

Time to harvest? Media, corruption and elections in Kenya

Concerns are growing over the continuing corruption in Kenya's mainstream media with a series of recent bribery scandals. Here Okoth Fred Mudhai examines recent calls for the media to put their houses in order highlighting what is being done and concluding with what could be done better

Responsibility and accountability

Endemic corruption in Kenya has been the subject of various books (Mute 2001; Kidombo 2004; Sihanya 2005; Mati 2007). Anti-corruption has become an 'industry' of non-governmental and governmental organizations well funded by donors and the tax payer, with the head of Kenya's Anti-Corruption Commission, Justice Aaron Ringera, earning KSh 2.5m (\$45,000 or £18,121)¹ a month delivering few tangible results.

In a country deeply immersed in corruption and patron-client networks, politicians could be expected to try to cover up their misdemeanours or simply want to be projected in good light through exploiting the media (Mudhai 2004: 210). With the 1990s' wave of political pluralism in most of Africa stiffer inter-party contests increased the competition for media attention – resulting in financial and other inducements or rewards to journalists, editors and media owners to win their favour, especially at the time of elections. There were few election upsets during the single-party era of the 1960s-1980s. But the amendment of the constitution in the early 1990s to re-introduce multi-party electoral democracy brought challenges for the mainstream and proliferating alternative private press and broadcasters to

remain professional by following ethical standards such as objectivity, fairness and impartiality.

While various extraneous factors have affected the democratic role of the media in Africa (Mudhai 2007), analysts generally concur that the media businesses and practitioners stand 'accused' (Ochieng 1992) as they are 'largely to blame for their highly unprofessional and unethical journalism' (Nyamnjoh 2005: 27). This is more so because the media in Kenya promote the libertarian theory to extol their Fourth Estate role in society. For instance, the former Kenya Union of Journalists' secretary general, Mr Ezekiel Mutua (appointed in late 2007 the Director of Information and Public Communications in the Information and Broadcasting Ministry), referred to the media as a 'defender of democracy' and a 'watchdog' which acted 'as a brake on the abuse of power by public officials' (Collender 2007).³ Yet, as the secretary general of South African Broadcasting Association, Arlindo Lopes, points out, it is not enough to merely proclaim public interest: journalists need to do more to promote higher standards and principles:

I would like to suggest that media freedom is not enough to fight corruption. While, indeed, media freedom is a necessary condition, it is not in itself sufficient. Media practitioners who want to involve themselves in this endeavour need to adhere to professional and ethical values (Lopes 2007).

The social responsibility perspective, Lopes suggests, requires objective and balanced reporting-commentary and, more importantly, maintaining a neutral observer role (see also Schudson 2001, Tettey 2006). These ideals are not possible if the media are compromised. From a normative point of view, the media need to be accountable to play a meaningful role in society.

Media freedom can also be evaluated through the media practitioners' capacity to be watchdogs over other spheres of society, other than the politicians, including their own. There are journalists who are afraid to investigate stories of corruption within their own media organizations. It is also common for reporters being paid bribes to run favourable stories (Lopes 2007).

Given the recent increase in the incidence of unethical behaviour as observed by the International Federation of Journalists (IFJ) and

the International Press Institute (IPI) calls are growing for journalists to improve their standards and eliminate bribery (Tettey 2006: 231).

Vulnerability: Throwing stones from glass houses

Ruling elites in a number of African countries have in recent times sought to emasculate both conventional and new media by pointing out the media's mostly internal ethical weaknesses. For too long the media have been reluctant to confront their internal foibles, whose impact on nascent democracies they have downplayed or ignored. One of the most virulent critiques came from South Africa's President Thabo Mbeki in his address at the 60th Annual World Association of Newspapers (WAN) Congress in Cape Town in mid-2007:

It is surely incumbent on the media to be introspective and to conduct itself in ways that will enhance and not undermine acceptable standards of public morality and good behaviour in a progressive and enlightened state. Though making up a proud fourth estate which is rightly opposed to any government interference, surely the media also carries the basic responsibilities of citizenship? (Mbeki 2007)

Around the same time, similar sentiments were expressed by a Kenyan ruling party politician often critical of the media's internal weaknesses that hamper their moral high ground posturing:

In Kenya, the media have failed to shine light on their own scandals of gross exploitation and corruption. As they point at the speck in the eye of others in society, they do not see the log in their own eyes (Wa Wamwere 2007).

