

EXPRESSION



**Elections
Observation
Group**

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS

VOCALIZATION



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**ENHANCING THE ROLE OF LOCAL LANGUAGE
AND COMMUNITY-BASED RADIO BROADCASTS
IN ELECTIONS AND ELECTORAL PROCESSES**

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Regina Opondo
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EXECUTIVE SUMMARY

The media in Kenya has on one hand invigorated democracy, while on the other hand, it has undermined it. Local language radio stations, a small subset of the Kenyan media ecology, currently estimated at over 60 outlets strewn all over the country, have, over the years, shaped and will continue to play a critical role in shaping Kenya's democracy.



However, little in terms of direct policy directions have been developed around such stations. Thus, there is a need for a deliberate and comprehensive policy on local language radio stations, especially around elections as that is the period in which their transformative role is well exhibited and put to the test.

This policy brief seeks, among other things, to address issues around the establishment, ownership, management, programming, moderation of political talk shows, advertising (especially by political actors) and access to information on elections. It further seeks to fill a void that has been yawning over the years.

The policy directions on the highlighted issues should

sharpen the transformative role of vernacular radio stations in all their areas of engagement in general and in elections as well as electoral processes in particular. Similarly, policy actions should be taken to blur these stations' propensity from stirring ethnic tensions and fanning election-related violence.

This policy brief defines local language radio stations as media outlets that mainly broadcast in one or more of the over forty (40) indigenous or vernacular languages currently existing in the multilingual country. It first points out that such radio stations do not air in all but just in some of the over forty (40) local languages. Such stations belong to both the commercial/private category and the community broadcasters in legal terms.

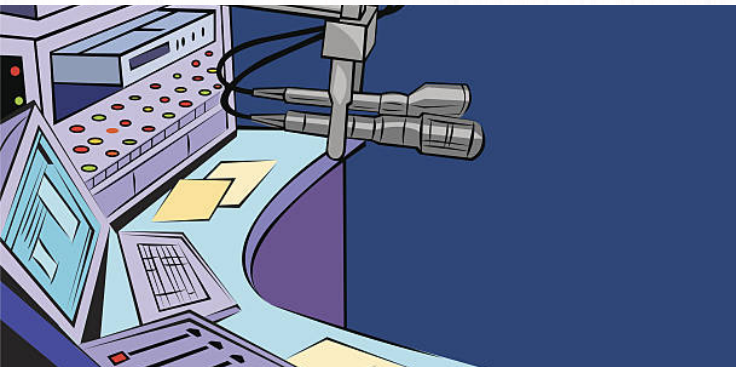
For the enhancement of the transformative role of local language radio stations around elections, there must be policy interventions that recognise them as key players for accreditation to election management bodies, political parties and their candidates, election observers and monitors as well as law enforcement agencies. This policy brief does not directly address the above agencies as that is out of its remit but focuses on the local radio stations and their regulators as captured below.

Summary of Policy Recommendations

For local language and vernacular radio stations to undertake their critical role and mitigate the challenges posed by-elections, a clear policy brief is required to form the foundation from which all the radio stations can reference as they assist the fledgling democracy to blossom. The policy brief raises the following pertinent

issues:

Local language radio station regulators



- a. Media regulatory bodies should adopt and implement regulations on election coverage by the media. The regulations should ensure fair and balanced coverage of the electoral process and transparency about local language radio stations' political advertising policy.
- b. Media regulatory bodies and any other relevant national security, public or private bodies involved in the provision of telecommunication services should refrain from shutting down the local radio stations and any other broadcast platform during the electoral process.
- c. In exceptional cases in which a shutdown may be permissible under domestic or international law, the reasons for any shut down should be proactively disclosed. Such limitation should:
 - Be authorised by law;
 - Serve a legitimate aim; and
 - Be necessary and proportional in a democratic society.
- d. Any decision of the media regulatory body or security agencies should be subject to judicial review, which should be undertaken on an expedited basis.
- e. Local language radio stations should be established in all parts of the country to strengthen local democratic involvement and influence, social development, peace and understanding.
- f. The establishment of local language radio stations, especially community-based radio stations, should be encouraged in remote or economically deprived areas and areas affected by issues such as violent conflicts.
- g. Community-based radio stations like their local language commercial radio stations should endeavour to enhance their professional standards and be politically non-partisan as well as provide all groups of citizens' access to roles within management, production and content.
- h. At least eighty (80) percent of the programs should be of local origin or produced by other similar community broadcasters and address topics of interest for the community. The remaining twenty (20) percent may be regional or national news and current affairs or specific programs from other parts of the country.
- i. Local language community-based radio stations, like private local language stations, should be allowed to broadcast local advertisements, to establish internet and viewing for a fee-paying audience, or to generate income in other ways to ensure sustainability.
- j. New community-based radio stations should receive a grant for their launch phase from the Universal Service Fund. The Universal Service Advisory Council has an obligation to develop clear criteria for application and evaluation for grants.

