular. Benson (2005) observes that the Chinese government, for instance, defends a market socialist approach to the media, which combines limited market freedoms with continued state control. The case of Kenya exemplifies how the mass media could have provided an anchorage for national development, as the referendum itself was crafted as a document that would change national fortunes (*Nation*, 20 October 2005). Amin (2002) observes that the Arabic Press follows poetic or literacy ideals which are not necessarily undemocratic. It is, however, instructive to note that although the Arabic Press has largely been following the literacy poetic theorem of the Press. Some of the democratic normative press models are espoused by Al Jazeera, which is modelled after the BBC and CNN.

The major divergence in the concepts of authoritarianism and the more liberal democratic oriented normative theories is that in authoritarianism prominence is given to the importance of maintaining law and order and the status quo as far as governance structures are concerned. The libertarian or democratic theories of the press aim to maximize individual human freedom. This theories stress the idea of media being a market place of ideas. Different people and different shades of opinion are supposed to get outlets in the media. These outlets reflect the existing varying shades of opinion in the society. The theory does not encourage
suppression of any view while the authoritarian theory would condone suppression of views that could be considered to be anti-establishment or against the ruling clique.

The libertarian theory, in contrast, would encourage divergent opinions as the theory states that the press is supposed to keep the government under check and control. The libertarian theory views the government as the main threat to press freedom. They hold that if the press is left to its own ways, it will hold the government more accountable while at the same time pursuing the media’s own economic interests. The argument that could be advanced is that if the press is pursuing economic interests, it will be difficult for them to pursue social interests. Observers such as McQuail (1985) have noted that a pure market orientation does not necessarily support democracy. The press must instead assume social responsibility theory, as originally described by Siebert, Peterson and Schramm (1956), who uphold that key basic tenets of liberal democracy such as objectivity, which stresses factual or investigative reporting and balanced presentation of opposing viewpoints, are used in reporting. Journalists are supposed to maintain a neutral observer role, as stated by Siebert, Peterson and Schramm (1956). According to McQuail (2005), social responsibility journalism is that which seeks to espouse ethical practice of the profession of journalism. The “No” camp or anti-draft constitution campaigners, would probably best illustrate that Kenya, to an extent, had elements of a libertarian press in practice. The fact that the government tolerated those opposed to the official position shows that the democratic culture and the government’s tendency to pursue a liberal democratic system was manifested in their tolerance of criticism and parallel campaigns against the draft constitution.

Democratic elite theory, also known as “representative liberal theory” argues that democracy works best when those involved have a high level of awareness and is made aware of the prevailing socio-political issues in the country (Baker, 2001; Feree et al., 2002). In this system, the basic responsibility of the press is to cover different perspectives in any contention and to focus more on areas of non-delivery to the general citizenry. In other words, this is where the press performs
its watchdog function against public officials. This theory questions the ability of the press to report and explain complex issues to its readers (Lippman, 1922).

5.5.2 The Land theme and the Draft Constitution

The Draft Constitution provided several recommendations that were different from the independence constitution that had governed Kenya up to that time. The recommendations in the then-proposed new Constitution ranged from regulatory and developmental to the control of powers of the state regarding land matters that included land redistributive reforms and reordering of land tenure regimes. The Draft Constitution aimed at introducing a new institutional framework which addressed and redressed the complex and difficult legacy of historical injustices. The then-existing Constitution guaranteed existing property rights regardless of how they were acquired, without placing the state under a constitutional duty to redress historical injustices. This, perhaps, could have perpetuated a highly unequal distribution of land, and revealed glaring inequities which the Draft National Land law proposed to address. Unfortunately, it could not address them within the framework of the existing constitutional order. The Draft Constitution also allowed women to enjoy the right of inheriting land from their parents. These wide-ranging legal proposals of the Draft Constitution ignited support and opposition, in equal measure. While a number of leaders supported it, others opposed it outright.

A factor that informed the campaign for the repeal of the current Constitution included the realization that Section 75 of the 1963 or the Independence Constitution entrenched the sanctity of property. As a result, the section did not allow for the review of property and ownership that could allow for redress of historical injustices, land redistribution and restitution. Sections 114 – 120 of the Independence Constitution are different from the 2005 Draft Constitution’s land clause which deals with Community Land Tenure, in the sense that they provide the mechanism for eliminating communal or community rights. At the same time, Section 1 of the Independence Constitution does not resonate with the letter and spirit of the Draft Constitution which indicate that in Kenya, land and natural resources belong to the citizens of Kenya. The two newspapers treated the land
theme variously in the different pages. The *Nation* had 2% of its Page 1 edit 1 articles dedicated to the land theme, while the *East African Standard* newspaper devoted 3% of its Page 1 edit 1 articles to the land issue as shown in Table 5.5. This means that despite the fact that the land question provided a critical point of divergence between the two camps; the two newspapers only used a total of 3% of their articles in Page 1, which is the main display page of the newspaper. On the flip side of the newspaper’s coverage of the land theme, Page 3 of the *East African Standard* had 36% of Table 5.7 articles devoted to the land theme, and the *Nation* devoted 29% to it. This situation shows that in the hard news section, the media tended to use the land theme a lot, as the total percentage of the coverage was 32%, which was the second highest.

As a result of this, some leaders in the “Yes” camp drummed up support for the Draft Constitution by stating that the draft empowered Kenyans in regard to land distribution. However, on the opposite side, Hon. Nkaisery, who was in the “No” camp, repudiated the draft stating that, “Let them stop cheating our people that the land chapter is friendly to us. In fact, it is a recipe for future marginalization as a result we cannot be cheated as Kenyans”, (Muriungi, *East African Standard*, 3 October 2005, 4).

The other critical aspect which has given rise to disenchantment with the current Constitution is the provision which allows foreigners to lease land for a period of 999 years. This provision was inserted into the Constitution at the time of Kenya’s independence with a view to protecting the British colonial land owners who owned huge tracts of land in the White Highlands. The Civil Society felt that lease of land to foreigners should be limited to a shorter period of not more than 99 years. Presumably, European foreigners were interested in land for purposes of investment, so that the period of leases for them should be considered with due regard to the opportunities they might have in recouping whatever investments they might have put into the land.
5.5.2.1 The *East African Standard* Newspaper Coverage of the Land theme

In a number of cases, both campaign camps in the 2005 Referendum used sentimental issues with the intent to appeal to people's emotions towards voting for or against the Draft Constitution. In one instance, the *East African Standard* published an article on its front page stating that the government would resettle the families evicted from the Mau forest. This article, it appeared, covered the official government position on the resettlement of the Mau forest people. This was, ironically, despite the fact that it was the same government that had earlier evicted those who had settled in the Mau forest. This, probably, could have been a move aimed to wrong foot the “NO” platform. (Muriungi, *East African Standard*, 3 October 2005, 1). In the same article, those who supported the Draft Constitution such as Vice President Moody Awori, stated that the Mau forest resettlement was a humanitarian act. On his part, the Finance Minister Amos Kimunya, insisted that the squatters would celebrate Christmas in their new land if the draft constitution was passed (*East African Standard*, 5 October 2005, 1). This kind of remark tended to implore those who had been evicted from the Mau forest to vote sympathetically for the Wako Draft Constitution. On the reverse dimension, members of the “No” campaign replied through the Minister for Environment, Kalonzo Musyoka that, “The pro-draft constitution team has continued to give pledges, cash and dish out land as inducement to win support. Kenyans should not accept this” (Mburu, *East African Standard*, 15 October 2005, 4). The “Yes” team used their government positions to issue pledges including provision of land to the Mau settlers in order to win them over to their side. However, Minister Kalonzo Musyoka repudiated such tactics stating that such strategies would be tantamount to use of unfair tactics.

The “Yes” leaders also came up with a varied range of arguments, perhaps as a way of countering those of the “No” proponents. They, for instance, argued a case for the Ogiek’s, who had been squatters since time immemorial. They asserted: “We also want title deeds to be given out to squatters just like the Ogiek” (Ng’ang’a and Too,, *East African Standard*, 18 October 2005, 4). In a way, such
arguments would draw the sympathies of this community, normally considered to be under-privileged, to their side.

As a way of drumming up support for their side, other politicians invoked the name of government in terms of what people expected from the same government. Speaking in the same vein, leader Gonzi Rai stated that “resettling squatters has always been a priority among the things we want the government to do for the region” (Gonzi Rai, *East African Standard*, 12 October 2005, 3).

Leaders even harped at the cultural practices and traditions of the African people. For instance, one Jebii Kilimo, then Cabinet Minister in the Office of the Vice President, stated that the proposal that women would inherit land at their places of birth was against African tradition. (The Standard Team, *East African Standard*, 9, October 2005, 5). Such arguments, it was thought, would appeal to the mass psychology of those who were culturally orientated. It is significant that a vast majority of Kenyans still subscribe to their traditions and this consideration, it was thought, would bring more support for the “No” campaigners.

Other campaigners even faulted the President for reneging on his oath of office. One such sentiment was echoed thus: “He took the oath of office when being sworn in to abide by the constitution. Why did he go ahead and issue the title deeds when a high court had stopped the same?” (Ndolo, *East African Standard*, 17 October 2005, 2). Such an anomaly was viewed as making people consider supporting their side of the campaign more critically.

In relation to his actions and utterances, the President was accused by the former State house comptroller, Franklin Bett, of using land to blackmail the Kalenjin community into backing the proposed constitution (Nzia, *East African Standard*, 4 October 2005, 2). This also shows some kind of bribery in the sense that the President knew that land was a centrally sensitive element that could not be overlooked by the Kalenjin community.
5.5.2.2 The Nation Newspaper Coverage of the Land Theme

Issues of land took centre stage in the referendum campaigns as witnessed in both the Nation and the East African Standard newspapers’ reportage. While appealing for support for the new Constitution, Amos Kimunya, the Lands Minister, used the same tactics to woo people to support the constitution. He similarly dismissed a court ruling and asserted: “The government will not execute the court ruling. You’d better start cultivating the farm” (Kimunya, Nation, 24 October 2005, 1)

It emerges, therefore, that there was a lot of government and political meddling in judicial issues, probably with the sole intention of making the citizenry support the proposed constitution unconditionally.

The Nation newspaper captured former President Moi’s arguments, which were anchored on land issues. He is reported to have said that the chapter on land could adversely affect many people if the proposals were passed in the November 21 Referendum (Kimunya, Daily Nation, 19 October 2005). In a swift response to the foregoing sentiments, Mwai Kibaki, then-president also suggested that leaders were using land issues wrongly to influence Kenyans to vote for the proposed constitution. He stated: “I urge leaders not to squabble over land matters and instead support the government’s efforts in helping the landless to acquire land; it is the right of Kenyans to own land” (Nation Team, Daily Nation, 21 October 2005, 1). Such reassurances were aimed at convincing Kenyans that the government had its obligations which it had to meet, regardless of the proposed Draft Constitution.

Other pro-constitution leaders were even more threatening. Such statements, as the foregoing, bear such evidence: “The proposed constitution will clear out all land grabbing issues and will enable people to live in comfort after November 21 should people vote for the draft constitution ” (Kamanda, Nation, 6 October, 2005, 4).
Such statements were, sometimes, self-prompted and, at other times, in response to earlier statements regarding land. Earlier statements included the more straightforward utterance by Kibaki to the Maasai suggesting that, “You Maasai should not be misled by people who are pumbavu (foolish), who allege that you will lose your land if you vote for the draft constitution” (Matoke, Nation, 22 October, 2005, 6). Such statements were criticised by other “No” proponents with statements like Ntimama’s: “The proposed draft constitution is proposed to rob the Maasai of their land and resource” (Ntimama, Nation, 3 October 2005, 5).

Reacting to Kibaki’s move to give title deeds to the Ogiek community despite a court order against the move, Kanu Chairman, Uhuru Kenyatta, said that the “Banana” team had sensed defeat and were trying to bribe voters to support the new draft (Mugonyi, Nation 17 October 2005, 1). Earlier, it was reported by Simon Siele and Kennedy Masibo (Nation Team, Nation, 16, October, 2005, 1) that, “Kibaki ignored the court and issued title deeds.”

The Nation newspaper also captured some domestic and cultural sentiments regarding land inheritance and the proposed constitution. Mary Adhiambo, a Kisumu resident, is reported to have stated: “It’s wrong to force a man to allocate land to his daughters. It will bring chaos in the family and make women not to stick to their marriages” (Munene, Daily Nation, 2 October 2005, 12).

Other statements on the same land issue and, in related terms, the clashes, were Prof. Kivuittha Kibwana’s who said that those in the “Orange” team were afraid of the proposed constitution, because they thought that they would be charged for taking part in land clashes and land grabbing (Mwaniki, Daily Nation, 12 October 2005, 3).

5.5.3 Political Utterances Theme from the Newspapers

Different leaders uttered a varied range of statements in the course of trying to campaign for or against the Draft Constitution. Leaders in different categories such as politicians, professionals and the clergy uttered remarks which could have shaped the nature of the debate that ensued with regard to the Draft Constitution.
These remarks were circulated through the mass media as a way of ensuring that voters were urged to vote for or against the Draft Constitution. The two mainstream newspapers published these utterances and probably used them to attract readers to their news pages. These utterances were thus used to shape public opinion in the country. Page 1 of the *Nation* gave 21% of its main story space to articles on the leaders’ utterances theme, while the *East African Standard* used 13% as shown in Table 5.5. This shows that the two newspapers tended to use leaders’ utterances to attract readers to the newspapers. In Page 3 which mainly has hard news, leaders’ utterances theme had the majority coverage of 19% as depicted in Table 5.7.

The then President Mwai Kibaki urged voters to read the Draft Constitution or the Wako Draft before deciding to vote for or against it since according to him, this Draft Constitution was good for Kenyans. There was a strong feeling on the part of the President and others who were campaigning for the Wako Draft that those who were saying No to the document were doing so without having read it. Some people went ahead and said that once certain leaders had read the draft constitution then there was no need for them to read the document. The president charged: “Stop going round saying people do not want a new constitution. What do you want to achieve by convincing people to vote against the draft constitution? Kenyans want a genuinely good constitution that is people centred, you are not expected to concentrate in storytelling, Kenyans should stop wasting time instead they should read the Wako draft (Buluku, *Nation*, 24 September 2005, 2).

In reference to the likes of President Kibaki, who was more than 70 years old, the then Minister Najib Balala noted that, “The era of old men ruling is over and leadership should be handed over to young and industrious leaders” Najib Balala (*Daily Nation*, 11 September 2005, 2).

Balala attempted to group the likes of John Michuki, Simeon Nyachae, and Njenga Karume as the old people who were ruling Kenya (*Daily Nation*, September 11 2005, 2). He juxtaposed them with relatively younger leaders such
as William Ruto, Musalia Mudavadi and Joseph Nyaga who each supported the “No” Campaign and were opposed to the Draft Constitution.

In an attempt to show the wide gap between the Wako Draft and the Bomas Draft, the then Member of Parliament for Mbita, Otieno Kajwang elaborated that the draft constitution was changed after the Bomas constitutional conference and different aspects introduced into the document. He asserted that “the difference between the Bomas draft and the Kilifi draft are here today, the ‘Orange’ revolution versus the ‘Banana’ Republic” (*Daily Nation*, 14 September 2005, 2).

In pursuit of the leaders, regional thinking, the then Member of Parliament for Makadara Reuben Ndolo said that he would bar the Member of Parliament from Kieni, Hon. Christopher Murungaru from passing through Nairobi on his way to Kieni in Nyeri due to his support for the Draft Constitution, (*Daily Nation*, 14 September 2005, 2). This kind of statement from Hon Ndolo, who opposed the Draft Constitution, was significant in illustrating the level of intolerance that had emerged amongst the citizenry with regard to their position on the Draft Constitution.

