

Kenyan Media Freedom Under Attack: Analysis of Media Work in Kenya Using Maatic Theory of Communication

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Abstract

The ability of news media to criticize, show the excesses of the Executive arm of the government is central to media freedom and a sign of strong democratization. The existing bickering between the state officers and the media while the law provides the framework of how the state officers and the media operate is an indicator of a professional laps that denies the public credible service that they must get from the state officers and the media. In this article I analyze media freedom in Kenya using Maatic approach of communication. Maatic theory of communication provides principles of telling accurate, balanced and truthful story. In the preview of Kenyan Constitution and media freedom, the article discusses the available law guiding the role of service providers; and the ethics that state officers and media professionals must embrace. It further analyses the atrocities of the state officers to the journalists in Kenya; the excesses of the media when they cover the activities conducted by either state officers or members of the opposition. This paper analyzes the role of media in a democracy and also offers a comparison of media work in the selected authoritarian governments in Africa. Hence, using Maatic lens and available empirical findings, this article observes that there is no media freedom in Kenya. The way Kenyan state officers treat media is like what it is in authoritarian governments. This notwithstanding, it is observed that the journalists also lack professional mastery of the art. The article concludes with way forward/recommendations.

Key words: Maat concepts, political space, media freedom, media role, state officers

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1. Introduction

The paper discusses the freedom of Kenyan media as provided by the Constitution 2010. I arrive at writing this article having been provoked by recent news from our media houses hinting on a rift between the political class- especially state officers and the media. The fury from the political class, especially the state officers against the journalists suggests a professional laps either on the side of Kenyan journalists, or on the political class (State officers in particular). Those who watch the turnaround of events will doubtlessly say that the freedom of media in Kenya is on the balance if not under full attack by the government albeit the Constitution of Kenya 2010 that stipulates how the state officers need to conduct themselves to the public that they serve. The same constitution provides the freedom of media and gives full framework on which the media will discharge their duties as a watchdog. While the government officers seem to display unchecked dominance (Ott & Mack, 2014) on the media and the general public through their utterances, the media on the other hand claim they are under obligation to serve the public who has the 'right to know' (Obonyo & Nyamboga, 2011) hence, they expose the excesses of the state officers who in turn blame their work as one lacking professionalism. The framework under which the journalists should do their work; and the responsibilities and conduct of the state officers are both provided by the law. Using Maatic theory of communication, this article discusses the role of government and the freedom of media in light of accountability in service to the public.

1.1 Thesis

At least everyone depends on the media for information, education, and entertainment among other media needs. For this reason, media has a pivotal role to play in light of freedom of information as well as freedom of expression. In this connection, the framework under which the Kenyan journalists should do their work; and the responsibilities and conduct of the state officers are both provided in the Kenyan Constitution 2010. Article 34(1) of the constitution which talks about freedom of media provides for freedom and independence of media- electronic and all other types. In the same breath, article 34 (2) stipulates thus; "the State shall not: a. exercise

control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium; or **b.** penalize any person for any opinion or view or the content of any broadcast, publication or dissemination”. It’s noteworthy that by the enactment of the Parliament there is legislation-article 34(5) that provides for the establishment of a body, which ensures that the media **(a)** be independent of control by government, political interests or commercial interests; **(b)** reflects the interests of all sections of the society; and **(c)** sets media standards and regulate and monitor compliance with those standards, namely; the Communications Authority of Kenya and the Media Council of Kenya.

In addition, Chapter 6 of the Constitution of Kenya (Leadership and integrity) provides in articles 73(1) and 75(1) for example, the responsibilities and conduct of the State officers respectively. Shortly before the time of this study, Kenyan journalists and those outside the country including the opposition leaders joined hands to decry government officers using the police to beat journalists, offer threats of arrest and even confiscate cameras of the journalists who were covering the demonstrations called by the opposition leader Raila Odinga opposing President Ruto’s election. The threats and forceful attempts to control the media operations by all possible means by the government in spite of the existence of the law that governs the work of the media and state officers raise the questions on the freedom of Kenyan media. The paper therefore attempts to analyze the state of Kenyan media freedom and the cause of the threats posed by the state officers.

1.2 Methodology

To compile this article some documented literature (papers and books) was reviewed. The literature includes: *The Constitution of Kenya, 2010*, Media Council of Kenya (2012) *Report on the state of media, Measuring Media Freedom* by Barrie et al., *Journalists and the Rule of Law* by Obonyo and Nyamboga etc.

1.3 Purpose

The purpose of this paper is to analyze media freedom of Kenyan journalists with special attention and reference to the Constitution of Kenya, 2010. The paper equally seeks to analyze the cause of threats to media by the state officers.

2.0 The state of the media freedom

This part discusses the provision of the law and how it applies to both media professionals and the state officers as they discharge the duties to the public.