In an interview, touted as exclusive, with a US-based online outlet, Public Communication Secretary and Government Spokesperson Dr Alfred Mutua argued that the country's mainstream media had become synonymous with corruption and, therefore, lacked the moral authority to accuse others (Muriithi 2007). He was reported to have singled out the print media, whose journalists, he claimed, were notorious for taking bribes from senior opposition politicians to influence content.

I have evidence that these politicians are paying huge amounts of money to have their stories featured on the newspapers' front pages. It is a well orchestrated scheme where

they are also making sure that any positive news, especially if it emanates from the government, is nipped in the bud and does not go past the sub-editor's desk (Mutua cited in Muriithi 2007).

Asked to provide evidence of his claims, Dr Mutua reportedly faxed a signed statement claiming that the newspapers were asking for Ksh 250,000 (\$3,800 or £1,812) to carry one headline story while some politicians were spending about Ksh 6m (\$90,000 or £43,505) per month to suppress any headline material that may come from the government camp. 'It is a known fact that some editors and sub-editors have amassed great wealth from these bribes,' he claimed, warning that he would name the preach-water-drink-wine culprits soon (Muriithi 2007) – a threat tempered by the government's own culpability in claims of bribery to senior editors. Indeed, a 2003 US Department of State report on Human Rights Practices in Kenya indicated 'some editors and journalists were believed to have practiced self-censorship because of government pressure or bribes'⁴ (Collender 2007).

Though accused by its readers of being propagandist and irresponsible, the online publication not only published Mutua's sentiments aired after an anti-corruption meeting in the coastal city of Mombasa but also included views of a leading opposition politician whom they tracked down in Tallahassee, Florida. Raila Odinga, of the Orange Democratic Movement (ODM) party, dismissed Mutua's media bribery claims as 'the last kicks of a dying horse' by an increasingly unpopular government intent on suppressing press freedom (Muriithi 2007). Instructively, Kadhi (2007a) accused Odinga of using 'clever tactics ... perfected by [former President] Moi', which 'include manipulation of the mass media'.

Dr Mutua, has been not only an experienced local journalist but also a media scholar at an Arab university, having gained a doctorate in Communication and Media from the University of Western Sydney, Australia (Muriithi 2007). Little wonder he was reported to have hinted at the possibility of legal action against the media on the bribery allegations. He said it was just a question of time before 'this scandal goes down with some people' (ibid).

Multiparty era political contests and media corruption

Ahead of Kenya's 2007 general election, empirical data from a UN-funded survey by a local

research group indicated that President Kibaki and his *ad hoc* re-election vehicle, the Party of National Unity, received favourable quantitative and qualitative coverage by state-owned and private media in September (Otieno 2007; Saulo 2007; SPRRL 2007). A separate Steadman Group survey whose findings were released in early November indicated that: 'President Kibaki received the highest coverage from print and electronic media⁵ in the past 10 months' (Agina 2007; Steadman 2007).

According to Kadhi, just before the surveys were conducted, the mainstream press in particular favoured presidential candidate Odinga to the extent that journalists could be 'guilty of manipulation of news, either actively or passively ... [which] would most certainly be reprehensible' (Kadhi 2007c). In fact, senior editors at the Standard Group were often under pressure from the state and the company's government-supporting owners to change their editorial tone. 'They had people investigating me ... to know if I am being paid,' said the Standard Group editorial director, Mr Kwendo Opanga, in an interview with this author in early September 2007.