In an apparent reference to his relationship with President Kibaki, the then Roads Minister Raila Odinga said that some narrow minded politicians were using the Draft Constitution campaigns to create a rift between him and the President (*Buluku, East Africa Standard*, 5 September 2005, 2). This kind of utterance clearly showed that he and the President had their differences concerning the Draft Constitution, but he blamed the politicians who were responsible for misinforming the President. This article published by the *East African Standard* Newspaper showed the widening gap that existed between them in reference to the draft constitution, and particularly regarding the 2005 Referendum.

As the then Foreign Affairs Minister, Chirau Ali Makwere argued, some members of Parliament feigned businesses as a way of opposing the Draft Constitution. He termed those opposing the reforms as “busybodies” that were always against the government (*Kazungu, Daily Nation*, 10 September 2005, 4). He was openly opposed to those who were against the Draft Constitution and expected them to
join the “Yes” camp, “business” notwithstanding. His comment was more arm-twisting than that persuading his colleagues, given that everyone had the freedom to choose which side to support. It was not about always being against the government since they were part of the same government that they were opposing.

In an apparent reference to the government which ignored the Draft as written in Bomas of Kenya, the then Secretary General of the Central Organisation of Trade Unions Mr Francis Atwoli said that, “A few individuals sat down and came up with this document but ignored Wanjiku’s views” (Kamau, Nation, 2 September 2005, 3).

The Draft that was presented to the people of Kenya was drafted by the Attorney General Amos Wako in Kilifi thus earning the nickname “the Kilifi Draft”. This Draft ignored what the Commissioners and delegates from all over the country had agreed on over various clauses. The Draft as per “the Bomas Draft” had the political executive, headed by a Prime Minister, while “the Kilifi Draft” had a Prime Minister who was a titular head without substantial powers. This was a significant shift that separated “the Bomas Draft” from “the Kilifi Draft”. According to Francis Atwoli, the people’s views were well captured by “the Bomas Draft” and not in “the Kilifi Draft” He dubbed the people’s views as Wanjiku’s views (This is a name of a typical Kenyan woman).

The then Leader of the opposition, Uhuru Kenyatta, dismissed those who supported the Draft Constitution using as propaganda that eating bananas is tantamount to eating poison. He stated that “We are being told to eat a banana whose portion is poisonous and not being told who will remove the poison once it is in the body” Uhuru Kenyatta, (Njiraini, Nation, September 9, 2005, 2).

Uhuru Kenyatta was amongst the few leaders from Central province who opposed the Draft Constitution. He led the Kenya African National Union members in supporting the anti-Draft Constitution side in the Referendum.
Corruption in the electoral process seems to have been pervasive as hinted by the then Member of Parliament for Eldoret North constituency “We are asking why identity cards are being collected ostensibly for safe keeping now… this is an attempt to rig the referendum” (Njeru, Nation, 9 September 2005, 4).

The act of hoarding national identity cards by some supporters of the “Yes” campaign was intended to deny those opposing the Draft Constitution enough votes to defeat the “Yes” side in the referendum. Professor Kivutha Kibwana supported the Draft Constitution in the remark that his fellow Minister from Ukambani, Kalonzo Musyoka, had not provided water to the people of Mwingi despite serving as a government minister in the Moi government for seventeen years. Prof Kibwana served as Coordinator of the “Yes” campaign team in Eastern province.

The Draft Constitution was also supported by the then Kiambaa Member of Parliament, Njenga Karume, who faulted the sentiments of some diplomats, more so those from the US and European countries. He stated, “I fail to understand why the foreign missions are interfering in the proposed constitution they should know this is not their country” Karume (Fasihi, Nation, 30 September 2005, 4).

He termed remarks by some of the diplomats as interference by foreign governments. The Members of Parliament cited sovereignty as the reason why foreigners should not interfere in the internal affairs of Kenya. The diplomats were viewed by a number of those in the “Yes” campaign team to be actually against the draft constitution and to be supportive of those opposed to the Draft Constitution.

Dr Noah Wekesa, the then Minister, who supported the draft constitution, associated the various sides that different leaders had taken in the draft constitution to signify how they had been treated by the Kibaki government. Some leaders had been promised different positions in government during the 2002 campaigns but these promises were not fulfilled. This situation led to anxiety among some of the leaders, mainly those who belonged to the Liberal Democratic
Party. Dr. Wekesa noted that “Some people now see the referendum vote as payback time” (Shikwati, Nation, 30 September 2005, 5).

Some members of parliament attempted to be neutral in the referendum campaigns. These members criticized both the “Yes” and the “No” campaign teams. One of them was Zadock Syongo, then Member of Parliament for Gwasii who was reported to have said: “If we lose, I will go to church and pray for Kenya because we are in bad times where women in Nyanza cannot sell bananas in the market and people in Mt Kenya cannot sell oranges” (Njiraini, Nation, 29 September 2005, 2).

In essence, the MP was implying that the campaigns were interfering with the market for traders in the stronghold of the different campaign teams. The orange was a campaign symbol for those who opposed the draft campaign team while bananas were a symbol for those in support of the draft constitution. Consumption levels of either of the fruits in opposite camps had reduced drastically as voters supported either side of the campaign teams.

In the course of campaigning for the Draft Constitution, the then Assistant Minister for Energy, Mwangi Kiunjuri stated that the youth in Kenya were already with the “Yes” team and they should be given the chance to lead in the campaigns. Kiunjuri observed that there should be a generational shift. The shift, he suggested, should have been such that the old leaders should pass over the baton to the younger generation. Kiunjuri observed: “We respect them for their political experience but considering that the youth form more than 50% of the population, it would be appropriate if the older politicians added value to the campaign by facilitating the younger ones to spearhead the campaign” (Mnyamwezi, East African Standard, 2 October 2005, 4).

Leaders tended to bring in issues that were besides those of the referendum. These included remarks such as those made by the then member of Parliament for Kisumu Rural, Professor. Anyang Nyong’o who recalled that in the 2002 election campaigns, leaders, such as Simeon Nyachae, who was now playing a leading role in government, and Njenga Karume opposed President Kibaki’s but
were the ones enjoying in the Kibaki government by virtue of their cabinet positions. Nyong’o asked, “Where were Nyachae and Karume as we struggled to bring Narc to power? Nyachae betrayed our cause, dumped Narc as Karume rooted for Kanu” (Agina, *East African Standard*, 3 October 2005, 3).

Raphael Tuju, then Minister for Information and Communications, who originated from Nyanza province then seen as the bedrock of opposition to the draft constitution, alleged that though most people from the region opposed the draft, which he supported, they still sneaked to see him for favours as they perceived that he was closest to the Kibaki government. He alleged that: “These people are like jiggers whom when you to try to help they do not see” (Reporter, *East African Standard*, 14 October 2005, 4).

The whole idea of using support or opposition to the draft constitution to judge those who are loyal or disloyal to the government or the President was central to the debates. Prof. Kibwana had earlier said that being in President Kibaki’s government meant that one would get more benefits from the government. This kind of reasoning provided the background for some of the very reasons why the constitution was being reviewed so that development in the entire country could be proportional but not equal to an individual’s support for the government of the day. Then KANU MP William Ruto asked: “Why do they tell the people to read the document and make informed choices and then intimidate others? The matter of the constitution does not represent who is loyal to the President or not” (Nzia, *East African Standard*, 25 October 2005, 3).

Raila, then Minister for Roads, and now the country’s Prime Minister, contributed to the debate of whether those in the government must support the draft constitution. He felt that it was within one’s democratic right to support whichever side one wanted to support in the referendum. He opposed the reasoning that any person in government who opposed the draft constitution should not benefit from government development. He asserted that: “The constitution issue is not a government project. It is the people’s” (Kisia, *East African Standard*, 25th October 2005, 3).
In a statement that illustrates the point that Raila Odinga was belaboring, the Mutito MP Kiema Kilonzo, observed that politicians were complaining that the government was using relief food to lure the Kamba community to join the banana camp (Ojuang, *East African Standard*, 12 October, 2005: 3). Some leaders typified Raila as a despot. They said that supporting Raila’s “No” side was tantamount to supporting dictatorship.

In a further elaboration of the apparent grouping of voters on the basis of their origins, the then Member for Parliament from Kisumu Town East, Gor Sungu, appealed to then Minister Tuju to take his campaigns elsewhere as he alleged that the people of Kisumu had taken an irreversible stand against the draft constitution, (Mburu, *East African Standard*, 29 October 2005, 1). Although he hails from the region, Minister Tuju had actually been rejected by the people as all his local campaigns were marked by violence which was, perhaps, intended to discourage him. He was seen as going against the popular side in the draft constitution debate. In a rejoinder to the violence whenever he campaigned for the banana side, Tuju said, “It is all about intimidation. They are terrified of the truth. They know every time I talk to people in Nyanza the game is over” (Ojuang, *East African Standard*, 31 October 2005, 3). One of the then political activists in his constituency, Nicholas Gumbo reacted thus: “If Tuju is man enough he should come home and campaign for Banana unless he is afraid of the unwavering support Raila and the “Orange” camp enjoy here” (Ojuang, *East African Standard*, 24 October 2005, 4). Raila, however, felt that the police were killing his people in the guise of quelling violence. He commented, “If these people want to get at me, let them come for me and stop brutalizing my people. They killed an innocent pupil who was on his way back to school!” (Ongiri, *East African Standard* 31 October 2005, 2). Observations similar to the Tuju case were seen elsewhere. Some leaders still strongly held out against the general stance of their regions. One such leader was Maoka Maore who contended, “I cannot support the Banana group just because I hail from Meru. The issue is that the Wako Draft is flawed. Kiraitu appears to be spearheading a tribal agenda,” Maoka Maore, (Wandera, *East African Standard*, 11October 2005, 5).
Such arguments, it seemed, typified attempts to demonstrate independent
mindedness and an issue based approach to politics of the constitution rather
than blind tribal inclination. Other such “renegades” included Joseph Kamotho,
from Central Kenya, of the Liberal Democratic Party who stated that he would
intensify the campaigns and access the voters at the grassroots. He observed that
“voters wanted a people driven constitution and not the doctored Wako Draft”

Ethnic considerations took centre stage. Whereas both Kalonzo Musyoka and
Charity Ngilu hailed from the same region, Ukambani, they both belonged to
different camps. Intra-ethnic tensions dictated that when Ngilu opted to support
the “Yes” team, Kalonzo dismissed this choice by suggesting that Ngilu would be,
“reduced to being an errand girl of a powerful clique (Reporter, *East African
Standard*, 15 October 2005, 4). Ngilu’s campaign spirit would later harden. As a
Minister for Health in the then government, she warned chiefs against supporting
any side apart from the “Yes” side. This was seen in her statement that “It was
important that chiefs, in their areas, deliver votes to the ‘Yes’ side or risk ‘being

Accusations and counter accusations would form a better part of these political
utterances. There were hot spots of sporadic violence and allegations of
counterfeit money for bribing voters. Due to such instances, politicians talked
tough. For instance, in early October 2005, Kiraitu Murungi charged, “The Orange
team is driven by lies, propaganda, distortion and sometimes violence. Those
opposed to the proposed constitution belong to a backward and retrogressive
2005, 1). And he continued, “We defeated them in 2002 and we will do so on
November 21st. No amount of threats, intimidation or violence will stop us”
2).

Other accusations from the pro-constitution team were that: “Raila has tried using
the armed forces together with his father but Moi crushed the coup attempt. He
vied for the presidency in 1997 and lost, he is now using the draft constitution to
get the power but I assure him he will fail” Nyachae (Atsiaya, *East African Standard*, 8 October 2005, 5). The “Banana” team used such allegations to threaten Kenyans into believing, perhaps, that the anti constitution people were only out to grab power, even violently. This, it was thought, would direct the people’s sympathies towards the pro-constitution campaigners. Allegations, sometimes unsubstantiated, included Njenga Karume’s assertion that, “Machines for printing fake money have been brought into the country by those opposing the proposed constitution to print money for the campaigns” Karume, (East African Standard Team, *East African Standard*, 6 October 2005, 1). In some instances, these political utterances could be bland, insulting, downright and even vulgar. This is observed as a major weapon that the opposing teams would use to lure or woo supporters. In response to allegations of fear of defeat by the “Banana” team, for instance, Raila retorted, “There’s no panic in the ‘Orange’ camp and we are confident that Kenyans will reject this mongrel from Kilifi. We are not corrupt”, Raila Odinga (Atsiaya, *East African Standard*, 6 October 2005, 1). In reference, perhaps, to their perceived victory, Raila Odinga again stated that, “The hurricane is blowing from the East to the West and South to the North and would soon sweep all the dirt to the sea (Reporter, *East African Standard*, 8 October, 2005, 1). While similarly commenting on the “Banana” camp’s anticipated victory in the referendum, Simeon Nyachae used the imagery of peaceful bees who would only act disastrously if provoked. He threatened, “The orange camp is provoking peaceful bees, but we will sting them so fiercely that they will never forget” Nyachae (Ojuang, *East African Standard*, 1 October 2005, 4). This kind of imagery tended to depict the pro draft constitution side as being unstoppable in their march to victory. The reference to bees apparently signified large and resolute numbers of the pro-Draft supporters.

While discussing past and former Kenyan regimes, James Orengo states, “The Kibaki government needs a few blows to get it back to life, the KANU regime was a tragedy but NARC is a farce!” (*East African Standard*, 28 October 2005, 4). James Orengo a former MP tried to associate the “Yes” side with failure. The insults even took a personal dimension and sometimes, age matters were invoked. For instance when Simeon Nyachae asserts that, “Raila is telling Kenyans that I’m too old to be trusted with the constitution making process yet his
father was 81 years old when he vied for presidency. I am only 72. Does he only see age in Nyachae?" (Ojuang, East African Standard, 1 October, 2005, 4).

Commenting on Raphael Tuju's decision to spearhead the “Yes” campaign in Nyanza (thereby opposing him), Raila said that, “When we were fighting for the independence of this country Tuju was still in his political napkins” Raila Odinga (Bartoo, East African Standard, 7 October 2005, 4). Raila was suggesting herein, that Tuju was still a minion and a novice in what the more mature politicians would consider as “real” politics. Tuju countered: “Mimi ni kiboko wa yule kijana anasumbua watu kwa sababu anaongozwa na tamaa ya uongozi… (I am the one who can manage Raila, he is full of envy for political ambition)” Tuju referring to Raila (East African Standard, 8 October 2005, 5).

Likening “Yes” supporters to a duster whose utility value is lost upon usage, Njeru Ndwigia commented that, “Those following Raila like Uhuru Kenyatta will be used and dumped” (Njeru Ndwigia, East African Standard, 23 October, 2005, 5). And, while mimicking the president’s favourite abuse, Kalonzo summarized his resolve towards supporting the No camp by commenting, “I am not a ‘pumbavu’ because I have chosen a different path from the president” Kalonzo Musyoka (Agina, East African Standard, 30 October 2005, 4).

The political utterances also, occasionally, took a tribal slant, as can be seen in the following remarks:

1. Let it be known to Kombo that he cannot be the president after joining the old guard and practicing cheap politics” Raila Odinga (Mutua, East African Standard, 17 October 2005, 4).

2. “If uniting Luhya will make me be called a tribalist, then that is a legacy I want to leave behind and I have no regrets about.” (Musikari Kombo, East African Standard, 17 October 2005, 5).