2.1 The Preview of Kenyan Constitution and Media Freedom

Under Article 34(1) of the constitution-freedom of the media, freedom and independence of electronic and all other types of media is granted. However, this freedom does not extend to any expression (utterance) which does not extend to propaganda for war; incitement to violence; hate speech...in the expression of the right of expression, every person (media professionals included) shall respect the rights and reputation of others 33(2, 3). In addition, article 34 (2) continues to say thus; “the State shall not: **a.** exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium; or **b.** penalize any person for any opinion or view or the content of any broadcast, publication or dissemination”. It’s noteworthy that by the enactment of the Parliament there is legislation-article 34(5) that provides for the establishment of a body, which ensures that the media **(a)** be independent of control by government, political interests or commercial interests; **(b)** reflects the interests of all sections of the society; and **(c)** sets media standards and regulate and monitor compliance with those standards, namely; the Communications Authority of Kenya and the Media Council of Kenya.

Chapter 6 of the Constitution of Kenya (Leadership and integrity) provides in articles 73(1) and 75(1) for example, the responsibilities and conduct of the State officers respectively. Article 73 1a(i-iv) recounts that; authority assigned to a state officer is a public trust to be exercised in a manner that is consistent with the purposes and objects of this Constitution; demonstrates respect for the people; brings honor to the nation and dignity to the office; and promotes public confidence in the integrity of the office; ... Furthermore, as regards the conduct of the State officers, article (75) states that a State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids **(a)** any conflict between

personal interests and public or official duties; **(b)** compromising any public or official interest in favor of a personal interest; or **(c)** demeaning the office the officer holds.

The threat on the freedom of media in Kenya can be seen on how the State officers handle media workers during their official assignments, for example, when they were covering the protests (*maandamano in Kiswahili language*) by the Opposition-*Azimio la Umoja One Kenya* headed by Hon. Raila Amolo Odinga (June 18-20, 2023). Another incident was a scathing attack by a State officer, Cabinet Secretary, Moses Kuria on Nation Media Group (NMG), a corporation that owns a number of local and regional newspapers and broadcasters warning the media house in question to tone down lest they be “snatched” the opportunity to do business with the government including any other business partners in the Republic of Kenya. Kuria said, “I want to tell Nation Media, you need to choose whether you are a newspaper, broadcasting house or opposition party. From today, not even tomorrow, if any government advertises with Nation Media, you know you are on your way home” (*The Standard Newspaper*, Sunday, June 18, 2023). In a likely support of Kuria, the Deputy President-Mr. Rigathi Gachagua said, “I want to assure you, the Nation newspapers... Whereas I agree with Moses Kuria that you have become rogue and are part of Azimio brigade trying to bring down the government, I don’t agree with what he has suggested...” (*The Standard Newspapers*, June 20, 2023). Not only did Kuria accuse (NMG) for being ‘rogue’ and an ‘opposition party’, but he also called the company’s employees “prostitutes” and accused its journalists of being corrupt and bias (Kuria’s Official (X)Twitter handle, June 18 & 20, 2023). In addition, joining other state officers in criticizing the media, the Majority Leader and Kikuyu Member of Parliament Mr. Kimani Ichung’wah said, “You will be made irrelevant in the coming days if you continue lying to Kenyans. Stick to truth, objectivity and we will respect your rights and freedoms” (*The Star Newspaper & The Standard Newspaper*, June 18, 2023).

Communications Authority of Kenya (CA) as one of the government agencies was not left out in hurling threats to the media during the demonstrations. “In a press statement issued by the CA’s chief executive officer Ezra Chiloba on March 20, 2023, the body claimed the live coverage of opposition protest was a form of public incitement. The authority said the protests had violated the law for being inciting and hateful and thus lost protections under the freedom of expression. To accuse the stations, namely Citizen TV, NTV, K24, KBC, TV47 and Ebru TV, of such crimes was tantamount to suggestions that they were advocating for or supporting an insurrection” (Nyabuga, 2023, p. 8). Additionally, CA claimed that the live coverage and broadcasting the opposition protests and rallies violated the Programming Code for Broadcasting Services in Kenya. The fact that (CA) is the Kenyan broadcasting licensing authority having powers to license or switch off, its threat to the media is a matter of serious significance.