Earlier in November 2005, the *Standard* – perhaps the only mainstream newspaper that publishes articles critical of the media – carried a report by 'a media expert who has requested anonymity', suggesting that the media may have been 'compromised during the referendum campaigns' that month (Anon 2007). The government side lost the vote on a new constitution amidst rumours in media realms that certain people linked to the ruling regime bribed two editors, one from each of the two leading newspapers, at a Nairobi hotel in a futile attempt to sway headlines. Little wonder the anonymous author censured the 'perverse and yellow journalism [of] the alternative media' which, as Wa Wamwere (2007) indicated, would easily publish such unsubstantiated allegations as part of what Anon (2007) terms 'tool[s] for extortion'. In the past decade and a half, some journalists have viewed election period as the best time to harvest bribes. From the first multiparty election in 1992, industry insiders – especially the 'gutter press' – often name colleagues who have had cars donated to them, houses built for them or cash advanced to them by politicians or businessmen, especially around election times (Mudhai 2004: 210ff⁶; Mudhai 1998: 65).

Another corruption scandal

The most public case (Mudhai 1998), though

not directly and conclusively a bribery scandal, involved Opanga, a former *Nation* popular political columnist, who was forced out of the company on grounds he accepted Ksh 60,000 (\$100 or £600⁷) from agents of the then-ruling party, the Kenya African National Union (KANU) ahead of a general election in the 1990s. Opanga, holder of MA Journalism from Cardiff University, is one of the very few journalists to have come clean on corruption rumours and disclosed his 'consultancy fee' dealings in what amounted, at least, to conflict of interest. 'I came out and said this clearly should not have happened, and I am sorry about this,' Opanga told this author at an early September 2007 interview in Nairobi. Worryingly, Opanga indicated at the time of the scandal that other journalists whom he would not name formed part of KANU's team of spin-doctors who included university lecturers.⁸

Bribery allegations remain rumours as they are often extremely difficult to prove given that the 'briber' is often as guilty as the bribed or 'bribee'. It is not then surprising that politician Mr Kenneth Matiba lost in early 1998 a bribery case against the *Daily Nation* investigative editor, Mr Mutegi Njau. Matiba, then official opposition leader in the run-up to the 1997 general election, had disclosed at a press conference that he bribed the editor with a car. Winning the case did not necessarily vindicate the editor since, colleague Opanga argued in his 'The Week That Was' column in September 1996, corruption is 'fiendishly difficult to prove for it is, after all, not a spectator sport' (Mudhai 1998: 66).

Reacting to reports that top editors in the region's most successful media house were corrupt, the Nation Media Group's then chief executive officer, Wilfred Kiboro, had this to say in an interview with the *Expression Today* media journal: 'Allegations against editors are not new... The question is whether there is any concrete proof from people making those allegations... If somebody comes with documentary evidence... then we would take action' (Mudhai 1998: 66). Another senior journalist, Philip Ochieng' (the author of *I Accuse the Press*),⁹ was mentioned in 2004 as one of those who benefited from the gargantuan Goldenberg fake gold exports scandal. Observers could not help linking this to the defence in his writings of the Moi regime. Alluding to the one-time labelling of the UK's Fleet Street journalism hub as the 'Street of Shame', Opanga said in his already cited article

that 'let it be very clear, we too easily stand condemned as scribes of SHAME'.

Ammunition to attack the media

The fact that not even officials of the Kenya Union of Journalists have escaped the curse of financial and other improprieties¹⁰ has given politicians and other detractors ammunition to attack the media – not necessarily in the sense of the March 2006 physical assault on the *Standard* printing press and the Kenya Television Network broadcast facilities by hooded state agents. Wa Wamwere (2007), arguing that the industry-created Media Council had failed the self-regulation test, points out that the contentious Kenya Media Bill 2007 was to 'enhance press freedom, curb misuse of media power, professionalise journalism and eradicate corruption':

It is because of the failure to protect truth, fairness, public good and morals that many people have called for a law to ensure the media operate ethically. And there are many examples to show they have failed (Wa Wamwere 2007).