3. “Even if the President comes to Western Province, the ground will not change. The people are in ‘Orange’ and that is a closed chapter” Okemo (Ongiri, East African Standard, 24th October, 2005, Page 3).
It has been observed that there was tremendous debate on the process and mechanism that the constitution making exercise was to take. This had a varying range of interpretations. Former president Daniel Moi faulted the so-called people-driven process suggesting that the people had already elected lawmakers to act on their behalf. He is reported to have sympathized with the electorate for this back-and-forth game by stating, “If Wanjiku appointed Karume to lead her, how can Karume go back to Wanjiku to ask her to write him a constitution”? I really sympathise with Wanjiku. Daniel Moi (Baraza, Nation 19 October 2005, 3). In the above issue, the need for a people-driven constitution is still an acutely fundamental need even in contemporary times, as noted in current newspapers: “As we have said before in these columns, such important issues as a new constitution are so weighty that they would not be left to parliament alone to make the final decision. And because citizens would have divergent views on what should go into the constitution, the acceptable option is passing the document through a referendum where it would either be passed or rejected by the electorate” (East African Standard, 13 October 2005, 14).

After voters rejected the Draft Constitution of 2005, President Mwai Kibaki moved quickly to reassert his political authority by dissolving his entire cabinet and deputy ministers. In regard to this seemingly radical decision, Kibaki said, "Following the results of the referendum, it has become necessary for me, as the president of the Republic, to re-organize my Government to make it more cohesive and better able to serve the people of Kenya" (East African Standard, November 26th, 2005,1).

Although the dismissal of individual officials is commonplace in government, the dissolution of the cabinet in its entirety is rare. The only member of the cabinet office to be spared a midterm exit was the Attorney General, whose position is constitutionally protected against Kibaki’s Presidential powers. Vice President Moody Awori was also spared the sack. However, he was relieved of his position as Minister of Home Affairs. The dismissal of the cabinet followed a seven month period in which its members never actually met formally. Instead, they preferred to play political games with one another through the media. Kibaki pledged to appoint a new cabinet within two weeks. Until then, he would be managing the nation's affairs single-handedly.
The cabinet had been increasingly divided for an extended period of time, and the issue of the constitution had created further fractures. Because the National Rainbow Coalition was a grouping of several smaller parties (Democratic Party, Forum for the Restoration of Democracy-Kenya, Liberal Democratic Party, National Party of Kenya), members of the Kibaki government maintained conflicting agendas and loyalties, often maintaining more loyalty to their party than to the Coalition. Corruption charges and investigations into the affairs of the cabinet had gone unpunished by the President.

The response to the sacking of the cabinet and ministers by Kenyans, as a result, was overwhelmingly positive. However, the opposition spearheaded by the Orange Democratic Movement (whose key members consisted of a number of MPs from the now moribund cabinet) expressed the view that Kibaki had not gone far enough and dissolution of both the Legislature and the executive arm of government was necessary. This, combined with the government’s defeat at the referendum, and Kibaki’s inability to deliver on his campaign promises, caused an increase in demands for new elections for the entire Kenyan government by the opposition leaders.

After rallies on 27 November 2005 by the opposition demanding new elections as soon as possible, the Kenyan government outlawed all demonstrations in support of new elections. The Kibaki government dismissed the idea of early elections, and claimed that such gatherings were a, “threat to national security”. The opposition encouraged nationwide pro-election demonstrations and scheduled a rally led by the “Orange” team at the Mombasa Municipal Stadium for 10 December. The government called in the police to seal off access to the Stadium and prevent the rally from taking place. Similarly, all other pro-election rallies throughout the country were to be blocked by law enforcement forces. Consequently, Kibaki postponed the reconvening of the Legislature, which was scheduled to resume its affairs on 6 December, 2005.

When assessing the presentation of leaders’ utterances during the period under study, Ekeh’s Two Publics is adequately demonstrated. These utterances were essentially politically unethical as it tended to downgrade others politically. Using
Ekeh’s analysis, the utterances, which occurred in the civic public, proved unethical as it sought to downgrade certain ethnic groups, thus highlighting Ekeh’s supposition that members of the civic public are unethical in their behaviour. Leaders who belong to the primordial public tended to use group membership to create an ethnic obligation to readers so that they could vote the way they so wanted during the referendum polls.

Members of this public tended to show their discordance with members of the primordial public by criticizing those who did not subscribe to their viewpoints thus causing political conflicts. It is important to note too that these conflicts were more or else centered around control for instruments of governance.

5.5.4 The Political Conflict Theme as Captured by the Nation and East African Standard Newspapers

Political conflicts during the period that preceded the referendum were evidenced by the numerous political altercations that took place between politicians over issues that were related to the referendum on the draft constitution. The issues that caused these political differences ranged from the process of constitution making to that of the content of the Draft Constitution. Pallmeyer (1997) argues that conflict is an important determinant of news since journalists perceive conflict to be of interest to their audience. The perception originates from the feeling that greater conflict generates greater anxiety and public interest in news content. Berkowitz et al. (1993) argue that more content on conflict would definitely mean a wider readership and consequently higher returns for the media houses. The media thus tend to highlight those points of conflicts as news. In the process, they develop news prisms based on conflict as typified in the various statements that showed disagreements among various politicians. Examples of such calls were from politicians like William Ruto, then, a Member of Parliament for Eldoret North. He stated, in the Daily Nation, that, “It does not require an intelligent person to know that the salary increases are aimed at influencing councillors to support the new constitution” William Ruto (Odhiambo, Daily Nation, October 2005, 3).
In the statement, he attempted to insinuate that the salary increase that the Councilors had been awarded was aimed at achieving support for the draft constitution. In the MP’s statement, there was an attempt to achieve hatred and hostility for the draft constitution. By extension, he also presumed that the remark would increase the number of those opposed to the draft constitution. It is possible that statements such as that of Hon Ruto could have raised people’s tempers and caused conflict. The two newspapers used 10% of the headline articles in Table 5.5 on topics that showed political leaders differing on whether to support or oppose the Draft Constitution. Page 1 covered hard news while the commentary pages covered soft news or educative issues. The two newspapers had a total of 9% of their articles dedicated to political conflict as in Table 5.7. This highlights the media’s use of conflict as a key determinant of news.

However, other statements such as those by John Mwakali, who was the Chairman of Nzoia Out Growers Association to the effect that “People should be told to vote as a bloc for the constitution to protect our political party interest. It is a waste of time for people to engage in discussing the content of the draft constitution” (Ombati, Nation, 7 October 2005, 1).

The kind of mentality portrayed in this statement shows how different activists were able to campaign for the support or rejection of the Draft. This was not done by discussing the content but as a way of opposing different political groups such as the Democratic Party, the National Rainbow Coalition, FORD Kenya, FORD Asili, and FORD People who supported the Draft Constitution and the Liberal Democratic Party of Kenya, and the Kenya African National Union who opposed the Wako Draft Constitution. The attitude that people should vote as a community or as a block influenced voters against reading the draft constitution. Voters thus tended to vote according to the side they thought the majority of their community members supported. This kind of reasoning encouraged emotionalism rather than deliberation of the content on the Wako draft constitution. Mwakali wanted to maintain loyalty of members of the different political parties in the country (Daily Nation, 7 October 2005).
Emotionalism and intolerance that are evidenced by the politicians’ utterances could have contributed to some of the violence such as the case where members of the “Orange” motorcade were pelted with stones at Khayega market, just before Kakamega, as the leaders drove to Webuye from Kisumu but the seven people involved were quickly dealt with by police. Several cars had their windows shattered (Sunday Nation, 9 October 2005, 4).

The "No" campaigners were intimidated through political statements and at the same time the opposing group, represented by Musikari Kombo of FORD Kenya, lamented at the violence that was meted against their team in the campaigns in favour of the draft constitution. He observed, “I am angry that he stood by as helpless women and children were beaten by armed youths. It is a very sad story” (Daily Nation, 10 October 2005, 3).

In an apparent show of the trickery that accompanied the campaigns, the Orange youths took advantage of generous financial gestures from the rival camp who allegedly paid Ksh100 for every youth who donned their T-Shirt. On reaching the venue, the Orange group removed the T-Shirts and started selling them at Ksh 50 each, (Njeru and Odalo, Saturday Nation, 15 October, 2005, 4). This kind of trickery by the two different camps depicted how money was being used to attempt to influence the different sides of the voting blocks. In the above instance, the “Yes” campaigners, or those dubbed as the pro-draft constitution campaigners, used money to influence people to campaign for them by providing free “Yes” T-Shirts.

Political differences were not limited to political rallies alone. These kinds of political attacks by rival political groupings, supporting the different sides in the referendum, emerged even in parliament as reflected in the altercation that took place between Raila Odinga, the then Minister and Amos Kimunya, the then Minister. In a verbatim report of their exchange, the Nation newspapers reported, “Mr. Speaker, is it in order for the honourable member to tell me, ‘you are stupid, Idiot’?” Minister Amos Kimunya asked in reference to fellow Minister Raila Odinga (Opondo, Nation, 13 October 2005, 2).
In this exchange, there was an apparent show of disunity by the front bench in parliament as the two Ministers quarreled with each other over their different positions in the Referendum campaigns. President Mwai Kibaki was to later sack all Ministers and Assistants in order to re-constitute the cabinet.

They publicly remained neutral as they did not have a consensus on any of the contentious issues. However, in their individual capacities, quite a number of them were active either for or against the draft constitution. The Catholic Church then led by Archbishop Ndingi Mwana a'Nzeki, appealed for peace in the campaigns and also in the celebrations of whichever side would win in the referendum (Njeru, *Daily Nation*, 31 October 2005, 3). The clergy has been an important component of the process of constitution making as they have held different opinions which they use the Sunday summons to propagate. The impact of the clergy’s appeal for peace, have however, been limited as the campaigns were still marred by violence.

These campaigns were marked by statements that served to divert attention from the real issues to other side issues such as the impending Presidential campaigns in 2007. In an illustration of the differences and the misinterpretations in the campaigns, Mutua Katuku, then a Member of Parliament from Ukambani, had this to say: “We have been cheated that it is a Presidential campaign between Environment Minister Kalonzo Musyoka and President Kibaki the truth is that some leaders who reaped where they did not sow during the past regime are scared of being told to account for their misdeeds” (Mugonyi, *Daily Nation*, 28 October 2005, 2) In this statement, the MP was attacking the then Environment Minister who had been a senior member of the past regime. In Ukambani there was a perception that the said Kalonzo was more popular than Mwai Kibaki. The anti-Draft Constitution campaigners sought to erroneously depict the campaigns as a battle between Kibaki and Kalonzo.

The idea of zoning off some areas as belonging to some group, which either opposed or supported the draft constitution, was evident in both camps. Whenever either team visited strongholds of rival camps, violence erupted due to some of the utterances by the leaders. “It is sad that the banana team can’t visit
some places in this country because some leaders have incited their people”, said George Nyamweya a NARC activist (East African Standard, 13 October, 2). In this statement, George Nyamweya was lamenting the fact that as members of the “Banana” team, they could not visit parts of Nyanza, Western and Ukambani due to hostility and possible violence by members of the “No” team, or those who opposed the Draft Constitution.

Apparently, violence was witnessed in the campaigns though it seemed not to be spontaneous but was instigated, as observed by the Minister for Transport John Michuki. He noted that “Politically motivated youth gangs have emerged and are engaged in disrupting meetings of rival camps. Violence has in the recent past erupted in several meetings” (East Africa Standard, 8 October, 2005, 4). Hon. Michuki was a Senior Minister in the government of Kenya. He was also a central figure in the campaign for the adoption of the draft constitution. He commented thus in reaction to the violence and intolerance that was associated with the referendum campaigns. In an apparent show of impunity and lack of concern for the violence that erupted during rallies that he addressed, Hon. Raphael Tuju, who was then Minister for Information and Communication, commented, “It is now fashionable to be attacked. Raila was attacked in Nanyuki and it is now happening all over. I am not bothered by the incidents at all. Watch my words and, come Saturday, we will have a rally in Kisumu come rain come sunshine” (East African Standard, 25 October 2005, 4). The comment above seemed to contrast the stance taken by other members of the “Yes” team such as Minister Michuki who condemned the violence. Hon Tuju apparently took violence as a way of life. This kind of remark could have been responsible for rationalizing violence thereby making it appear as a normal phenomenon in the campaign process.

Some members of the Orange campaign team seemed to be sending propaganda statements such as the one published in the East African Standard which stated that, “The government is orchestrating violence in order to declare a state of emergency before the November 21st referendum, the ‘Orange’ camp has claimed. (Ojwang’, East African Standard, 31 October 2005, 5). The “No” campaigners had a strong feeling that the violence that was being meted against
them was sponsored by the government. The police were blamed of having failed to take any action whenever these incidents were reported to them.

Violence during the campaigns also targeted leaders. This is seen in the case of the former Wajir East MP Abdi Salaam Mohammed, who was in the “No” camp, “The former MP bled after he was hit with a stone in running battles between Banana proponents and Orange counterparts in Wajir town. (Ohito, East African Standard Newspaper, 25 October 2005, 2). These incidences of violence caused anxiety amongst those who were campaigning for the different sides of the Draft Constitution.

It is apparent that leaders on both sides were individually targeted for attack since even members of the pro-draft side also faced violence meted out from the anti draft side. In reaction to these trends, Minister Tuju lamented saying that, “Yes I cannot deny they pelted me and my supporters with oranges and stones. I am lucky I was not hurt but I have no qualms about the incident” (Savula, East African Standard, 25 October, 4).

5.5.5 The Judiciary theme as published in the Nation and the East African Standard Newspapers

The need to reform the judiciary formed an important basis for the constitutional change campaigns. According to the editorial of 20 September 2005 in the East African Standard newspaper, the judiciary was corrupt and there was need to reform that important arm of government. The editorial argued that judicial reform could only be undertaken if there was a total overhaul of the entire judicial system and if judges were asked to step aside. The editorial observed that this could not be undertaken under the Independence constitutional structure, thus the need to change the constitution. The editorial of the East African Standard of 20 September 2005 argued that for democratic transformation to be achieved in Kenya, the implementation of transitional justice and the enactment of a democratic constitution must be pursued simultaneously. The editorial noted that human rights violators had enjoyed the luxury of impunity for the atrocities and crimes they had committed against Kenyans for too long. The Nation newspaper
followed up this line of thought with an argument that since independence, Kenyans had been frustrated, deceived and increasingly impoverished by selfish, callous leaders and people in positions of authority who had looted and mismanaged the national economy with impunity (Editorial, *Nation*, 30 October 2005). The two newspapers, thus, each noted that despite corruption and misdeeds of some Kenyan leaders and people, the judiciary had failed to perform.

Similarly, the *East African Standard* newspaper editorial of 13 November 2005 followed up the theme of a non-functional judiciary. They stated that the rights of Kenyans to hold dissenting political beliefs and their rights to be free from torture and other forms of cruel and degrading treatment had been routinely violated with impunity. This resulted into a vicious and seemingly uncontrollable cycle of impunity in which violators are emboldened to continue to commit human rights violations, economic crimes and other injustices against Kenyans simply because they were aware that the state would neither pursue nor punish them. Indeed, some of these people are shamelessly continuing to rule, or seek positions of political leadership. This position belied the state of the Kenyan judicial system which was depicted by the newspapers as incapable of stopping or punishing corruption. The nagging challenge, as presented in both editorials, was the state of impunity in the country. The editorial of the *East African Standard* on 13 October 2005 aptly captured the problem of impunity as a result of an allegedly corrupt judiciary when they said that the way forward was to call on all Kenyans to support the “Campaign against Impunity” which aimed to exert pressure on the state to act against the perpetrators of past and ongoing human rights violations and economic crimes.