2.2 *The civil society and international community on the Kenyan media freedom*

International community and the civil society have always been in the forefront to support media freedom. “It is evident that the international community and civil society play a critical role in advancing press freedom. Organizations like Article 19, CPJ, UNESCO, and Reporters Without Borders provide essential reports and advocacy efforts to protect this space and their reports provide valuable evidence for potential interventions” (Nyabuga, 2023, p. 15). The pressure from these groups would involve issuing public statements decrying attacks and threats on journalists or, calling for diplomatic dialogues to address concerns about media environment. “Katiba Institute, one of the pressure groups in support of the media freedom was quick to criticize the Communications Authority of Kenya’s decision to censor aforementioned six TV stations for broadcasting antigovernment protests, emphasizing the potential threat to peace and cohesion in the country” (Ibid.). These attacks by the state officers to the media met equal measure of reactions from the Pressure groups in Kenya including Africa Report, Kenya Union of Journalists (KUJ), Kenya Editors’ Guild, as well as opposition coalition, Azimio la Umoja calling for censure of the then Trade Minister for his continued attack on the media which threatens freedom of the press. CPJ Africa Program Coordinator, Angela Quintal from New York said, “The vile insults and threats that Kenya’s Trade Minister Moses Kuria hurled at Nation Media Group over the last few days undermine the dignity of the minister’s taxpayers-funded office and expose a disturbing disregard for constitutionally protected freedoms of the press...Kuria should retract his threats and the government should guarantee media outlets do not face retaliatory economic sanctions for their reporting” (*The Standard Newspaper*, June 21, 2023). However, despite all the accusations to him by all these groups, Kuria told the journalists that he would not apologize for his comments saying “There is no one who is pro-media like me” (Ibid, Wednesday 21, 2023). Some of the reasons for the attacks by the state officials are stated below.

The actions came after the Nation Media Group's print publications and its broadcaster NTV carried reports alleging government's officials' involvement in a corrupt scheme to import duty-free cooking oil that cost taxpayers billions of shillings. A few months later, a state officer, the Inspector General of police (IG) Mr. Koome accused the opposition of 'hiring' dead bodies by colluding with mortuary attendants to taint the 'good' image of the National Police Service during the demonstrations. While addressing journalists on Tuesday August 8, 2023 at Kiganjo Police College, Koome said those were allegations based on propaganda aimed at tarnishing the institution's name.

During the protests by the *Azimio* Coalition, the government was accused for not providing security to the media while doing their assignments. Evidently, the State agents (the police) brutally injured the journalists as they tried to stop them from covering what was going on. Besides that, most of their cameras were destroyed or information confiscated. Interestingly, the government officials, the President included, praised the police officers for their 'good work' (providing security to lives of Kenyans and their property). Conversely, the media was on the receiving end- blamed for being unprofessional (not balanced in their coverage) actually branded as 'opposition party'. From the Africa Report (*The Standard Newspaper Wednesday*, June 21, 2023) Kenyan media houses were accused of bias and distorting facts regarding the government agenda, notably the recently passed Financial Bill 2023. According to Kimani Ichung'wah, the media was not initially opposed to the Bill until revelations about betting tax increments (from 7.5-12%) were made. Hence, in this regard, the media was not justified for being outrageous to the Kenya Kwanza government agenda, especially on issues supported by the act of parliament.

The CS Moses Kuria's attack among other state officers on Nation Media hurling economic threat and insults on its reporters for the news they ran on his personal life is something that can be analyzed in light of constitutional lens. One would wonder if the perennial usage of Eurocentric media theories of communication has contributed to the lack of ethics in communication among the leadership and the way media workers report news. Asante in Kehbuma Langmia (2018, p. 8) contends that everything (including the theories) which comes from the West (America) has become African without questioning. Therefore, "the failures of the Western theories of communication have too often become the failures of Africans who participate in these theories".

Underpinning the work in the ancient classical African idea of ethics, I propose to use *Maatic* theory of communication (*Afrocentric communication theory*) to analyze media work in Kenya especially in light of the relationship between media houses and the state officers that form the top political class in Kenya.

2.3 *The origin of Maat Theory of Communication*

Based on the works of Asante in Kehbuma Langmia (2018, p. 8) Maat is one of the oldest concepts in the world found in the texts of the very ancient Egyptians being one of the earliest African civilizations. From the Egyptian civilization namely classical Africa, Maat was symbolized by the image of Osiris, a goddess with an ostrich feather on her head. She represented correct thinking, rationality, balance, harmony, and proper values. Hence, from ancient Egyptian history, Key Maat concepts include order, balance, truth, justice, harmony, and reciprocity in human interactions. For the purposes of this article, I borrow the key concepts of Maat communication from Asante's work to analyze human interaction in the context of the relationship between Kenyan media workers and the state officials. It is important to note that Maat communication is one of the oldest ideas of human communication (perhaps) from which western ideas of communication such as truth telling, balance, accuracy etc. must have been derived. My argument is informed by Asante's candid historical information which helps us understand that 'the ancient Egyptian narrative Maat was the only entity with Ra (Egyptian sun god, universal creator) at the creation...an idea which is as old as the origins of African symbolic thinking" (p. 13). Below are the seven concepts of Maat communication theory:

2.4 *Maatic concepts of communication*

Maat concepts of communication include truth; righteousness; justice; order; balance; harmony; and reciprocity. From this backdrop the essence of communication is to foster justice namely, obedience to the rule of law, being truthful no matter what it costs you, building mutual interpersonal relationships among people. In a nutshell, Maatic idea of communication is hinged on the following principles:

1. The objective of communication is to hold back chaos.

2. Human communication is reciprocal in both substance and form.
3. *Isfet*, evil, must always be seen as the enemy to Maat, order and harmony.
4. Proper communication restores that which is broken as in *serudj-ta*.
5. Good communication is that which is justifiable and is completed with *maa kheru*, justified.