Sensing that they could not stop Parliament from enacting the legislation, key industry players chose to negotiate the Media Bill rather than fight it but at the last stage of debate an MP inserted a contentious clause which could have compelled journalists to reveal their sources although this was later purged in the Media Act 2007 before it was signed into law. All the same, the bill and the law remains official response to what was considered the media's internal ethical weaknesses despite all the arguments for free expression and communication rights (see Oswaggo 2007).

Remedial measures

Where the media have 'irreparably disregarded professional ethics and the social responsibility ... governments will always have a strong case for intervention' (Anon 2007). Kenya's media players could not help but acknowledge that 'unethical journalism was abhorred and blamed for government interference in the framework of independent media' (Maina 2007: 73). Years of media campaigns against statutory regulation proved futile in 2007. Although the Media Council of Kenya (MCK) Bill had been opposed by media owners and journalists, it had some noble objectives such as enabling journalists 'to exercise their freedom freely and responsibly in a sound and professional manner and also seek to promote self regulation and *accountability*¹¹ in the media

industry' (Kadhi 2007b).

Instead of focusing too much on the government as the main threat to press freedom, there is need for credible and real incentives and sanctions for deviant journalistic behaviour contrary to democratic ideals. Self-regulation is an aspect of this, but the MCK set up in 2002 (operational from 2004) proved to be toothless. Of course, there is no guarantee that the statutory MCK (under Media Act 2007) would do any better: particularly if the failure of the statutory advocates' regulatory system is anything to go by. All the same, the voluntary MCK started on a positive note, bringing together KUJ, the Editors Guild of Kenya, the Media Owners Association and the Kenya Correspondents Association to draw up codes of practice and establish an Ethics and Complaints Committee.

They also organized public debates on media performance in 2005 with topics covering: the role of the media in good governance; ethical journalism in Kenya; people's right to information as one way of curbing corruption; rising abuse of media freedom; the extent of adherence by the media to the code of conduct for the election process (Maina 2006: 72).

Bribes and codes of conduct

The content of the Codes of Conduct for the Practice of Journalism¹² mirror the statutory one. It is worth noting that, Article 8, 'Paying for News Articles', is not clear enough on the bribery of journalists which it seems to link with payment of sources by journalists. All the same, it warns: 'Journalists should not receive any money as an incentive to publish any information.' On its part, the Code of Conduct for Election Coverage¹³ is aptly more explicit, acknowledging that 'coverage of elections provides one of the toughest ethical tests for media practitioners'. It goes on to warn of temptations:

Election coverage exposes media workers to corrupt and manipulative sources: bribes, gifts, freebies, and promises of political and diplomatic appointments. Journalists must resist all attempts to compromise them no matter how poorly remunerated they are....

The code draws attention to the need for fairness, balance and impartiality before further stressing that journalists should 'resist gifts, favours or special treatment, from interested parties as this could compromise their impartiality'. However, while the code presumes low

pay is the problem some of the top, well-paid editors are often the culprits. Moreover, the codes are of little use where, as one analyst puts it, 'danger lurks due to the absence of strict adherence to ethics or due to dearth of professionalism' (Anon 2007; see also Cees Hamelink¹⁴).

Perhaps codes can work best if they can be seen to help expose cases of media corruption. Internal scandals in the mainstream media are often tightly covered up, though this is becoming increasingly difficult in the age of Internet and pluralist media ecology that includes bold and sometimes reckless alternative print media. 'We only read of media scandals in the so-called gutter press!' (Wa Wamwere 2007). Other than the Opanga case, the closest that the Nation Media Group management has come to doing anything about impropriety claims has been to ask anyone with evidence to produce it – instead of carrying out a thorough internal investigation. Rather than hush up the conduct of seriously 'bad apples' among them, the Fourth Estate should expose internal scandals as much as they do scandals among political and other elites.