5.5.6 *The East African Standard* Newspaper Coverage of the Devolution Theme

According to Oyugi (2005), devolution is the transfer of power to elected sub-national political entities. Kenya obtained its independence regions which enjoyed limited autonomy, the Independence Constitution provided for a *Jimbo (Majimbo)* regional state. In this system of government, each of the states had limited authority to control the development agenda within those devolved structures including collection of taxes from its people and goods. Almond (1963) observes
that the outgoing colonial authorities believed that this kind of a constitution would address some of the teething problems that would confront the emergent independent state on issues such as land and the future of the immigrant communities. The Draft Constitution attempted to reintroduce aspects of the Jimbo into the Constitution but those who opposed the document felt that they had not done enough to provide for a devolved government. This unease with the devolution clause formed one basis of opposition to the Draft Constitution. Table 5.7, which shows the newspapers’ coverage of the commentary pages, confirms that the pages had only 4% of articles summarized in Table 5.5 were devoted to the theme of devolution. In page 1 which is the headline page, 11% of the articles on devolution were used to attract readers to the newspapers.

In an apparent attempt to support the Draft Constitution, the *East African Standard* newspaper article argued in the opinion page that in the proposed constitution, districts would have their own government structures. The districts would also collect revenue locally and draw funds equally from the Exchequer (Editorial, *East African Standard*, 19 October 2005, 6). This was taken to be a positive proposal as the districts would then be able to control the level and kind of development that would be adopted.

The *Nation* newspaper, like the *East African Standard* newspaper, covered a story where those who supported the Wako draft constitution, such as then Minister John Michuki, argued that, “The draft recognizes and gives districts a central status in government and management of state resources” (Odhiambo, *Daily Nation*, 6 October 2005, 4).

The Wako Draft Constitution provided for clauses which allowed the local authorities the power to collect and manage those taxes for developing their respective regions. The provincial administration was, however, not to be abolished under this system but was supposed to operate under the regional governments. This system would thus allow the central government access and presence in the regions because members of the provincial administration would be appointed by the central government.
The overriding power of the central government as a result of constitutional amendments that have taken place over the years led to too much power being concentrated at the centre. As argued by Oyugi (2005), this system led to imbalance in regional development. Some regions were allocated more resources as compared to their neighbours.

The constitution in contention provided excessive powers to the President, which required to be checked. This is why Raila Odinga, the then Minister, was opposed to it. “The demand for devolution was meant to check the powers of the president, and its exclusion from the proposed constitution had negative implications on the future leadership of the country” (Munene, *Daily Nation*, 17 October 2005, 4).

The referendum campaign period exposed people’s different perspectives towards the draft constitution. Morris Dzoro, then Minister in the Kibaki government, asserted that, “This constitution is the weapon that will empower Coast people to benefit from their resources including wildlife and the port of Mombasa as well as the vast mineral resources in the area” (Mayoyo, *Daily Nation*, 10 October 2005, 3). In this statement, he argued that the Wako draft constitution, if effected with the devolution clause was set to benefit them. The Minister used this argument to support the draft constitution. In this campaign statement, he thought that this kind of position would serve to promote people’s positive expectations on the new constitution.

5.5.7 *Nation* Newspaper’s Coverage of the Provincial Administration Theme

It is apparent that the two newspapers did not devote much of their coverage to this particular theme. It can, however, be argued that this theme was central in what were perceived to be contentious issues. Kindiki (2005) even points out that the referendum could have been won or lost depending on the people’s perspectives about devolution and the role that the provincial administration would adopt in the new political dispensation. As observed in the devolution section, the provincial administration is a critical tool for the central government. Some of those who supported or opposed the draft constitution used this clause to either
popularize the draft or oppose it. It is, however, worth noting that their statements were not used by the two newspapers. It is probable that in the newspapers’ prioritization process of articles to be published, the provincial administration theme did not take precedence regarded in the newsrooms.

This was apparent in the results as reflected in Table 5.1 which shows the coverage of the theme in the editorial page. It reveals that there was actually 0.5% coverage of the provincial administration theme. The commentary pages of the two newspapers did not have a single article on this theme. This implied that the editors of the two newspapers did not publish the commentaries on the theme since reader interest did not seem to have been the sole factor since the section on letters to the editor shows that the theme was actually the second most popular. Table 5.3 indicates that the theme accounted for only 18% of the total.

The theme received a number of comments that focused on the conflict in the actual role of the provincial administration in the draft constitution. Some felt that the system would be abolished and used that untruth to rally support of the provincial administrators. Those in support of the draft constitution felt that the system would still be useful and would assist to oversee government development in the regions. An example is the case of then Minister for Roads, Raila Odinga, who accused John Michuki of lying to provincial administrators that they would retain their positions if the “Yes” team won (Matoke, Daily Nation, 29 October 2005, 2). Then Assistant Minister Mirugi also observed that “The only people who will not have a role to play in the provincial administration will be the Provincial Commissioners, as there will be no provinces in the new constitutional dispensation” (Daily Nation, 10 October 2005, 3).

The government presumed harassment of members of the provincial administration was manifested by then Minister Charity Ngilu’s statement that “Any chief whose area votes against the proposed constitution will be sacked” (Daily Nation, 31 October 2005, 5). This kind of statement did not help to advance liberal democracy because the chiefs were being bulldozed instead of being allowed to choose freely what they desired during the referendum. To further illustrate this, similar threats had been used to ensure that those in authority would
exercise their power to convince their subjects to vote for the draft constitution or lose their jobs.

5.5.7.1 The Ethnicity Theme as Covered by the *East African Standard* and the *Nation* Newspaper

Kenya has 42 ethnic groups each with distinct cultures and languages (Ogot, 1996). The country has had ten elections since 1963 when the country became independent. It can be argued that the 1963 general elections were contested on the basis of ethnicity as observed by Oyugi (2005). In that election, the big tribes such as the Kikuyu, Luo and Akamba on one side and the other minority tribes such as the Taitta, Giriama, Kisii, and the Kalenjin among others were on the other side. This division set the background for the rivalry between the two main political parties namely the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU). Subsequent competitive elections such as that of 1992 were also characterised by ethnic polarization. The Luo and the Kikuyu were once more on one side in opposition to the government of then President Daniel Moi who hailed from the Kalenjin community. It is now an established trend for elections in the country to portray ethnic alliances. These ethnic alliances were experienced during the 2005 referendum campaigns, as politicians tended to use language with ethnic overtones to campaign for the draft constitution.

Ethnicity in Kenya is arguably tied, in complex and contradictory ways, to the uneven regional development patterns perpetuated by both the colonial and post-colonial governments. Indeed, it is this linkage that the politicians have exploited in their campaigns for and against the draft constitution. The two newspapers under study used their various publications to campaign for the different sides in the referendum campaigns by publishing ethnic overtones articles as discussed in this section. The newspapers have tended to use ethnic statements in most of the themes. As a result, this emerges as a cross cutting theme in the sense that most themes such as devolution, political utterances, political conflicts, executive, legislature, the provincial administration were couched in ethnic language. In this section, the theme of ethnicity is cross cutting as arguments on sections such as devolution are based on whether it would assist the tribe or not. However, the section on ethnicity as covered by the newspapers, also reveals that the
newspapers covered the theme as seen in tables 5.1, 5.3 and 5.6. Table 5.3 represents the Letters to the Editor section which leads with the percentage of articles based on the theme of ethnicity. In reference to the ethnic issues posted in the editorial page Letters to the Editor, during the referendum period, a total of 8% focused on these issues, with Nation contributing 11% and the East African Standard producing only 5%. This was a relatively credible index of public sentiments expressed, and taking into account the views of sampled readers.

5.5.7.2 The East African Standard Newspaper Coverage of the theme of Ethnicity

The period that preceded the referendum campaigns reaffirmed that Kenya is characterized by ethnic cleavages and political loyalty is based on ethnicity. This was clearly evident when the Luhya were asked by the then Vice President Moody Awori to position themselves to take over leadership should President Kibaki step aside in 2007 (Ojwang’, East African Standard, 2 October 2005, 4). Moody Awori was attempting to mobilize and manipulate the Luhya ethnic group in his struggle for power with Musalia Mudavadi, who supported the “No” side of the referendum.

Statements such as that by the Narok North Member of Parliament William Ole Ntimama that, “The government wanted to dupe the Masai that the Amboseli National Park has been given back to us. They wanted to deceive us but we will not be fooled again because we know what is happening” (East African Standard, 5 October 2005, 5). We are just part of the numerous ethnic-based promises that were made in reference to the referendum on the draft constitution. The Masai had been deceived that the Amboseli National Park would be given to Narok County Council yet it was still within the government’s jurisdiction. In this instance, the Minister was alleging that the Maasai community must have been deceived in order to enlist their support for the draft constitution in the forthcoming referendum.

In reference to the Amboseli National Park, the former Member of Parliament for Kilome, Mutinda Mutiso, said that “The Maasais are happy because they have been awarded the Amboseli National Park and we the Akamba people must now
peacefully demand for Jomo Kenyatta International Airport and the Tsavo National Park” (The *East African Standard*, 14 October 2005, 2). This statement faulted those who were pushing for the “Yes” campaign as they were allegedly using their positions in government to promise communities who would vote for them different kinds of favours such as the right to collect revenue from the Amboseli National Park, in the case of the Masaaï.

In an appeal to the Kipsigis community to support the government by voting for the “Yes” side during the referendum, Minister John Koech observed that if the Kipsigis voted for the adoption of the draft constitution, their people who had been ejected from the Mau forest would be resettled there (The *East African Standard*, 5 October 2005, 4). This kind of observation portrayed the ethnic appeal that was adopted by some proponents of the draft constitution. In this particular appeal, the Minister was actually reversing a government decision to remove illegal settlements from the Mau forest.

According to the *East African Standard* newspaper of 4 October 2005, then Minister Charity Ngilu spent close to four hours at State House, with 120 Councillors and three Members of Parliament from Eastern Province, and gave the President five conditions, which she said her community wanted met (Mutua & Murimi, the *East African Standard*, 4 October 2005, 1). Charity Ngilu, who led the “Yes” campaign team in Eastern Province, used her role to campaign for her Akamba people to be appointed to senior government positions. The objective of her visit to State house was to persuade the President to agree to her demands for her people to be appointed to senior government positions. This further illustrates how Kenyan communities and their respective political leaders have tended to organize themselves along ethnic lines in order to capture state power. The Kenyan political elite need to appreciate that leadership comes with great responsibilities and that they should be willing to make great sacrifices for the good of the country.

The tendency of political leaders to organize their communities along ethnic and regional lines in order to capture state power inspired mistrust and even hatred among different ethnic groups. This was in addition to eroding possibilities for
politics based on ideology. The result was a consistent record of the election to power of ethno-regional political parties. It could be argued that this trend was not generally committed to pursuing an issue-oriented approach to political mobilization and politics. The Managing Editor, the East African Standard Newspaper, Kipkoech Tanui, noted that his fear was that, "Our leaders have made us more tribal minded than we were in the change of the constitution era in the 1970’s when we had the Gema, Abaluhya Football club and Luo union among others" (East African Standard, 14 October 2005, 12).

The solution to this trend is to curb negative ethnicity as an instrument of political mobilization. Further, in an apparent observation aimed at highlighting the extent of ethnicity during the campaigns, the Member of Parliament for Nambale, Chris Okemo, noted that: “Vice President Awori, Minister Kombo and Attorney General Amos Wako who were supporting the draft constitution were dangling carrots to the Luhya community” Okemo concluded that “this was unfair to the Luhya community,” (East African Standard, 11 October 2005, 5).

The reference to the Luhya community shows the level of ethnic consciousness that was apparent amongst the Kenyan MPs. According to Tanui, the East Africa Standard Managing Editor, different Members of Parliament were given different inducements for them to rally their ethnic groups to support the draft constitution. At the same time, those who opposed the draft constitution also laced their arguments with ethnic language with a view to influencing their ethnic groups to reject the draft. They presented to them the perceived benefits of not supporting the draft constitution. There should therefore be a constitutional dispensation that includes both the diffusion of executive power and systematic action in regard to structural economic inequalities that have assumed an ethnic dimension.

Raila Odinga, then Minister for Roads and now Prime Minister, criticized Simeon Nyachae for dividing Kenyans along ethnic lines. He stated that “Nyachae wants to divide Kenyans along ethnic lines, with the boundaries being whether you are circumcised or not.” He observed that Tony Blair and George Bush are not circumcised yet they were leaders of a developed nation. Raila continued that “What then would prevent an uncircumcised Kenyan from leading the country” he
pointed out that: “Circumcision cannot be a measure of leadership potential, hence those who think that circumcision is a factor for leadership are primitive” (Agina, *East African Standard*, 9 October 2005, 4).

Raila was among those who were opposed to the Wako draft constitution. Circumcision is a rite of passage that is practiced by certain communities. Using it as a yardstick for leadership would therefore be discriminatory for those who do not practice it. In essence, on the way to capturing political power, one ought not to advantage oneself but be at par with the rest, for them to have equal chances of success. The opposing and supporting sides of the Wako draft constitution once again showed the widening gap between them.

In reference to the Luo ethnic group, Elias Mbau described the community as one that voted in one direction during all the elections. In view of this, he advised the Kikuyu that “You should be like the Luos who on the voting day abandon their daily work, turning out in large numbers.” (Laboso, *East African Standard*, 24 October 2005, 2). He urged other ethnic groups to turn out in large numbers to vote during the referendum elections. This is a democratic right that every Kenyan adult should exercise. The Luo community in this case was being used as a model for others to emulate.

Mukhisa Kituyi, then Member of Parliament for Kimilili, also capitalized on his ethnic roots by discouraging his fellow Luhya from supporting the losing side in the referendum. He said, “If the Luhya support a losing horse in the referendum, they are likely to lose politically in future” (Openda, *East African Standard*, 8 October 2005, 5). He categorically warned them that their political future would be doomed. He wanted them to vote for the Wako draft constitution instead of following some of their leaders who were against it. The former Minister wanted to use the political bandwagon theory, as propounded by Dan Rice in 1845 (Lohmann, 1994). The theory states that people tend to support those on the winning side of an issue during times of political contestations.
While referring to the Nandi anniversary, Mark Too, a former nominated Member of Parliament, stated that “The anniversary for the late Nandi freedom fighter Koitalel Arap Samoei, will be conducted in Nandi language and it will also be a local affair. As such, the President’s attendance will not be suitable” (Laboso, *East African Standard*, 19 October 2005, 4). This kind of argument was advanced in order to discourage the President from attending the anniversary and campaigning for the draft constitution in Nandi territory. Those who were making the above remarks used ethnicity and the language barrier to try and dissuade the President from attending the Anniversary. This forum was later used by those opposed to the Wako draft constitution to campaign for its rejection.

5.5.7.3 *Nation* Newspaper’s Coverage of the Ethnicity theme

The *Nation* newspaper, just like the *East African Standard*, published articles that depicted how different leaders used ethnicity to campaign for the draft constitution. In an apparent reference to his colleagues in KNUT, Wanjihia, the Thika KNUT branch official, said that “While we have nothing against KNUT, we cannot support their stand as it goes against the political mood in our district, which is for the “YES” vote. There is no way we can sell oranges here” (*Daily Nation*, 1 October 2005, 5). The statement implied that those against the draft constitution were not welcome in the district and could thus be described as being tribalists. This is because the district is mainly inhabited by members of one ethnic group, namely the Kikuyu.