In light of Maatic theory (Langmia, 2018), leaders are agents of peace. They must “talk peace, live peace” and ensure people live peaceably and in harmony with one another. This can be initiated by the kind of language people (leaders and general public alike) use in public and in interpersonal communications. Besides that, Maatic approach encourages balance. According to Ott and Mack (2014); Smith (2008) balance means stating two sides of the story in (communication) speaking or in writing. In this context balance and objectivity is required from the media (journalists) and the state officers when both sides of the divide transact their duties. However, from the look of things, currently, either State officials or the media has missed the key component of communication to warrant the scathing attacks that state officers hurl on the media. There is also an important aspect found in the Maatic theory-the reciprocity- what I may translate to mean doing to the other what you would also want to be done to. Observing this aspect of Maat idea of communication, it will give birth to harmony and order in all the spheres of human coexistence. Using Maatic concept of communication which are truth; righteousness; justice; order; balance; harmony; and reciprocity, I highlight the relationship between Kenyan State officers and media starting with the State officers.

From colonial Kenya to date, leaders live in the world of their own as they embrace dominance as a way of life. The way Kenyan leaders (State officers) talk in public beginning from the President Ruto himself, his DP-Mr. Rigathi Gachagua, CS Mr. Moses Kuria, IG Inspector General (Koome) to name the least is quite worrying. The kind of language they use is full of arrogance and does not encourage harmony and order, if you like call it “peace”. Their utterances don’t embrace truth, justice (righteousness) as required in the Maat idea of communication. When such state officials speak, you would actually notice that they have become economical of truth and justice. These leaders have become either promoters of ethnicity or they have chosen to be dominant (careless) in their style of leadership. When the President, IG, DP, or Moses Kuria stand before the microphone, you would guess before they speak what manner of language will come from their lips. The language is either imbalance, propaganda or one that is outrightly lies and provocative. For example, to the angry and hungry Kenyans complaining about the high cost of living brought about by the frequent increase of fuel by the Government, the former CS Moses Kuria responded on his official Twitter (X) handle thus:

“I see Kenyans on Twitter (X) complaining about the cost of living from morning to evening. How will that help? They are complaining about high cost of fuel, why don’t they drill their own oil? I am willing to help them drill Moses Kuria” (15th September 2023).

I draw my argument for this paper from such remarks made by these leaders during the Azimio Coalition Party demonstrations. The youth supporting Azimio have been on the roads protesting against the government on the grounds of high cost of living, opening of IEBC 2022 server to verify the presidential election votes, etc. Indeed, the police have killed many Kenyans who have been demonstrating on the streets of many parts of Kenya. The attacks by the agency do not spare physical assaults to the journalist.

According Nyabuga (2023) the government is misappropriating government agencies especially the police. While the President and the DP have always been on the defense of the police saying they have done good job to maintain law (peace) and order by ‘following the rule of law’ as they discharge their duties, on the other hand these leaders have always attacked the media for not being professional when the later cover and relay the information to the public about the brutality of the police to the armless demonstrating citizens. The physical assault by the police to the armless journalist is not a strange thing in Kenya.

(Inspector General) IG-Koome in the same breath made the most unprofessional utterance ever a leader can make in the glare of the world via international media. As aforementioned, Mr. Koome (August 8, 2023) alleged that Azimio leadership in liaison with mortuary attendance smuggled dead bodies from different morgues and displayed on the roads to claim that the victims died from the police live bullets. This statement was a pure lie that in light of Maatic communication that promotes truthfulness and order was quite unbecoming. From that utterance many Kenyans attacked the IG in both mainstream media and social media. Indeed, such statements

don't promote peace and order but instill rebellion and hostility among members of the society. In light of Maatic theory which claims that (African) leaders should promote balance, truthfulness and harmony as they discharge their duties, the opposite is the reality when Kenyan leaders don't promote justice, peace, and other elements of the Maatic ideas of communication. The state blames a lot of unprofessionalism on the media as they cover their stories. Furthermore, there is fear that the state does not only attack the media, it has extended the war to the Judiciary. President Ruto alleges that the Judiciary is corrupt and he has to clean it. In addition, he vows that he will not accept some of the rulings made by the court especially the petition taken to court on the Housing Levy Act. The (outburst), namely the utterances by President Ruto and some state officers are not taken kindly by the Judiciary. Led by Law Society of Kenya; Chief Justice (Marther Koome); and other distinguished lawyers as well as ordinary citizens have responded to the President's remarks on the Judiciary asking him to respect the law for which he took an oath of office to protect. They claim Judiciary is an independent arm of government which needs to be respected by the President and any state officer. During its News Review, *The People Daily Friday, January 12, 2024* reported thus:

"The current standoff between the Executive and the Judiciary has brought to the fore longstanding tension and suspicions between the two arms of government. Public Litigation Lawyer Dudley Ochiel who won the 2023 Jurist of the Year Award and has participated in the cases President William Ruto claimed as a setback to his agenda offered his reelection on the president's attack on the Judiciary." On the remarks by President Ruto to defy court decisions Dudley Ochiel said, "that can set us on the road to anarchy. If the president is sworn in to obey the rule of law including court orders, then he says he is not going to do that, then any other citizen has no obligation to obey the law. It will be a free for all, the law will be violated by everyone until the president goes back to rule of law..." (Ibid, Friday, January 12, 2024). In keeping with the Maatic communication principle of obedience to the rule of law and fostering peace, leaders are expected to be the symbol of peace and unity at all cost by adhering to the rule of law and promoting unity (Sulayman Bah, 2023). Hence, Kenyan leaders are not exceptional. The next part of the paper discusses the Kenyan media in light of Maatic communication that requires that any professional be guided by the tenets of Maatic theory as outlined above.

Professionally media ethics require that journalists demonstrate balance, fairness, justice, accuracy, truth-telling (Smith, 2008; MCK, 2012) as it is in the Maat communication. Professional media in Kenya has come a long way. From colonial Kenya to independence; and to the time of President Kenyatta to Moi and Kibaki, media have grappled with two major challenges, lack of media freedom and lack of proper training required for their assignment (Oriare, 2008). We thank God that due to multiparty democracy in Kenya of 1990s brought the freedom of media and press as in the Kenyan Constitution 2010. Having media Act-article (34), the media should have freedom to do their duties without any restriction by the state as it was in the past. However, the opposite is the reality. The State seems not to respect the rule of law, and to that effect, the media still face hostility and brutality from the State agents to an extent of seeing journalists beaten by the police and their cameras destroyed, or the information therein confiscated. The allegation from the state is that they (the media) should not cover some of the events they do. This kind of idea only resonates with what takes place in autocratic governments in Egypt, The Gambia or Tunisia for example, (see Issawi, 2020, 2012; Barrie et al. 2023). However, on the part of the journalists, they maintain that they serve the public that have a right to know- get the information of what happens around them. In this article I highlight some African countries that seem to have the same challenge in creating free media space in their 'democratic' governments. However, it is important to analyze how the media cover both the government and opposition events in light of balance and accuracy.

2.5 Media excesses when covering opposition and state officers

As outlined above, media professionals must keep the rules of news reporting that require that they be objective and must have balance in their story, namely, being fair to both sides of the story (Smith, 2008; Bah, 2022). In this context, media need to report the story on government officials and the opposition fairly. It is noteworthy that not only have state officers (as highlighted above) lamented on the unfair media reporting (telling un fair stories about them), but the members of the opposition too in the resent past complained about unfair reporting which we may refer to media excesses when covering news stories. Citing a few examples, during presidential campaigns of 2022, One Kenya Alliance Principals (a group of opposition coalition leaders before the general elections) challenged the media for unbalanced reporting on their activities. Mr. Musalia Mudavadi in Mombasa (CitizenTV, August 20, 2021 -see Kenya News Media, August 20, 2021) accused Nation Media Group, especially the print media on biased and inaccurate reporting. He said thus:

We Principals in One Kenya Alliance have read with utter shock the false news being pervade by Nation Newspapers regarding our regular meetings with Mr. Uhuru Kenyatta. We condemn such gutter press reporting with contempt it deserves. Since we started holding consultative meetings with the President, the Nation Newspapers have embarked on a crusade to fabricate their own facts of the meetings and presidential aspirant. We regret that a reputable media house can choose to sink this low in publishing falsehoods. As to whether this betrays the media code of ethics that Nation Media Group subscribes to, should be a subject of concern to relevant media regulatory institutions. Meanwhile, Kenyans deserve correct, factual, verifiable, attributable and balance reporting of events and not fiction about manufactured events that didn't take place, sanitized through the veneer of creative realities, deceptive facts, opaque shadowy sources and twisted logic. We hereby state categorically that our visits to State House and sermons [should not be used] to browbeat us into supporting one candidate or the other as the distorted Nation narratives suggest. Musalia continued to say, "we call all news media, and especially the print media to remain focused on reporting facts as they are, and not what their wishes are. Indeed, it is a cardinal international media ethical rule that media house can choose to support candidate of their choice in elections. The only condition is that, it must be made public. So, if Nation has a bias and they want to support a candidate, let them declare it and everybody will know that they are supporting a candidate. If the Nation Newspapers feel strongly about the candidature of any individual, we invite the media house to do the ethical and decent thing, publicly announce its decision to support that individual" (Ibid, August 20, 2021).