Local language radio stations

Local language radio stations, whether publicly, privately or community-owned, should proactively disclose the following:

- a. Editorial and ethical code or guidelines utilised in undertaking election coverage, including provisions prohibiting incitement to discrimination, hostility or violence, if any;
- b. Sanctions for transgressions of these codes or guidelines;
- c. Complaints procedures for handling breaches of these codes or guidelines;
- d. Number of complaints received and how these were addressed;
- e. Code of conduct for staff;
- f. Criteria for the allocation of airtime or news coverage for political campaign advertisements and activities;
- g. Polling methodologies and margins of error;
- h. Actual allocation of airtime or news coverage for political campaign advertisements and activities;
- i. Plan for a transparent repository of all political advertisements, including those targeted at individuals or specific groups on live radio programmes;
- j. Coverage plan for Election Day;
- k. Criteria for the selection of election commentaries, political analysts or other experts;
- l. Guidelines on the responsible use of live bulletins; and
- m. Conflict of interest media ownership information, political affiliation or party support arrangements if any.



There is a dire need to train local language and community-based broadcasters in debunking and coverage of election-related types of ("fake news") disinformation and misinformation. Every local language radio station must have a verification desk and a team with requisite fact-checking skills as a minimum licensing condition at a policy level. Disinformation and misinformation manifest itself in at least seven ways: satire or parody; false connection; false context; manipulated content; fabricated content; impostor content and misleading content.

1.0 INTRODUCTION

The media plays a fundamental role in the proper functioning of a democracy. In the electoral context, the media, especially radio, play a watchdog role. They conduct unfettered scrutiny and discussions of candidates, governments, and election management bodies' successes and failures. The media can inform the public how effectively they may have performed and assist in holding them to account.

The media, especially radio, has many other roles in enabling fuller participation in the electoral processes. Radio remains the most relied upon medium of communication in Kenya, with vernacular and community-based radio playing a significant role in reaching their audiences.

Local language radio broadcasts have their *raison d'être*, which is their purpose of existence, as speaking on and for community interests. They are expected to espouse community interests through programming and news, whereupon their growth is linked to the community's growth. This is true whether they are privately owned and commercially oriented or not.

Ideally, they should be participatory, owned and operated by the community. In practice, most local radio stations are more commercially oriented. Only a few, estimated at 42, are community broadcasters. Community-based

broadcasters on the other hand, broadcast content meant for the community they serve. A key differentiating factor between the two is the area of coverage. While private local language radio stations have a national frequency, their community-based counterparts have a five-kilometre radius restriction, but this can be expanded on application to the Communications Authority.

Although some local language radio stations have existed in Kenya since independence, the explosion is a recent phenomenon, especially after the year 2002. At independence and for many years upto 1994, the state broadcaster, Voice of Kenya (renamed Kenya Broadcasting Corporation), was the sole radio station within



59.27%
of all radio stations in Kenya
broadcast in indigenous languages.

the country. They run the daily news round-ups in 12 vernacular languages.

Today, Kenya has a vibrant media landscape, ***“one of the most sophisticated”*** in Africa. In particular, local language radio stations, often referred to as vernacular stations, are thriving. Kenya has over **194 licensed radio stations, with 115 broadcasting news and entertainment in local and vernacular languages.** This means that an estimated 59.27 percent of all radio stations in Kenya broadcast in indigenous languages. In terms of audience-

share across all ages, vernacular radio stations command an average of 31 percent only second to Kiswahili, which commands 44 percent and higher to English, which has 25 percent.