While referring to voters, the then Member of Parliament for Mbeere, Joseph Nyaga stated that “You have to dance to the tune of voters” (*Matoke, Daily Nation*, 22 October 2005, 3). This meant that once in office, a Member of Parliament was supposed to remain loyal to those who elected him/her and support them regardless of one’s stand. This reflected the increased level of ethnicity whereby one had to go by what the members of that particular community stood for. The challenge is that in most of the constituencies, voters belong to the same ethnic group. Their views on public issues are therefore largely ethnic in nature and not issue-orientated. It is common to hear a comment like “Our communities have these kinds of attitude on this kind of issue” rather than” individuals have this kind
of attitude over these kinds of views”. In a liberal democracy such as Kenya, people should have the right to hold opinions and to propagate them. In this theme, there is a consistent attempt by leaders to compel members of the different ethnic groups to hold similar opinions.

The fact that Kenyan politics revolves around tribes was quite evident during the referendum campaigns. This was clearly noted by the former Member of Parliament for Laikipia West, G.G. Kariuki, when he commented “Let us not cheat ourselves, Kenyan politics revolves around tribes and unless one gets his or her tribe solidly behind them, it is difficult to win a national seat” (Matoke, Daily Nation, 30 October 2005, 1).

Expecting the undivided support of one’s tribe in order to win a national seat portrayed the highest degree of tribalism. In order to secure state power, one should be elected on the basis of qualification and merit rather than solid backing by one’s tribe. This tendency of political leaders to align themselves with their groups brought about hatred and hostility among different communities that came from those areas.

Ethnic-based threats by various leaders took centre stage during the referendum campaign period. The then Member of Parliament for Mosop, John Sambu, said that anyone who betrayed the Kalenjin community would face its wrath. (Matoke, Daily Nation, 29 October 2005, 2). This implied that members of the Kalenjin community and those from other communities who opposed the draft would regret it. At that time, most members of the Kalenjin community were against the draft constitution.

In comparison to the Kalenjin case, the Rarieda Member of Parliament, Raphael Tuju, who hails from the Luo tribe, had actually been rejected by the people. This was evident by the fact that all his local campaigns were marked by violence. Tuju was seen as going against the popular side in the draft constitution debate. In a rejoinder to the violence whenever he campaigned for the “Yes” side, Tuju had noted that it was mere intimidation. The Luo elders, enraged by Hon. Tuju’s words, said, “Let him (Tuju) not provoke us by his words. He cannot abuse the
whole community because he will face hostility” (Mayoyo, *Daily Nation*, 28 October 2005, 5). Going by this reaction, it was quite evident that Hon Tuju’s position on the draft constitution was not welcomed by his community.

Notably, there were a number of people who were still undecided concerning which side to support during the referendum. Examples included Sheikh Mohammed Khalifa, Council of Imams and preachers of Kenya who said, “We at the coast are still divided along tribal and religious lines, so we shall continue waiting for mangoes to fall from trees” (Mayoyo, *Daily Nation*, 29 October 2005, 5).

The coastal people were still divided along tribal lines, with various tribes taking different stands on the draft constitution. Religiously, the Christians and Muslims were also divided on which side to support in the referendum. These divisions were clear indicators that Kenyan politics is characterized by ethno-religious cleavages. Moreover, political loyalty appeared to be based on ethnicity and religion. It is, however, true to note that by then, many Kenyans did not know the provisions of the Draft Constitution apart from what they heard from their leaders. In essence, the Draft Constitution contained provisions that many Kenyans may have wanted, but some concepts, such as devolution, were alien to them. Therefore, there was a great need for comprehensive civic education.

In an apparent reference to possible tribal division during the referendum campaigns, the then Member of Parliament for Gwasi, Zadock Syongo, noted that “It will be a sad day for the country if the voting took tribal lines, but I pray this doesn’t happen” (Odhiambo, *Daily Nation*, 1 October 2005, 4). He foresaw looming trouble if the people decided to vote along tribal lines. Such divisions could excite negative ethnicity, thereby resulting in hostility between the different ethnic groups. This could have been detrimental to national unity and security at that time.

Certain cultural practices of particular ethnic communities were noticeable during the referendum campaign period. As the then Nation Media Group journalist, John Oywa, noted, Sam Ongeri and Chris Obure told Kisiis to reject the document since
some of the proposed laws, such as those that allowed women to inherit land, were against the Abagusii culture (Reporter, *Daily Nation*, 2 October 2005, 12). These arguments by some Kisii leaders were an apparent attempt to use Kisii culture to convince Kisii people not to vote for the draft constitution. An attempt to use Kisii culture to compel support for the Wako draft constitution could be argued to be unfair, as it was up to individual members of that community to either agree or disagree with the draft constitution.

Marsden Madoka, a former Minister who opposed the Wako draft constitution, ordered upcountry people in his constituency to “either vote 'No' or go back to their home districts where they could vote the way they wanted” (Correspondent, *Daily Nation*, 12 October 2005, 3). This could have been termed a “tribal directive” because support or opposition to the draft constitution was an individual’s liberal democratic right. The attempt to manipulate and mobilize constituents along ethnic lines in order to maintain power could lead to under-development.

While referring to the then Roads Minister Raila’s ambitions for the Presidency, Khalwale, the Member of Parliament for Ikolomani, asked Raila Odinga not to expect any support from the Luhya community because he had betrayed their past ambitions to that position (Reporter, *Daily Nation*, 11 October 2005, 4). This remark was in reference to Wamalwa Kijana’s ambitions to vie for the presidency. Since they belonged to different ethnic groups, the rift between them seemed to have widened from this rivalry. Raila was opposed to the draft constitution while Bonny Khalwale was for it. For this reason, the latter mobilized members of the Luhya community to oppose the document so as to gain support for the “Yes” camp.

Many threats characterized the referendum campaign period. This was quite evident when the then Member of Parliament for Malava, Soita Shitanda, stated that “The Western Community could be marginalized politically if it votes against the proposals” (Shikwati, *Daily Nation*, 11 October 2005, 4). Political marginalisation of the Western community was a threat to make them vote for the draft constitution. There was no assurance that voting for or against it would
guarantee them a good political future. Furthermore, voting for or against a draft constitution should be an individual's decision rather than that of a group.

In an apparent appeal to the people from Central Province to vote for the proposed draft constitution, Simeon Nyachae stated that “People from Central Province should be in the forefront in protecting the presidency if they do not want to remain in the cold, the way they did after President Kenyatta's death in 1978” (Munene, Daily Nation, 16 October 2005, 4). The driving force in their voting for the constitution would be to protect the presidency and not their decision based on what they had read. Voting based on tribal blocs in order to gain favours could be termed an act of irresponsibility. Moreover, the right to contest the position of President is open to every community, not just for those from Central Province.

5.5.8 The theme of Bill of Rights as Covered by the Nation and the East African Standard Newspapers

The Independence Constitution provided for the safeguard of people’s rights through a clause on the Bill of Rights. However, the clamor for constitutional reforms focused on the fact that this section did not elaborate on basic needs and did not also have an elaborate set of rights such as right to shelter education, food and employment. Kindiki (2005) argued that the Bill of Rights should serve to preserve the dignity of individuals and communities. At the same time, it should promote social justice and the realization of the potentials of people. The draft constitution recognized a range of socio-economic rights that were not part of the previous constitution throughout Kenya’s time as an independent nation. According to Kindiki (2005), The Wako draft constitution that was presented to Kenyans contained an important undertaking to protect the citizens of Kenya by expressly stating that the state had an obligation to “observe”, “respect”, “protect”, “promote”, and “fulfill” the rights of the Kenyan people. This proposed constitution seemed to have improved on the previous one, as it attempted to guarantee the people some basic rights. These would ensure that the state organs would have to respect these rights in the course of making rules and regulations that governed their operations. The Bill of Rights clause is critical in this study as it serves as a foundation for a liberal democratic state. If a Bill of Rights in a state is properly operationalised, it can be said that the country embraces liberal democracy.
The new Wako draft constitution that was subjected to the referendum added the basic needs and basic rights dimension. The Bill of Rights section in this Draft Constitution remained the same as that of the Independence Constitution, but reformulation of the clause was necessitated by the constitutional amendments that were undertaken in the document after independence, by the Kenyatta-led government. They had introduced a clause to the effect that the Bill of Rights was subject to preservation of national security. There was also a clause that provided for restriction of movement of those considered as a security risk. This provision allowed for detention without trial for the offending persons. In essence, these amendments nullified people’s rights, therefore leading to the clamour for constitutional review by the people of Kenya. The section on the Bill of Rights had the following notable additions to the Independence Constitution: the right to social security, health, education, housing, food, water, sanitation, environment, consumer rights, and fair administration. These rights were not included in the post-independence constitution. The two opposing sides on the draft constitution focused their arguments on the Bill of Rights. As shown in Table 5.5, the Bill of Rights theme was given only 1% of space in the newspaper headlines, which was the lowest scoring headline theme for the three months under review. Table 5.7, analyzing the commentary pages, had a meager 2% of articles addressing the Bill of Rights topic.

Each of the opposing sides in the draft constitution used the above-mentioned additions to support or oppose the draft constitution. In his campaigns for the draft constitution, President Kibaki, who led the proponents of the draft constitution, said that “The Government will stand by the rights of all Kenyans and people should not create fear over issues which will be handled through parliament” Mwai Kibaki (East African Standard Team, *East African Standard*, 15 October 2005, 2). He said this in reaction to opponents of the draft constitution who questioned how the section on the Bill of Rights was going to be fulfilled. Opponents of the draft felt that it would be a disaster to include basic needs in the constitution. They argued that it would give an opportunity to those who wanted to sue the government for non-fulfillment of the basic needs such as shelter and food.
They further argued that if the government was hardly able provide for its national budget without foreign donor help, then it would be harder for it to provide shelter and food to all its citizens. In the *Nation* newspaper Sheikh Ali, who is the immediate former chairman of the Council of Imams, observed that “The Bomas draft states that sovereignty is in the people of Kenya and yet Mr. Wako went on to change all the opinions given to Prof. Yash Pal Ghai and instead noted that the people of Kenya were subservient to the government of Kenya” (Opondo, *Nation* 31 October 2005, 5). This argument served to portray the draft document as adulterated, and one that could not be trusted to safeguard the country.

The Bill of Rights incorporates freedom of expression, which was included in the Independence Constitution. Freedom of the press is considered a derivative right that originates from freedom of expression. Publication of opinion, which was also provided in this draft document, is implied in the Independence Constitution. The clause on access to information is important in the constitution as it provides for the right of the citizens to access government information. This aspect has suffered from the government classification and the Official Secrets Act.

### 5.5.9 The Newspapers’ Coverage of the Executive theme

The Executive, it was observed, seemed to have unequalled and unchecked power. At Independence, Kenya had a prime minister as a chief executive, while the Queen of England was the head of state. This kind of an arrangement allowed for the separation of roles. However, in 1964, the constitution was changed to merge the two positions. The president was thus put in charge of provincial administration, which allowed the central government’s control of the regions. In addition, the president had powers to detain anyone without trial, under the guise of that person being a security risk. All these powers created a powerful presidency and the imbalance of power between the executive and the other arms of government. This imbalance and the all-powerful executive led to the demand for a change to the constitution.

One such organ or arm of government which could have been affected by the strong executive was the judiciary. In this regard, Nancy Baraza, a constitutional lawyer and activist, stated “Mr. Moi had all the power to appoint and even manage
the process of dismissing judges, he could use this power at will in order to influence decisions from the judiciary” (Nancy Baraza, *Daily Nation*, 2 October 2005, 5). Showing how all-powerful the executive was, the then Minister, Kiraitu Murungi, stated that “When it comes to violence, the government has an advantage since it has the legal monopoly for all instruments of violence” (*Daily Nation* 29, October 2005, 2).

In response to the then Minister John Michuki’s remarks supporting the draft constitution that was at the centre of the foregoing controversies, Franklin Bett, then a former State House Comptroller, said that the draft constitution did not facilitate debate which is critical for liberal democracy (Correspondent, *Daily Nation*, 30 October 2005, 4).

The then member of Parliament for Mbita, Otieno Kajwang, observed that the draft constitution had excessive presidential powers, which he noted was not the objective of constitutional change. According to him, “Believe me, the proposed constitution will accord the president excessive powers that would only rival those seen during the rule of Pharaohs in Egypt” (Mayoyo, *Daily Nation*, 17 October 2005, 5). Similarly, William Ole Ntimama noted that “The draft has heaped massive powers on the president, powers that would turn anybody into a vicious dictator and a despot” (Mugonyi, *Daily Nation*, 3 October 2005, 5). On the same note, then Member of Parliament for Alego Usonga, Oloo Aringo said that “The draft constitution gives the president more powers with the new laws he has powers to emasculate parliament by appointing half of the members from outside” (*East African Standard*, 27 October 2005, 4).

Similarly, the then Minister, Raila Odinga commented that “The proposed constitution has carefully been crafted to ensure that the current presidency is shielded, it has been made for an individual” (Ogutu, *East African Standard*, 23 October 2005, 4). He also noted that the Wako draft constitution was favouring the presidency by allotting excess powers to the President but power and authority needed to be exercised responsibly by leaders to ensure democracy and good
governance. Raila argued that excessive powers bestowed on the presidency could not lead to the attainment of the required balance. No organ of government, whether the Executive, Legislature or Judiciary, was supposed to be more powerful or important than the other, although they all had different functions. This was necessary to achieve a clear separation of powers.

The other challenge that was noted by those opposed to the draft constitution was that its executive clauses had too much power bestowed on the presidency. Lawyer Kamotho Waiganjo noted in his commentary that “We have seen the effects of a parasitic executive which determines how national resources are shared and who gets appointed to public office, encourages corruption, impunity and abuses human rights” (Waiganjo, *Sunday Standard*, 13 June 2005, 15).

In order to emphasise Waiganjo’s comments, the then Minister Kalonzo Musyoka observed that “The proposed law drastically increases presidential powers such as the power to make public appointments and undertake land allocation” (Muchemi, *Daily Nation*, 1 October 2005:2). In an apparent criticism of those who were supporting the Bomas draft which had a provision for an executive prime minister and opposing the draft constitution, Simeon Nyachae asked, “How can a popularly elected President be expected to surrender power to a Prime Minister who is just a Member of Parliament?” (Gakuu, *Daily Nation*, 2 October 2005, 4). The then Member of Parliament found it ridiculous for a President to campaign throughout the country and use resources only for them to transfer power to the Prime Minister.

As a way of suggesting that time was up for an imperial executive, some leaders predicted victory over the authoritarian regime after successfully campaigning against the proposed constitution. In regard to this Raila stated, “We are going to liberate this country from dictatorial rule after succeeding in the referendum, all through to the next general election” (Ojuang, *East African Standard*, 10 October 2005, 5).
In support of the draft constitution that was placed before Kenyans, the then Member of Parliament for Garsen, Danson Mungatana, said that the President’s powers would be effectively controlled by parliament since the draft did not allow the President to make any major appointment without the approval of the House (Agina, *East African Standard* 5 October 2005, 4). He was responding to criticism that the draft constitution that was being voted for gave too much power to the position of the presidency.

Raila Odinga, then Minister for Roads, noted that “The demand for devolution was meant to check the powers of the President, and its exclusion from the proposed constitution has had negative implications on the future leadership of the country” (Barasa, *Daily Nation*, 17 October 2005, 4).

The draft constitution seems to have provided excessive powers to the Presidency, which needed to be kept in check. This could have led to an all-powerful executive which would appoint members of the judiciary, decide on the calendar of the legislature, and even heavily influence parliamentary elections. This kind of control could be harmful for the development of liberal democracy in a country such as Kenya.