Furthermore, Raila Odinga, *Azimio La Umoja* and opposition leader on January 22, 2024 accused the media for publishing fake news about the state of *Azimio Coalition*. Raila faulted the media for saying that *Azimio* is in the verge of collapsing. He told the un-named media house to publish true information and should not mislead the public. He said thus: "*Azimio* is intact and there is no descension in *Azimio*, except for a few members of parliament who took a walk...media must tell the truth" (Nation TV, Monday, January 22, 2024). Although Citizen TV and Nation News Media (according to Nyabuga, 2023, four other national television stations-KTN, Ebru, K24 and KBC) have been branded by the state officers as opposition media giving the government officers little time on their coverage and providing the opposition much longer time, this notion cannot be easily verifiable. In many instances both sides of the political divide are given fairly enough air time to sell their agenda. But, in 2022 during presidential campaigns, Citizen TV seemed to be pro-government giving Raila (*Azimio la Umoja* Coalition leader) much more air time of coverage than they did to Ruto-United Democratic Alliance Leader. This can be confirmed in their campaigns for example in Kilifi County (August, 2022) where *Azimio* presidential aspirant was covered for 5 minutes against Ruto who was covered for 2 minutes- (<https://youtu.be/PXBIW5cbK6I?si=TLHw9a-3vXzoqMfX>; <http://youtu.be/ZRITKabXDco?si=Na532QZsIXnjSsE>). Following the excesses of media cited by both state officers and opposition about media coverage, it implies that Kenyan media have ethical lapses that need to be corrected for them to have balanced reporting. The next part of the article discusses on how to measure media freedom.

2.6 Measuring media freedom in selected African democracies

According to Barrie et al. (p. 1) "The ability of news media to criticize government is a core pillar of media freedom and is often taken as evidence of meaningful democratization". However, with the supposed new types of authoritarian (autocratic) governance, the freedom of media is acceptable but with limits in political reporting. In such governance the presence of media capture and control cannot be over stated. While some degree of free speech is permitted in these contexts, criticism of the Executive branch typically constitutes a red line (p. 1). In this article I discuss some of the African new types of authoritarianism which Kenyan context is likely moving towards if at all it has not settled there. Some of these authoritarian governances include Egypt, Tunisia and Gambia to mention a few.

(a) Egypt: After the ouster in 2011 of Egyptian President Hosni Mubarak who oversaw dictatorial governance for 30 years, Egyptians enjoyed a short period of democracy since the birth of the Republic. Drawing from (Issawi, 2020) Barrie et al. (2023) contends that, during that brief democracy the country saw a proliferation of private media as well as founding new political parties and civil society organizations. The democratic era lasted for two years and abruptly ended in July 2013 by a military coup when Mubarak's state security resuscitated authoritarian governance who have since undertaken unprecedented crackdown on free press and civil societies. The next part of the article looks at Tunisia.

(b) Tunisia: The removal of Zine El Abidine Ben Ali in January, 2011 from the office, emerged after more than twenty years of unchallenged authoritarian rule. The continued upheaval which occasioned his ouster was that which elicited overwhelming surprise given the “severely restrictive media and information environment that characterized Tunisia at the time” (Issawi, 2012). Like in the Egyptian context, the period that followed the presidential removal saw not only a series of free and fair elections but also a flourishing of new, independent, news media loosened of the restrictions that were previously placed on reporting (Schraeder & Redissi, 2011). Surprisingly, ‘the ascension of Kais Saied to the Presidency in 2019 and his repeated attacks on democratic institutions represents a genuine threat to Tunisian democracy’ (Barrie et al., p. 5). It is worth noting that “while this democratic backsliding in Tunisia has not led yet to a reversal of media freedoms comparable to Egypt, observers have raised the prospect of a reversion in media freedoms in the aftermath of the Saied power grab” (Barrie, 2023, p. 5; Allsop, 2022, TIMEP, 2022). The Gambian case is synonymous to the two ‘democracies’ here in discussed. I will in the next few lines highlight the Gambian media suppression which might have a reflection on Kenyan media freedom challenge.

(c) The Gambia

The Gambia is another African country where the legislation that governs the security of the journalists is in place but there is still no freedom of media. Practically there is no cordial relationship between the government and the independent media because of this. According to the study by Sulayman Bah (2023) the Gambian government has enforced laws that repress the freedom of media. Sulayman Bah (p. 91) contends thus, “my research demonstrates that within the prevailing judicial system of The Gambia, several journalists have been convicted with criminal offences for criticizing the President.” In his research Sulayman highlighted human rights organizations (Amnesty International, International Bar Association and Human Rights Watch) that have carried out studies on The Gambian government relationship with the media and general freedom of expression in the country. For example, Amnesty International (2008 in Sulayman, 2023) reported on a wide range of systemic violation of freedom of expression and press freedom in The Gambia. They found that “Journalists and other members of the media are routinely subjected to human rights violations, such as unlawful arrests and detentions, torture, unfair trials, harassment, assaults, death threats and closures, making it extremely difficult to do their work” (p. 31 in Sulayman, p. 92). In the same breath, the International Bar Association (2010, p.10) and Human Rights Watch (2015, p.15) found that The Gambian government restricts freedom of speech through intimidation, detention and restrictive legislation in addition to criminal prosecutions of journalists and those who use online forums to criticize the government are facilitated by such draconian legislation.” All these aforementioned human right organizations point out that these mistreatments to the journalists violate the right to freedom of expression and media rights protected under the Gambian Constitution.