As has been the case in Tanzania (Mudhai 2007), media owners, managers and practitioners would be more transparent and accountable if they admit their ethical failings and do something to reduce them rather than fight to maintain the status quo pretentiousness and hypocrisy. They could borrow a leaf from UK broadcasters such as ITV and the BBC which have come clean, internally investigated and apologised to the public over production scandals.

Conclusions

The Kenyan media have gone through various phases of challenges fighting injustice in a changing socio-economic and political environment (Odero and Kamweru 2000; Odhiambo 2002). They have done some very good work in their watchdog roles, exposing corruption scandals such as Goldenberg fake mineral export compensation scheme in the 1990s and the later procurement scandals such as that of UK-linked Anglo Leasing. While decisive action on exposés about such politico-economic scandals is down to the benevolence of the politicians, corruption among media workers continues.

Clearly, the media face obstacles such as absence of information access legislation, restricted freedom and limited resources as well as governmental, legal and proprietorial-

commercial pressures. However, there is hope in strengthening existing mechanisms as well as bargaining for new ones, such as a Botswana-style broadcast complaints forum and press ombudsmen offices (Lopes 2007) that help protect both media and public from corruption. There is hope in the newly constituted Media Council and the provisions for broadcast ethics and standards as per the National Information and Communication Technology Policy 2006, although success depends on the integrity and credibility of the memberships. Domination of these bodies by partisan media owners and journalists is nearly as ineffectual as state control.

Notes

- 1 Figure based on news report on official statement, 'Kacc boss's pay too high, minister tells House'. Available online at http://www.eastandard.net/archives/cl/hm_news/news_s.php?articleid=1143953999&date=15/6/2006, accessed 14 November 2007. This and, unless stated otherwise, subsequent estimates based on mid November 2007 Universal Currency Converter rates at <http://www.xe.com/ucc>
- 2 See, for instance, the case of Botswana in Mphusu (2007)
- 3 See also Maina 2007: 72-73
- 4 My emphasis
- 5 Five newspapers, four TV stations and 30 radio stations
- 6 Some of the text in the next few paragraphs has been updated from this earlier work. Also, see posting by Chris, 'Wolves in sheep's clothing: Beware of the Kenyan press', *Kumakucha* blog, 5 February 2007. Available online at http://kumekucha.blogspot.com/2007_02_01_archive.html, accessed 8 November 2007
- 7 At the currency exchange rates prevailing then.
- 8 While the few so-called 'KANU scholars' (especially at Kenyatta University) were widely known because they did not hide their rendezvous with the then largely unpopular party, 'KANU journalists' were furtive.
- 9 At the time of this disclosure, Ochieng' worked for the *Daily Nation* – having previously been the editor of the *Kenya Times*
- 10 See BBC report, 'Kenya reporters in corruption row' on doctored/fraudulent awards. Available online at <http://news.bbc.co.uk/2/hi/africa/4236823.stm>, accessed 14 November 2007. Another report in the *Standard*, 'Journalists to suspend KUJ subscriptions'. Available online at http://www.eastandard.net/archives/cl/hm_news/news.php?articleid=12721&date=9/02/2005, accessed 14 November 2007.
- 11 My emphasis
- 12 Available online at http://www.mediacouncil.or.ke/code_practice.php, accessed 8 November 2007
- 13 Available online at http://www.mediacouncil.or.ke/code_election.php, accessed 8 November 2007
- 14 Sentiments expressed in various writings as well as at 'Global Media Ethics in the 21st Century' conference in Lusaka, Zambia, August 2007

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Kenya Union of Journalists: www.kujkenya.org

Media Council of Kenya: www.mediacouncil.or.ke

Media Ethics in Kenya: <http://mediaethicsinkenya.blogspot.com>

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