### 5.6 The Impact of News Content on Different Levels of Political Conflicts

This section analyses the questionnaire results which focus on the impact of media content on political conflict amongst readers. This part of the research presents readers’ perspectives on how coverage of different themes of the draft constitution could have impacted on political conflicts during the referendum period. The presentations cover the four areas (Matungu, Bungoma, Kisumu and Mombasa) where deaths occurred as a result of political conflicts that preceded the polls on the draft constitution on 21 November 2005. This section begins with a presentation of demographic data on the four selected areas.
5.3.1 Demographic Information on the Influence of Newspaper Content on Political Conflicts

Figure 5.3 shows the breakdown of percentages of respondents’ political parties or political grouping in the 2005 referendum.

![Figure 5.2 Respondents’ Political Group](image)

In the referendum that was undertaken over the draft constitution, different political parties took different positions on whether to support or oppose the draft constitution. Amongst the parties that participated actively in the campaigns were NARC, FORD KENYA SHIRIKISHO, DEMOCRATIC PARTY OF KENYA, NEW FORD KENYA AND KADU, all of which supported the draft constitution. These parties coalesced around the banana symbol. The political groupings opposed to the draft constitution included the Orange Democratic Movement. It was not a political party at the time, but a movement consisting of the Kenya African National Union (KANU) and the Liberal Democratic Party (LDP). Figure 5.3 shows that the Orange Democratic Movement (ODM) had 63.2% of respondents to the questionnaire, while the parties that supported the draft constitution were the Democratic Party with 1.6%, NARC with 4.1%, FORD Kenya with 8.3%, and NEW FORD KENYA 1.6%. From these figures, it is apparent that the ODM was the predominant group in the referendum and that is probably why it won.
5.6.1 Popular Sections in a Newspaper

Figure 5.4 shows respondents’ column of preference in the daily newspapers that they read. These newspapers included the Nation, East African Standard, People, Taifa Leo and the Kenya Times. As shown in Figure 5.5, the Nation and the East African Standard had the largest number of readers.

![Bar chart showing popular sections in a newspaper]

**Figure 5.3 Respondents’ most popular sections in a newspaper**

Political articles were the most popular amongst the newspapers that were analyzed, namely the Nation and the East African Standard. Figure 5.4 shows that political articles were most popular, with 54.4% preferring a newspaper due to good political coverage. The next reason why readers preferred their most favourite newspaper was social news. Social news scored 28.5% of the reason why some readers selected their most favourite newspaper. Other topics including environment, world news, health news and other forms of development news constituted 1.6% of the reason for preferring a particular newspaper.
5.6.2 Respondents’ Preferred Newspaper
Respondents’ preferred daily newspapers in Kenya were given as the Nation, East African Standard, Taifa Leo and Kenya Times.

![Respondent's Favourite Newspaper](image)

**Figure 5.4 Respondents’ Preferred Newspaper**

The results revealed that 46.1% preferred the Nation newspapers while 45.6% preferred the East African Standard. The Kenya Times scored the least at 1% and was preceded by Taifa Leo at 3.10%.

5.6.3 The Gender of the Respondents and the side they supported during the referendum

Figure 5.6 portrays the gender breakdown of those who took different positions in the draft constitution referendum. Amongst those who supported the draft constitution, 13% were male and 6.7% were female.
More males than females opposed the draft constitution. The male percentage of those who opposed the draft constitution was 34% while the female percentage was 22%. The interesting results, however, were scored in the neutral group, where the male tally was 12.4% and the female one was 12%. This revealed a gender balance of those who did not support either side in the referendum.

5.6.4 The Age Group of Respondents and the side they supported during the referendum

![Bar chart showing age group and referendum support](image-url)
The bar graph shows that the most active age group during the referendum was that between 31 and 40. In the pro-draft constitution group, the age set 30 to 40 scored 7% while in the anti-draft constitution group, the percentage was 21%. Those who were above 51 years in the pro-draft category scored 2%, while those aged above 50 years in the anti-draft category scored 3.6%.

5.7 **Newspaper Content and Its Influence on the Different Levels of Political Conflict**

This research section provides a presentation of respondent's perception of how newspaper content could have influenced people’s actions and attitude during the period that preceded the 2005 referendum on the draft constitution of Kenya. Table 5.8 below depicts respondents’ views on the effect of politicians who were perceived to undermine the process of constitution making.

**Table 5.8 Respondents’ View on Politicians who undermined the process of constitution making**

<table>
<thead>
<tr>
<th>Level of Political Conflict</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Conflict</td>
<td>27.5</td>
</tr>
<tr>
<td>Medium conflict</td>
<td>31.1</td>
</tr>
<tr>
<td>Low conflict</td>
<td>35.8</td>
</tr>
<tr>
<td>None</td>
<td>5.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Thirty five percent of the respondents felt that those who undermined the constitutional review process caused low conflict or verbal differences amongst people, 31% felt that it caused medium conflict or fights amongst people, and 5.7% felt that undermining the process did not cause any conflict amongst readers.
5.7.1 Views on the relationship between articles on how the draft constitution was not good for the larger ethnic groups and political conflict

This table shows how respondents viewed the relationship between articles that depicted that ethnic groups with more people such as the Kikuyu, Abaluyia and the Luo were not set to benefit from the new draft constitution.

Table 5.9 Relationship between articles on how the draft constitution was not good for the larger ethnic groups and political conflicts

<table>
<thead>
<tr>
<th>Levels of Conflict</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Conflict</td>
<td>30.6</td>
</tr>
<tr>
<td>Medium conflict</td>
<td>26.4</td>
</tr>
<tr>
<td>Low conflict</td>
<td>32.1</td>
</tr>
<tr>
<td>None</td>
<td>10.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

In the referendum, some people based their campaigns on the grounds that the draft constitution was not ideal for the larger ethnic groups. This was believed to contribute to high conflict by 30.6% of the respondents, while 26.4% believed that this kind of content would lead to medium conflict. This means that 57% believed that any content that showed that the draft constitution was not ideal for the larger ethnic groups would probably cause ethnic strife that could lead to death or injury. According to 32.1% of the respondents, this kind of content had the effect of causing low conflict which means that it created verbal differences amongst people. Notably, only 10.9% felt that this kind of content would not cause any kind of conflict.
Table 5.10 Respondents’ views on how the draft constitution was not good for the minority tribes

<table>
<thead>
<tr>
<th>Level of Conflict</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Conflict</td>
<td>24.9</td>
</tr>
<tr>
<td>Medium conflict</td>
<td>23.3</td>
</tr>
<tr>
<td>Low conflict</td>
<td>39.9</td>
</tr>
<tr>
<td>None</td>
<td>11.9</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Some politicians campaigned that the draft constitution did not adequately represent the needs of the minority ethnic groups. The majority of the respondents felt that such articles would cause verbal differences amongst people, and 39.9% felt that it would cause low conflict amongst respondents. A total percentage of 24.9% felt that this kind of newspaper content would certainly result in conflict that could cause death amongst people. According to 11.9% of the respondents, this kind of content would not result in any kind of conflict amongst people.

5.7.2 Respondents’ Views on the impact of differences between Politicians
This section presents results on how political differences between politicians over the draft constitution influenced different levels of political conflicts amongst those who were for, against or neutral to the draft constitution in the 2005 referendum.
Figure 5.7 Effect of Newspaper Content on Political Differences between Politicians and political conflict

Most of the respondents (34%) felt that political differences amongst politicians would result into low conflict or verbal differences amongst people. The second group of respondents (27.7%) felt that these kinds of conflicts would result in differences that could cause fights, thus causing physical injury. Only 9.4% of respondents felt that these kinds of conflict would cause no effect on people.

Table 5.11: Effects of articles that supported Devolution of Powers to the Regions by Different Professionals

<table>
<thead>
<tr>
<th>Close professional category</th>
<th>Clergy</th>
<th>Politician</th>
<th>Teachers</th>
<th>Journalist</th>
<th>Others</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>High conflict</td>
<td>10</td>
<td>41.4</td>
<td>17</td>
<td>9</td>
<td>2</td>
<td>55</td>
<td>28.7</td>
</tr>
<tr>
<td>Medium conflict</td>
<td>11</td>
<td>14.6</td>
<td>18</td>
<td>8</td>
<td>2</td>
<td>45</td>
<td>23.5</td>
</tr>
<tr>
<td>Low conflict</td>
<td>12</td>
<td>36.5</td>
<td>27</td>
<td>12</td>
<td>5</td>
<td>71</td>
<td>37.1</td>
</tr>
<tr>
<td>None</td>
<td>4</td>
<td>1.5</td>
<td>10</td>
<td>3</td>
<td>0</td>
<td>20</td>
<td>10.4</td>
</tr>
<tr>
<td>Total</td>
<td>37</td>
<td>41</td>
<td>72</td>
<td>32</td>
<td>9</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>
Table 5.11 depicts how respondents thought newspaper content that supported devolution of powers to the regions would create different levels of political conflicts. A majority of the respondents (37.1%) felt that this kind of newspaper content would create low conflict, namely verbal differences amongst people. A low percentage of respondents (10.4%) felt that this kind of content would create no effect on people. Amongst politicians, 41.4% felt that newspaper content on devolution to the regions would cause death amongst people. In the same category 1.5% felt that newspaper content on devolution would have little effect on the people. A total of 28.7% of the respondents felt that content on devolution to the regions would cause high conflict or death of some people.

5.4.1 The Influence of Newspaper Content on Politicians

The figure above shows respondents' feelings on how the newspapers influenced politicians' viewpoints. A total of 47.2% felt that politicians would be influenced by newspaper content while only 6.2% did not see the co-relationship between newspaper content and politicians' views. Up to 29.5% felt that they strongly agreed with the fact that politicians were influenced by newspapers.
5.7.3 Respondents’ Views on how newspaper content Influenced readers

![Pie chart showing respondents' views on the influence of newspaper content on political conflict.](figure5.9)

**Figure 5.9. Newspaper content on respondent’s Views on the Influence of Newspaper Content on political conflict**

Figure 5.10 demonstrates that 42% of the respondents disagreed with the assertion that newspapers did not cause political conflicts while 18.1% strongly disagreed with that assertion. The position that newspapers did not cause political conflicts was shared by 60% of the respondents. Only 40% of the respondents felt that newspaper content did not cause political conflict, with 23.8% stating that they agreed with that position, and 16.1% strongly agreed with that statement.

**Table 5.12: Respondents' Views on whether newspapers concentrated on political conflict at the expense of draft constitution issues in the 2005 referendum**

<table>
<thead>
<tr>
<th>Levels of Conflict</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>22.8</td>
</tr>
<tr>
<td>Agree</td>
<td>46.1</td>
</tr>
<tr>
<td>Disagree</td>
<td>17.1</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>14.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Amongst the respondents to the questionnaire, 46.1% agreed with the statement that newspapers concentrated on reporting on politics at the expense of the actual content of the draft constitution. 17.1% disagreed with the statement, while 14% strongly disagreed with it.

Table 5.13: Respondents’ views on whether Newspaper Content promoted tribalism

<table>
<thead>
<tr>
<th>Levels of Conflict</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>16.1</td>
</tr>
<tr>
<td>Agree</td>
<td>28.0</td>
</tr>
<tr>
<td>Disagree</td>
<td>37.8</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>18.1</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The statement that newspaper content promoted tribalism was disagreeable to a majority of the respondents, as 37% disagreed, while 18% strongly disagreed. In contrast only 28% agreed with the statement. 16% strongly agreed with the statement that newspaper content promoted tribalism.

5.8 Analysis of the Levels of Political Conflict

This section discusses the impact of media content on the different levels of political conflict during the period under discussion. The discussion is premised on data that is contained in the results section of the study. The country had experienced numerous political conflicts that mostly occurred during times of political contestations. These conflicts were mostly covered by the mass media. Conflicts were central to the mass media’s news and analysis columns, since journalists everywhere accept that conflict is a key determinant of news. An example of how the media depicted conflict in its news columns is the conflict between first President Jomo Kenyatta and his first Vice President, Jaramogi Oginga Odinga. Kenyatta preferred a capitalist economy while Odinga preferred an economy with socialist leanings. This formed a point of conflict between the two top politicians in the country. Another example where conflict was widely reported in the mass media was the scrapping of the Kenya African National Union party’s Vice Presidential position and the creation of eight Party Vice Presidential positions. A number of politicians angled for the newly created positions in the provinces, while Odinga’s political dominance in the party was
under threat. He abandoned KANU and formed an opposition party named the Kenya People’s Union. His party membership was mainly concentrated amongst members of the Luo community. Other events that caused ethnic based political conflicts included the assassination of the then Minister, Tom Joseph Mboya in 1969, the standoff between President Kenyatta and Vice President Odinga in Kisumu and the attempted coup in 1982. This coup was staged by Luo Air force officers as a pre-emptive move to upstage another coup that was supposed to be spearheaded by the then Minister, Charles Njonjo a Kikuyu (Ochieng, 1996; Maxon & Ndege, 1996). This attempted coup was a protest against perceived marginalisation of Luoland by the government and a perceived general maladministration of the state. The coup was a culmination of a year of intense political anxiety in the country, with several underground groups, and University lecturers coming up to oppose the government of the day for suppressing people’s political rights under the leadership of the then President Daniel Moi.

These examples of political conflict bear a resemblance to those conflicts that took place before the 2005 referendum. All the conflicts outlined in Table 5.2 focused on ethnicity, political power struggle, and violence. Ogot (1996) and Badejo (2006) point out that the media portrayed the first Vice President Oginga Odinga as a Luo Leader. This portrayal tribalised Kenyan politics. He was not seen as a Kenyan leader but as the leader of a tribe. Political conflict between Kenyatta and Odinga culminated in a clash at a public function in Kisumu’s Provincial General Hospital, where the Presidential guards opened fire on a crowd that had booed and heckled the president while chanting Oginga Odinga’s party slogan. As a result, about 100 people were killed (Badejo, 2006).

The 2005 referendum also brought about a lot of conflict. The source of the conflict was found in the proposed draft constitution, with some supporting the document and others opposing it. These differences yielded political conflicts which had as root cause, issues of ethnicity, land, devolution and leaders’ utterances as shown in Table 5.2. – 5.5.

The demographic information contained in Figure 5.3 reveals that the Orange Democratic Group had the single largest share in the number of those who
responded in the four areas Matungu, Bungoma, Mombasa and Kisumu. These political groupings that included the Liberal Democratic Party, The Kenya African National Union voted against the draft constitution while Ford Kenya, the Democratic Party of Kenya, National Rainbow Coalition, and the Shirikisho party supported the draft constitution as a political grouping. The demographic information reveals that the Orange democratic movement supporters were in the majority of those who were sampled for the study. This means that the majority of the respondents voted against the draft constitution. Since in the areas the majority of the respondents opposed the draft constitution, it is conceivable that those who supported the draft constitution clashed with those who opposed it, causing violent political conflicts in the areas. In addition, it is worth noting that they mostly relied on the newspapers to access political information, as reflected in Figure 5.4.

The violence that was experienced in those areas could have resulted from minority groups who supported the draft constitution, as reflected in Table 5.9. Their support for the draft constitution could have annoyed the anti-draft constitution group, thus causing political conflicts. Figure 5.3 shows the popularity of each of the daily newspapers the Nation, East African Standard, the People, Taifa Leo and the Kenya Times. The East African Standard and the Nation newspapers were the most popular and also the most influential newspapers in the country. It can thus be assumed that their role and impact in the country was synonymous with the role and impact of the press in the country as a whole. What respondents attributed to the newspapers can be interpreted to be from the two newspapers. Table 5.9 shows that the most active group politically was 31 - 40 years old. In these age sets, respondents were most active in reading the newspapers and also in supporting either side in the draft constitution.