In Jammeh’s government treatment of journalists is mainly based on two considerations: pro-government and antigovernment, especially the private media including independently and opposition owned that face severe legislative control more than the government owned...in The Gambia, journalists working for pro-government media outlets are more favored in terms of access to government information and resources such as advertisements and material support (Sulayman Bah, p. 141). In the next section of the article, I discuss the role of media in a political space.

2.7 Role of media in a political space

According to Hackett (2013) and Nyabuga (2023) journalism has several roles whereby for example, by exposing corruption and the abuse of power, the press should act as a watchdog on government. However, media must be balanced, providing fair (pluralistic) political competition. This can be realized when news media provide extensive coverage of politics, including a platform for a wide plurality of political actors; when they provide balanced communication between political actors, as well as fair communication between government and governed. This balanced journalism is effective when there are multiple sources of regular political news from different outlets, underpinning effective government communication to the public. In this regard media will promote equal or proportionate coverage of different parties. Hackett (p. 6; Sulayman Bah, 2023) add that, as an agent in mobilizing public participation, journalism (the role of media) should stimulate general interest, public learning and civic engagement vis-à-vis the political process. In essence, media should be a neutral space within society, free of both State or corporate control, in which it makes available information affecting the public good, and facilitates a free, open and reasoned public dialogue that guides the public direction of society (Norris, 2000 in Hackett, p. 6). Although media needs to have balance in its service to the general public, there are several factors that inform the way journalists sometimes perform dismally.

Lack of proper training (Okumbe, 2017) from among some media professionals may make them behave in a manner that lacks balance, truth, accuracy, objectivity as is required from the Maatic communication point of view. The other reason could be due to influence from the political class that a media house could be supporting. According to Smith (2008), no media house is not taking a certain side so as to be different from other media houses. Sometimes a media house may incline to the dictates of the news sponsors or advertisers. For this reason, media professionals could be acting in the way they do as an influence from their leaders or a bias of the media house they are working for. However, as regards the required training of the media personnel there are a lot of training from the colleges they go to or from the inhouse training from particular media houses. Maatic theory of communication is in line with Kenyan Code of Conduct for the Practice of Journalism. The next section of this paper outlines some of the tenets of the code of conduct media ethics required for the practice of journalism, especially Second Schedule-(s. 35(2)) as stated by Obonyo and Nyamboga (2011, p. 61, 62) notably with regards to accuracy and fairness; independence; integrity; and accountability.

Accuracy and Fairness

(i) The fundamental objective of a journalist is to write a fair, accurate and unbiased story on matters of public interest. Namely, all sides of the story shall be reported wherever possible. Comments should be obtained from anyone whose name is mentioned in unfavorable context; **(ii)** Whenever it is recognized that an inaccurate, misleading or distorted story has been published or broadcast, it should be corrected promptly; Corrections should present the correct information and should not restate the error except when clarity demands; **(iii)** An apology shall be published or broadcast whenever appropriate in such manner as the Council shall specify; **(iv)** When stories fall short on accuracy or fairness, they should not be published. Journalists, while free to be partisan, should distinguish clearly in their reports between comments, conjecture and fact; **(v)** In general, provocative and alarming headlines should be avoided. Headings should reflect and justify the matter printed under them. Headings containing allegations made in statements should either identify the body or source making them or at least carry quotation marks; **(vi)** Journalists should present news fairly and impartially, placing primary value on significance and relevance; **(vii)** Journalist should treat all subjects of news coverage with respect and dignity showing particular passion to victims of crime or tragedy; **(viii)** Journalists should seek to understand the diversity of their community and inform the public without bias or stereotype and present a diversity of expressions, opinions and ideas in context and; **(xi)** Journalists and other media practitioners should present analytical reporting based on professional perspective, not personal bias.

Independence

Journalists should always try to be independent in the same vein endeavor to protect the independence of all journalists from seeking influence or control over news content. They should:

(a) Gather and report news without fear or favor, and vigorously resist undue influence from any outside forces, including advertisers, sources, story subjects, powerful individuals and special independent groups; **(b)** Resist those who would buy or politically influence news content or who would seek to intimidate those who gather and disseminate news; **(c)** Determine news content solely through editorial judgement and not the result of outside influence; **(d)** Resist any self-interest or peer pressure that might erode journalistic duty and service to the public; **(e)** Recognize that sponsorship of the news should not be used in any way to determine, restrict or manipulate content and; **(f)** Refuse to allow the interest of ownership or management to influence news judgement and content inappropriately.

Integrity

In light of the code of conduct for journalists, integrity is an ethical issue outlined for professional journalists serving the public. Journalists should present news with decency, avoiding real or perceived conflict of interest, and respect the dignity and intelligence of the audience as well as the subjects of news. They should:

(a) Identify sources whenever possible. Confidential sources should be used only when it is clearly in public interest to gather or convey important information or when a person providing information might be harmed; **(b)** Clearly label opinions and commentary; **(c)** Use technological tools with skills and thoughtfulness, avoiding techniques that skew facts, distort reality, or sensationalize events; **(d)** Use surreptitious news gathering techniques Namely, all sides of the story shall be reported wherever possible; **(e)** Hidden cameras or

microphones, only if there is no any other way of obtaining stories of significant public importance, and if the technique is explained to the audience. In addition, the journalists should never pay news sources who have vested interest in a story. They should neither accept gifts, favors or compensations from those who might influence news coverage; nor engage in activity that may compromise their integrity or independence. Media practitioners are also accountable to the public regarding their profession.

Accountability

Journalists and media professionals should recognize that they are accountable for their actions to the public, the profession and themselves, hence they should: actively encourage adherence to these standards by all journalists and media professionals; respond to public concerns, investigate complaints and correct errors promptly; recognize that they are duty-bound to conduct themselves ethically. With regard to accuracy, fineness, accountability and general professional ethics, the Media Council of Kenya (2013) realizing the weakness in the work of journalists developed a diploma curriculum in journalism to be taught by the institutions where the journalists train, and warned that if all middle level colleges offering journalism training failed to implement the curriculum, they would face closure. This step was envisioned to improve the professionalism of the journalists.

This notwithstanding, there still seems to be concerns on professionalism like that which the government officials raise about the Kenyan journalists. In light of this, the study by Okumbe et al. (2017) which was carried to assess if there are journalism training gaps in Kenya proved it so. The study found that there is need for improvement on formal training offered in Kenya as echoed in a study by Wefwafwa (2014), which stated that 91.5 percent of the trainers felt that there is need to improve training facilities in the media courses they teach. Additionally, 94 percent of learners concurred with the trainers that the facilities in journalism training institutions needed improvement. On the other hand, the seemingly lack of professionalism among the journalists may be blamed on the media owners who could be hiring whomever they like that has not gone through journalism training. Citing one example of radio talk show journalists Okumbe et al. (2017, p. 15) contend that the media situation in Kenya will take a while before professionalism in radio broadcasting in Kenya could be taken seriously by media owners, since they hire whomever, they think will increase their revenue earnings rather than on the basis of professional qualifications. In view of this paper, there is need for professional accountability on the side of state officers, journalist and media owners. This accountability is provided by Maatic approach of communication.

3.0 Conclusion and Recommendations

This article highlights threats to media freedom in Kenya in spite of existing legal protections and media progress from colonial time to date. The ability of news media to criticize, show the excesses of the Executive arm of the government is central to media freedom and a sign of strong democratization. So, the existing bickering between the state officers and the media while the law provides the framework of how the state officers and the media operate is an indicator of a professional laps that denies the public credible service that they must get from the state officers and the media. The challenges facing media freedom in Kenya include majorly legal, political, economic and internal issues within the media industry. Interestingly, the political environment poses a major challenge to media freedom with the government officials and politicians showing insignificant tolerance to the press. The greatest worry is that high-ranking government figures have been in the fore front in attacking the freedom of media where by in many occasions physical assault is meted on the journalists. The civil society and the intentional community who are key defenders of the media have tried to defend the Kenyan media with little success. The study has compared Kenyan media freedom with other African democracies like The Gambia, Egypt and Tunisia and found that all are in one accord to frustrate the freedom of media in spite of the legal protections available to media. This paper has used Maatic theory of communication to analyze how both the government officials and the media may ethically provide effective service to the society. Implementing the recommendations provided below is crucial in protecting media freedom in Kenya.

3.1 Recommendations

- The government to prioritize in the investigation and prosecution of individuals or entities responsible for attacking journalists and media houses to safeguard press freedom, protect journalists 'safety, and uphold the rule of law.

- State officials and public figures whose conduct/words and actions are found to have undermined or to be threatening media freedom should be held accountable. This would be achieved by tightening the legal provisions on public leadership and integrity, open public condemnations and other forms of lawful sanctions (see Article 73(1) & 75(1) of The Kenan Constitution 2010).
- Urge media outlets to adopt and enforce ethical guidelines and professional standards to maintain integrity and credibility. This could be achieved by internal media house education of the journalists.
- Identify a legal defense network that can provide prompt and long-lasting legal assistance to journalists and media organizations that face harassment, censorship, or un-merited legal challenges. In addition, as Nyabuga (2023) recommends; “Engage with international organizations and foreign governments to enhance support for media freedom and human rights
- Foster strong solidarity among media freedom, freedom of expression, and human rights defenders to safeguard the necessary media space for democracy and constitutionalism.
- Develop a proactive and coordinated approach involving civil society, the international community, and political institutions like Parliament to address political and state threats to media freedom through the Kenya Media Sector Working Group (KMSWG) and other key stakeholders.
- Conduct an urgent comprehensive audit of all laws related to media freedom to identify persistent threats.
- Advocate for a thorough review of legislation that violates constitutional media freedom protection through a collaborative, multi-stakeholder effort involving media stakeholders, civil society, and the international community.”

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