The content analysis of the newspapers has revealed that the newspapers tended to favour topics that were conflictual in nature, such as politicians clashing with each other over the draft constitution, or issues such as devolution of power to the regions (Table 5.2). Such newspaper content tended to influence readers’ opinions about newspapers as they felt that the press offered a guide on politics (Figure 5.4). In an argument that further rationalises this position, Okolo (1994)
observes that the media is a cardinal opinion shaper that bestows authority to issues and confirms experiences. These issues and experience are like the themes and possible opinion on those themes that emerged during and after the referendum on the draft constitution. In addition, Okolo states that the media can influence people’s opinions. They not only influence people’s opinions but also influence people’s actions, as shown in Tables 5.9 and 5.10. These tables show how newspaper comments on politicians who undermined the process of constitutional review influenced different levels of political conflict. The results indicate that those undermining the process of constitutional review would mostly lead to verbal exchanges or actual physical bodily harm. The implication of this is that these kinds of newspaper content tended to heighten already existing conflict amongst those supporting or opposed to the draft constitution.

Nyambuga (2004) argues that some politicians tend to influence others to pursue ethnic hatred through their statements, which at times lead to violent conflicts. Davison (1975) expresses similar views that allude to the public opinion role of some politicians, when analysing media effects on the Second World War. The argument by Nyambuga serves to support the research findings in this study which shows that leaders’ utterances theme is closely followed by that of violence and political conflicts. This similarity of percentage suggests that the utterances of leaders or politicians indeed influenced violence. Figures 5.0 and 5.2 are indicators of the prime position that the readers apportion to the newspapers in adopting a political position. Figure 5.0 illustrates that readers actually access political information from the newspapers. If there were political conflicts such as was experienced in Kisumu, Bungoma, Matungu and Mombasa, it can be deduced that they obtained their guiding political information from the press. This information could have motivated some of the violence shown in Table 5.9. In that table 37% of those sampled disagreed with the fact that there is a relationship between leader’s utterances and political violence though a majority of 44% agreed to the assertion that there is a relationship between leader’s utterances and political violence. 28% of the respondents’ agreed, while 16% strongly agree. To further demonstrate the argument, Davison (1975) states that the effects of media statements are important in shaping opinions, thoughts and actions.
The results of the referendum campaigns as evidenced in the political conflicts that ensued, can be associated with what readers accessed from the media. This brings about a strong evidence of possible media effects on the respondents. Over the years, however, researchers have found that linking of media content with social effects such as violence is particularly problematic as several factors such as education, religion, culture and socialization can influence behaviour. These other factors may affect social behaviour and as a result, complicate the actual role of the media in the society. Scholars such as Trenaman and Hovland (1959), Lang Lang (1959), Key (1961), Blumler (1964) and Halloran (1964) have conducted research on media’s effects on their audience, but have discounted the strong media effects theory. Despite their conclusions, the impression that print media effects are indeed powerful still persists. These theorists have mostly taken into account the active role of the audience as news makers and also the idea that the audience is not merely a passive receiver of ideas, attitudes and values. However, the present research clearly shows that the readers prefer political news and associate their political beliefs and information with press content. Tables 5.9 and 5.10 demonstrate that those matters that relate to ethnicity particularly have the potential to cause high conflict including eventual loss of lives, while constitution making, the executive, the legislature could have led to low conflict.

Print media effects are an area that has a long historical research background that began with the magic bullet theory that advocated for strong media effects. The question as to whether the media have effects on their audience is complicated, as scholars such as Gans (1993, 29) have described media effects studies as “the perennial black box of communication research”. He calls media effects “the black box” since it is at the centre of mass communication research. The present research suggests that the media still have a strong effect on their audience. Most studies investigate different aspects of the topic “media effects”. Gans (1993,125) observes that “no final answer can probably ever be achieved if the continuation of effects studies will assure the continued ‘fragmentation’ of media research, thus preventing the development of a gangrenous consensus that kills off new ideas”. The present research, however, provides a clear trend showing that the media indeed have a strong effect on their readers. As a result Gans’ argument has helped to inject more vitality and inspiration into research in the mass media and
indeed motivated this study. These results strongly point to the influence of the mass media on their audience as manifested in Figure 5.9 which shows that the media indeed influence what politicians do and discuss. Figure 5.1 also shows that 56% of the respondents felt that media messages have an effect on their audience. The two Figures portray that indeed the mass media have a powerful influence on its audience in a liberal democratic society.

Just like in the findings of this study, Okolo (1994) has observed that the media are a cardinal opinion shaper that bestows authority on issues and confirms experiences. Okolo states that the media can influence people’s opinions, reaffirming the position of the present research. In addition, he says that the media have been significant in their information role by informing readers what people talk about, and giving the different views in discussions. It is important for the purpose of this study to note that researchers’ views on the topic of media effects have been oscillating between strong and limited media effects. As a result, the findings of this research that the media can have strong effects on their audience, is critical for advancing the strong media effects position by different researchers.

Nyambuga (2004) argues that some politicians tend to influence others towards ethnic hatred through their statements, which at times leads to violent conflicts. This position, however, is not supported by the trends illustrated in Table 5.13. The table shows that the media did not arouse ethnic emotions because up to 56% of the respondents registered a strong feeling that the mass media did not influence ethnic chauvinism.

This discussion advances the argument by Dennis McQuail that information and knowledge or education is a positive effect of the media, while conflict is a negative effect. The media take on the responsibility of informing and educating their readers. Political conflicts are an evident by-product of the media as the media engage in their democratic watchdog role (Curran, 1993). In that instance, it is important to note that the present research reveals a clear correlation between media content and political conflicts as evidenced by Table 5.12 which pinpoints the fact that the media did concentrate on political conflicts, while Figure
5.8 indicates that 56% of the respondents felt that the media influence political conflicts. Curran further discusses the media’s role of highlighting functions of the three arms of government, and concludes that the media check on their performance and accountability to the people.

### 5.9 Conclusion of Results and Analysis

As deduced from this chapter on results and analysis, the newspapers concentrated on side issues at the expense of the content of the draft constitution. This means that readers of the newspapers were not adequately educated on the implications of the various clauses of the draft constitution. They thus relied on interpretations from opinion leaders such as politicians, whose views were covered under leaders’ utterances. This situation could have caused an emotional decision rather than an objective decision to vote for or against the draft constitution. Information transmission suitable to a liberal democratic environment did occur, as leaders used the newspapers as forums for discussions and persuasion of prospective voters to different viewpoints. It can be deduced from the above arguments that they could have used emotionalism to persuade voters.

This chapter has captured the fact that the referendum themes were used to attract readers to the newspapers during the three months of newspaper analysis. The newspapers’ use of readers’ political interest to attract readers is apparent, though it is also instructive to note that the newspapers did not put an emphasis on real issues that related to the referendum. The general implication of readers’ preference of political articles is that Kenyan newspapers had to be laced with political articles for them to sell at the news stand. Political news that touched on ethnicity tended to evoke strong emotions amongst readers and partly resulted in violence. It therefore emerges that the newspapers should tone down the level of ethnic reference so as to create national cohesion and stability amongst Kenyans, since these are critical components of the practice of liberal democracy.
CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

This chapter summarizes the main findings of this study and draws out their implications for media houses, media training institutions and future media researchers in the realm of political communication. The research takes on an important socio-political dimension in Kenya and in other weak democracies in Africa, as well as other third-world countries where the media have been a central pillar in the process of achieving a liberal democratic situation. Weak democratic institutions have influenced media performance, thus the focus on how the media (the fourth estate) checks the other three estates during times of intense political contestation such as the 2005 referendum.

6.1 Conclusion of the Study

This study’s conclusion explains the audience’s dependency on media information and how the media have been responsible for issues that are discussed in the public sphere as a result of pre-set media agenda. The content of referendum issues in the news pages is referred to and their implications explained in this chapter. The chapter re-looks at the findings and their socio-political implication by first tracing the thematic areas that were covered in the research. The final aspect of the conclusion is on the impact of media content on political conflicts.

6.1.1 The Thematic Areas of Coverage

The mass media under investigation, namely the Nation and the East African Standard, highlighted side issues at the expense of topics that were central to the Wako draft constitution. The side issues that were highlighted included leaders’ utterances. These utterances focused on political attacks amongst leaders, such as those that targeted a politician’s personality or a leader’s character. This research reveals consistency in the display of leaders’ utterances which, though they did not serve to educate readers on the content directly, were instrumental in setting the leaders’ personality agendas. The personalities of those who supported or opposed the draft constitution were put in focus rather than the issues that were in contention in the Wako draft constitution. This trend is apparent in the results as depicted in Tables 5.6, and 5.8. These two tables
focuses on the news pages 1 and 3. They basically published hard news articles which served to inform the readers about what occurred. The hard news articles that were covered focused on leaders’ utterances. These articles were sensational in nature rather than objective and reflective on issues that touched on the draft constitution.

Newspaper Pages 1 and 3 are very important as far as agenda setting is concerned. They tend to mirror what is happening in the news world and transmit the same to the public sphere, thus triggering further discussions of the issues. The decision as to what to highlight in a typical news day is taken in an editorial meeting which focuses attention on what is the newspaper’s editorial approach and what headline news items will sell the newspaper if put in the external display. There is thus the commercial factor in determining what is displayed by the newspapers.

These research findings justify the presumption that the mass media tend to report on sensational issues that are not the real core issues such as violence and political conflicts, instead of matters central to the Wako draft constitution, like the form of the executive, legislature and the judiciary. The two newspapers which represented the mainstream press chose to use side articles to the referendum as they probably provided the intended shock value to readers. These newspapers tended to publish articles that attracted readers such as those that portrayed conflict between leaders. In the case of this research, the themes that were mostly used to attract readers emanated from the category of articles otherwise known as side issues to the draft constitution. These issues included violence, leaders’ utterances, and political conflicts. The tables that focused on pages 1 and 3 showed a focus on these issues at the expense of the Wako draft constitution content. This necessitates the conclusion that the newspapers used violence and leaders’ utterances as lead stories in the publications, in order to attract readership.

The thesis reveals that the referendum campaigns revolved around themes that formed the basis of changes from the Independence Constitution to the 2005 Draft Constitution. These themes had contentious issues as they defined the reason
behind the differences between those supporting and opposing the 2005 Draft Constitution. Amongst the themes that this study focuses attention on are the executive, devolution, land tenure, ethnicity, provincial administration, legislature, Bill of Rights, violence, leaders’ utterances, the process of constitution making, and political conflicts. A number of changes were made to these themes such as bringing in aspects of devolution in the governance structure of the country, the executive being changed from a powerful presidency to a presidency that shared power with a prime minister, the proposal for a national commission to manage land in the country at the same time as recognizing both males and females as eligible to inherit ancestral land, and the provincial administration being discontinued to be replaced by regional governments. A bicameral legislative structure was proposed by the 2005 Draft Constitution.

The role of the mass media in explaining these proposed changes was limited to the opinion pages or the “soft news” section of the press. The general implication of this is that readers had less access to the themes that divided those supporting the Draft Constitution from those who opposed it. This meant that awareness of the implications of a draft constitution that proposed those changes was not well explained to readers. The public sphere or members of Ekeh’s primordial and the civic society were thus not primed and informed on the issues that created divergence. This implies that though liberal democracy depends on the mass media to circulate different views, there is still a tendency by the press not to act as the main source of information. Instead, other institutions and actors take centre stage in setting agenda amongst members of the two publics.

6.1.2 The Media’s Role in Educating Readers

The media’s role in educating its readers is demonstrated in the opinion pages of a newspaper. The newspapers publish divergent opinions on these pages, namely the editorial page, the page opposite to the editorial page, letters to the editor, and the commentary pages. These pages discuss issues and provide an analysis of different themes. During the period that preceded the referendum, the newspapers focused on referendum issues as reflected in Table 5.0, which indicates that only 7 out of the 178 newspapers that were analysed did not use
referendum articles. The main opinion page, the editorial page, relied heavily on referendum issues to educate readers of the implications of the draft constitution. The editors, however, tended to use articles on violence to educate the people on how the contest was turning into a violent contest, as shown in Table 5.1. The trend was replicated in the other tables, namely 5.2, 5.3, and 5.4, showing that the themes of leaders’ utterances were closely linked to those of violence and political conflicts, suggesting a linkage of the violence with the conflicts. The editors thus tended to use sensational issues to attract readership to these pages.

The exaggerated focus on side issues at the expense of deeper analysis of the implications of the draft constitution led to a lack of proper knowledge of the contentious issues in the referendum. The implication of this is that readers, who read these two newspapers and mainly depended on them for interpretation of events, did not get adequate interpretation of the content of the Wako draft constitution. These readers got sensational information from the newspapers and used these to make decisions on whether to vote for or against the constitution at the polls of 21 November 2005.

From the literature on the role and function of the press it can be concluded that the mass media have a major responsibility to provide informal education to readers on world events. It is the media which explain the political social and economic inter-relations in the society. In an instance such as that which is apparent in this research, where that role is not adequately undertaken and emphasis is given to conflictual issues, readers tend to be less knowledgeable and able to participate in national discourse which is promoted by liberal democracy. This also compromises readers’ objectivity and promotes conflictual tendencies such as those experienced in Bungoma, Butere Mumias, Mombasa and Kisumu. The overall implication of this situation is that when the media fail in their role of educating its readers, other sources of information and institutions will take over this prime function.

It can also be deduced from this study that due to increased liberal democracy political communication has changed over the years from a linear non modular channel to a modular channel that has an audience which is fragmented. The
readers of the two newspapers are quite fragmented and depend on different opinion leaders to reinforce media messages. This differentiation in audience means thus that the media audience require specialized media content in the different segments of the newspaper. The newspapers need to thus increase their in depth analysis of political events so that they can be appropriate forums for political discourse.

6.1.3 Media Content and Political Conflicts
The media content has a strong effect on newspaper readers, as readers directly obtain political news from newspapers and depend on them to provide possible implications of the political content of their situation. These political interpretations influence different levels of political conflicts such as those that were seen during the period that preceded the draft constitution. Those media topics that touched on ethnicity tended to evoke strong emotional reactions, some of which could have led to the violent situations that were witnessed in Matungu, Kisumu and Mombasa. It is worth noting, too, that other political topics such as the executive, legislature, judiciary and even the disbandment of the provincial administration, did not cause much political conflict amongst readers, as they mostly led to medium and low political conflicts.

In line with Ekeh’s two publics which highlighted the role of ethnicity as the primordial public and the civic public, the different political conflicts that were experienced tended to show an ethnic pattern, as members of the different ethnic groups competed for or against the Draft Constitution based on perceived communal benefits that the 2005 Constitution would bestow on the community. With these ethnic-based lines of competition, political conflicts emerged, as there were divergent interests in the content of the 2005 Draft Constitution. This thesis shows the ethnic background of political conflicts and how those conflicts played out within the publics.
6.2 Recommendations made from the Study

In the subsequent sections recommendations are made following from this research.

6.2.1 Recommendations on the thematic areas of Coverage

It is suggested that newspapers should not over-concentrate on the commercial and conflict dimension of articles, because social aspects need to be considered when choosing stories that are to be highlighted. Business enterprises provide newspapers with advertisement money, but they should not control editorial content. When choosing stories to highlight during times of great contestations such as a general election or a referendum, issues which have educative and informative value should be prioritized over those that lead to conflict. It is recommended that editors should focus on issues rather than personality conflicts in their news pages. Journalists’ training should provide news definitions that cover development and political stability in a liberal democratic environment.

During the referendum campaigns, the editors of the two dailies should have highlighted more issues that touched on the content of the draft constitution rather than personality conflicts. Journalists should not sensationalize issues. The news framing and packaging should reflect a serious content and not sensationalized content, such as those that appeared in the press during the periods that preceded the referendum. It is important that the media houses be provided with guidelines in their editorial approaches that guides their approach to political news content. This research revealed that there was no clear guideline on political news content from the two media houses analyzed in this study. Journalists should seek direction on how to report political news from the morning editorial meetings which need to be informed by regular content analysis and audience survey.

6.2.2 Recommendations on the Educational Role of the media

Educative articles on the draft constitution should have formed the core matter in the opinion pages, not those on violence. If the coverage of violence is emphasized as is the case in this study then the media could easily cause further
conflict. Reporting of violence should be reported in a less sensational way, so as to avoid political conflicts.

6.2.3 Agenda for Further Research Studies

Researchers should conduct further research into the relationship between the publication of violence-based opinion articles and the occurrence of violence. There is a need to further conduct research on some other aspects of political content that could cause or influence violence, in addition to those that have been determined by this study. Subterranean violence has led to the capitulation of different countries such as Rwanda, Somalia and Liberia, indicated a need to control possible media-generated violence.

This study assists journalist to know what agenda or influence levels the two different types of media content have. It would assist journalists to package their information appropriately. Further research should focus on the readership preferences with regards to “hard” versus “soft” stories. The core aspect of such a research would focus on the divergent contribution of the two types of news stories in the public sphere.

Future research should address the issue of how educational levels have influenced the agenda setting role of the press in the public sphere. The media, as determined in this study, influence people and set their agenda. However, the role of the opinion leaders in transmitting the same media-originated information has not been investigated. How the media influence those who are not literate and depend on opinion leaders to interpret issues for them, should form the basis for future investigation.

Further content analysis research to determine the inter-relationships between media content, ethnic frames and violence would be helpful. Such a study would address periods of political normalcy and not that of intense political contestation such as addressed in this study.
6.2.4 Media Content and Political Conflicts

Media content should assist readers to understand the political dynamics of the time and should not be sensational. Educative articles should be the focus of articles, so as to create a polity that is aware and informed on political issues.

Media content that borders on ethnic chauvinism should not be published. The media should be particularly careful with those articles that touch on ethnicity. The country should be treated to articles that tend to propagate unity, rather than those that portray disunity.

The conclusion of the study suggests a correlation between media content and people’s actions and attitudes. The study conclusion suggests that there is need for newspaper editors to be conscious of the possible role of newspaper content on readers’ actions during times of political contestations. It is then important that newspaper editors should make deliberate attempts to avoid sensationalising news with a view to increasing coverage. This is important as it could lead to minimisation of political conflicts.

The media’s agenda setting role is evident in this research finding. It is necessary thus those other actors in the opinion formation process such as opinion leaders be sensitised on their positive role. Opinion leaders such as the clergy, teachers, journalists and politicians can be educated by the government to be pro active in bringing about national cohesion. They can assist to create conformity rather than dissonance during electoral periods.
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APPENDICES

Appendix One Questionnaire

Title: The Role of the Press in Political Conflicts in Kenya: A Case Study of the Performance of the Nation and The East African Standard Newspapers

Researcher: Charles Ongadi Nyambuga

a. This study is an analysis of the role and impact of the mass media on political conflicts in Kenya. The 2005 referendum on the draft constitution of Kenya is used as a case study for analysis. The primary objective of the study is to determine the relationship, if any, between levels of political conflict and media content in diverse societies and weak democracies. Your responses will be treated confidentially; the data will be presented in a way that your identity will not be divulged. The data is for academic purposes only and respondent’s identity will be safeguarded while their privacy will also be respected.

b. This questionnaire uses the likert scale to determine the probable relationship between media content and the mass media.

Area of Data Collection.................................................................

Date completed............................................ (To be completed by respondent)
SECTION A: Demographic Data

Please supply the following personal details by marking an “X” in the appropriate box.

A. 1. Are you ..........

<p>| | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>a.</td>
<td>Female</td>
<td>1</td>
</tr>
<tr>
<td>b.</td>
<td>Male</td>
<td>2</td>
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A.2. How old are you ..........

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</thead>
<tbody>
<tr>
<td>a.</td>
<td>25 and below</td>
<td>1</td>
</tr>
<tr>
<td>b.</td>
<td>26 to 30</td>
<td>2</td>
</tr>
<tr>
<td>c.</td>
<td>31 to 40</td>
<td>3</td>
</tr>
<tr>
<td>d.</td>
<td>41 to 50</td>
<td>4</td>
</tr>
<tr>
<td>e.</td>
<td>51 and above</td>
<td>5</td>
</tr>
</tbody>
</table>

A. 3. What is your highest level of education .................

<p>| | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>a.</td>
<td>Primary</td>
<td>1</td>
</tr>
<tr>
<td>b.</td>
<td>Secondary</td>
<td>2</td>
</tr>
<tr>
<td>c.</td>
<td>Tertiary College</td>
<td>3</td>
</tr>
<tr>
<td>d.</td>
<td>University</td>
<td>4</td>
</tr>
</tbody>
</table>

A. 4. Which political party did you belong to?

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>NARC</td>
<td>1</td>
</tr>
<tr>
<td>b.</td>
<td>KANU</td>
<td>2</td>
</tr>
<tr>
<td>c.</td>
<td>ODM</td>
<td>3</td>
</tr>
<tr>
<td>d.</td>
<td>FORD Kenya</td>
<td>4</td>
</tr>
<tr>
<td>e.</td>
<td>FORD People</td>
<td>5</td>
</tr>
<tr>
<td>f.</td>
<td>SHIRIKISHO</td>
<td>6</td>
</tr>
<tr>
<td>g.</td>
<td>LIBERAL DEMOCRATIC PARTY</td>
<td>7</td>
</tr>
<tr>
<td>h.</td>
<td>Democratic Party of Kenya</td>
<td>8</td>
</tr>
<tr>
<td>i.</td>
<td>New FORD Kenya</td>
<td>9</td>
</tr>
<tr>
<td>j.</td>
<td>KADDU</td>
<td>10</td>
</tr>
<tr>
<td>k.</td>
<td>None of the Above</td>
<td>11</td>
</tr>
</tbody>
</table>
A. 5. Which is your most favourite newspaper?

<table>
<thead>
<tr>
<th>Option</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Nation</td>
<td>1</td>
</tr>
<tr>
<td>b. East African Standard</td>
<td>2</td>
</tr>
<tr>
<td>c. Taifa Leo</td>
<td>3</td>
</tr>
<tr>
<td>d. The People</td>
<td>4</td>
</tr>
<tr>
<td>e. Kenya Times</td>
<td>5</td>
</tr>
<tr>
<td>f. I do not have a favourite newspaper</td>
<td>6</td>
</tr>
<tr>
<td>g. I do not read newspapers</td>
<td>7</td>
</tr>
</tbody>
</table>

A. 6. How often do you read your favourite newspaper?

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Once a week</td>
<td>1</td>
</tr>
<tr>
<td>b. Twice a week</td>
<td>2</td>
</tr>
<tr>
<td>c. Three times a week</td>
<td>3</td>
</tr>
<tr>
<td>d. Four times a week</td>
<td>4</td>
</tr>
<tr>
<td>e. Five times a week</td>
<td>5</td>
</tr>
<tr>
<td>f. Six times a week</td>
<td>6</td>
</tr>
<tr>
<td>g. Seven times a week</td>
<td>7</td>
</tr>
<tr>
<td>h. Every Day</td>
<td>8</td>
</tr>
<tr>
<td>i. I do not read newspapers</td>
<td>9</td>
</tr>
</tbody>
</table>

If none of the above please specify.................................................................

A. 7. In answering this question please tick the major reasons why you read your most favourite newspaper

<table>
<thead>
<tr>
<th>Reason</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. For the business articles</td>
<td>1</td>
</tr>
<tr>
<td>b. Due the political articles</td>
<td>2</td>
</tr>
<tr>
<td>c. Due the Social news</td>
<td>3</td>
</tr>
<tr>
<td>d. For the sports pages</td>
<td>4</td>
</tr>
<tr>
<td>e. For the obituary page</td>
<td>5</td>
</tr>
<tr>
<td>f. For the stars and crossword</td>
<td>6</td>
</tr>
<tr>
<td>g. Other</td>
<td>7</td>
</tr>
</tbody>
</table>

Please specify if you read your favourite newspaper for other reasons.................................................................

A. 8. According to you which newspaper has the best political articles?

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Nation</td>
<td>1</td>
</tr>
<tr>
<td>b. East African Standard</td>
<td>2</td>
</tr>
<tr>
<td>c. Taifa Leo</td>
<td>3</td>
</tr>
<tr>
<td>d. The People</td>
<td>4</td>
</tr>
<tr>
<td>e. Kenya Times</td>
<td>5</td>
</tr>
<tr>
<td>f. None of the above</td>
<td>6</td>
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</table>
A. 9. Please tick only one profession

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<th>Politician</th>
<th>Others</th>
<th>Journalist</th>
<th>Teachers</th>
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<td>Please tick your profession………</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
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</table>

If other please specify……………………………………………………………………………………

A. 10. In your opinion do people rely on newspapers in informing and educating them on political issues?

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
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<tr>
<td>1</td>
<td>2</td>
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A. 11.

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<tr>
<th>Pro draft Constitution</th>
<th>Anti draft Constitution</th>
<th>Neutral</th>
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<tbody>
<tr>
<td>a.</td>
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</tr>
<tr>
<td>Which side did you support during the 2005 referendum</td>
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</table>
```

**SECTION B**

*Please answer the statements by encircling the appropriate letter. A Key to guide you on the different levels of conflict is provided.*

**Key**

- **High Conflict**
  - A Some People died
- **Medium Conflict**
  - B Some People were injured
- **Low Conflict**
  - C Verbal Differences
- **None**
  - D No Conflict was experienced
  - i) Political Differences between Politicians
B. 1. Newspaper articles on a politician’s views on the draft constitution resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict

B. 2. Newspaper articles on politicians disagreeing on whether to support or oppose the draft constitution resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict

B. 3. Newspaper articles on which politicians are more popular over issues of the draft constitution resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict

B. 4. Newspaper articles on how politicians/politician undermined the process of constitution review resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict

B. 5. Newspaper articles on how some politicians who supported the bomas draft resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict

B. 6. Newspaper articles on some politicians who opposed the bomas draft resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict

B. 7. Newspaper articles on politicians who supported views that are unpopular in their regions resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict

B. 8. Newspaper articles on political differences between politicians resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict

ii). Ethnicity

B. 9. Newspaper articles on how another tribe would gain more from the draft constitution resulted into?
   A. High Conflict  B. Medium Conflict  C. Low Conflict  D. No Conflict
B. 10. Newspaper articles on how the draft constitution was good for the minority tribes resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 11. Newspaper articles on how the draft constitution was not good for the minority tribes resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 12. Newspaper articles on how the draft constitution was good for the larger tribes resulted into
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 13. Newspaper articles on how the draft constitution was not good for the larger ethnic groups resulted into
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 14. Newspaper articles on how the draft constitution was against African culture on inheritance resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 15. Newspaper articles on the draft constitution advocating for specific tribes to occupy specific land resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 16. Newspaper articles on how the draft constitution supported minority religious groups at the expense of the majority groups resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 17. Newspaper articles that explain how a specific tribe stood to lose if the draft constitution was enacted resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

iii). The Executive and Devolution

B. 18. Newspaper articles that supported devolution of powers to the regions resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 19. Newspaper articles that focused on how resources were being unfairly distributed by the government would result into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict
B. 20. Newspaper articles that advocates for more powers to the provinces resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 21. Newspaper articles that discuss reduction of presidential powers resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 22. Newspaper articles that advocates for a powerful Prime Minister resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 23. Newspaper articles that discuss appointment of cabinet ministers from non parliamentarians resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 24. Newspaper articles that advocates for a powerful Presidency resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 25. Newspaper articles that lobby for reduction of presidential powers to appoint senior government officials outright resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 26. Newspaper articles that advocates against the president appointing judges resulted into
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 27. Newspaper articles that advocates for an independent legislature resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

B. 28. Newspaper articles that advocate for removal of the presidents powers to appoint judges resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict

C. 29. Newspaper articles that advocates for an independent judiciary resulted into?
   A. High Conflict    B. Medium Conflict    C. Low Conflict    D. No Conflict
### SECTION C: Newspaper Uses and the 2005 Referendum

C. 1 TO WHAT EXTENT DO YOU AGREE WITH THE FOLLOWING STATEMENTS REGARDING THE EFFECTS OF NEWSPAPERS ON READERS

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<th>Strong Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
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<tr>
<td>1</td>
<td>Newspapers provide readers with political information</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2</td>
<td>Newspapers influence politicians</td>
<td></td>
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</tr>
<tr>
<td>3</td>
<td>Newspapers serve as a platform for national discussion</td>
<td></td>
<td></td>
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<tr>
<td>4</td>
<td>Newspapers promote tribalism</td>
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<tr>
<td>5</td>
<td>Newspapers promote nationalism</td>
<td></td>
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<tr>
<td>6</td>
<td>Newspapers provide a forum for political conflict</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>7</td>
<td>Newspapers do not cause political conflicts</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>8</td>
<td>Newspapers concentrated on reporting conflict at the expense of issues in the 2005 referendum</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>9</td>
<td>Newspapers reported conflicts between politicians instead of reporting on draft constitution issues such as land, executive, and Majimbo (devolution)</td>
<td></td>
<td></td>
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</table>

### THANK YOU VERY MUCH FOR YOUR CO-OPERATION

If you have any queries regarding this survey, please contact Charles Nyambuga on

- **E-mail:** cnyambuga@yahoo.com
Appendix Two Content Analysis Coding Sheet


Name of newspaper: 

Total number of Opinion Articles: 

Date: 

Day of the week: 

Instructions: - Encircle the correct roman number as per the key provided below

<table>
<thead>
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<th>Total number of articles</th>
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<tr>
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<td>d. edit 4</td>
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Letters to the Editor Page  Total number of articles

Media and Political Conflicts  Page 290
### Commentary page.

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</table>

### Key

#### Occurrence in body text

| i | Executive/Separation of Powers |
| ii | Devolution |
| iii | Land Tenure |
| iv | Provincial Administration |
| v | Legislature |
| vi | Bill of Rights |

#### Other related articles

| vii | Ethnicity |
| viii | Violence |
| ix | Leader’s Utterances |
| x | Process of Constitution Making |
| xi | Political Conflict |
Appendix Three Permission Letter

Republic of South Africa
Research Unit
Office of the President of Kenya
Nairobi, Kenya.

April 20\(^{th}\), 2009

Dear Sir/Madam

RE: Data Collection from Teachers, Politicians, Journalists and the Clergy

Am a Kenyan student pursuing a doctorate degree in Media Studies at Nelson Mandela Metropolitan University in South Africa. I would wish to be granted permission to collect my data from teachers, politicians, journalists and the clergy who are based in Bungoma, Kisumu and Mombasa. The sample is drawn from respondents who are based in those three Kenyan districts.

I would request to be permitted to administer the attached questionnaire which is on the Role of the Press in Political Conflicts in Kenya: A Critical Study of Performance of the Nation and the East African Standard Newspapers. The participants will be selected on purely voluntary basis. Should there be disinterest on the part of any participant they can withdraw at any time of data collection by informing the data collector or the principal researcher.

The information provided is purely for academic purposes and utmost confidentiality will be observed.

Thank you and best of regards

Charles Nyambuga
Principal Researcher