Most local language radio stations have critical audiences among informal settlements in many urban areas across the country. Some vernacular stations have even scaled their audiences and gone international, like Kass FM. In addition, over 25 linguistic communities in Kenya have a vernacular radio station, speaking to the proliferation and their entrenchment, considering some counties (for example, Nakuru, Kisumu, Mombasa) have as many as six stations .

According to statistics from the Communication Authority, of the all-licensed radio stations, over 115 stations broadcast in either of the following languages: Abasuba, Arabic, Borana, Digo, Duruma, Embu, Giriama, Hindi, Kalenjin, Kamba, Kikuyu, Kinyala, Kisii, Luhya, Luo, Maasai, Meru, Mijikenda, Pokot, Sabaot, Samburu, Somali, Taita, Teso, and Turkana.

2.0 SCOPE OF THE PROBLEM

The local language media industry in Kenya took off nearly four decades after independence. In 2000, Kameme FM, a Kikuyu language station, broke the state monopoly on local language broadcasting. A heated national

debate ensued, focusing on whether such stations would stir ethnic conflict.

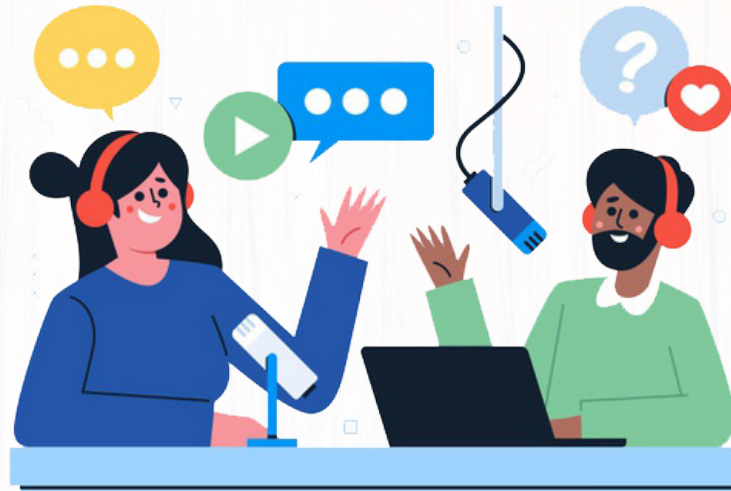
Although Kameme was suspended for a time in 2001 , precedents had been set, and the floodgates of local language media opened. In 2004, the amendments to the Kenya Information and Communications Act (1998) further liberalized the media and opened the way for a wave of new local language radio stations targeting listeners from at least 25 linguistic communities. The following linguistic communities have one or more local language radio stations broadcasting in their language: Abasuba, Arabic, Borana, Digo, Duruma, Embu, Giriama, Hindi, Kalenjin, Kamba, Kikuyu, Kinyala, Kisii, Luhya, Luo, Maasai, Meru, Mijikenda, Pokot, Sabaot, Samburu, Somali, Taita, Teso, and Turkana.

While some commentators indicate that commercial incentives, rather than development or political ones, drove the opening of these stations, the fact is contestable because the financial viability and sustainability of local news media in Kenya has remained a perennial challenge.

Political incentives have largely driven the subsequent ones.

In less than two years, Kenya will go through a general election. Similar to the past six general elections since independence,





there is palpable fear that there may be election-related violence.

Commentators and the government have in the past accused media organisations, especially local language radio stations, for fanning electoral violence. But these stations have had other transformative roles though not fully deployed and utilised due to a number of political, economic and social factors.

This is because Kenya's news media in general, is entangled in a complex power structure that has enabled and constrained the transformative power of local language radio stations in elections. This is to say that most local language radio stations are to a large extent wedded to politics. They have a problematic relationship with powerful parallel political infrastructure without whose support most of them find it difficult to survive.

Political parallelism can be identified in multiple ways,

including studying the political orientation of media content, organisational connections, media personnel's tendency to be active in political life; partisan media's choice of audiences; media ownership; and journalists' role orientations.

The ability to use the instrumentality of radio as a platform for public education, as a campaign platform and as an open forum for debate and discussion offers a great opportunity. However, elections constitute a fundamental challenge to the media in general and radio in particular. Elections are a challenge for local radio stations because most of them lack clear editorial policies and guidelines to inform political advertisements and how best to offer a platform for political debate and discourses without pandering to the stations' owners' interests. Further, most of the journalists working for these stations are not well abreast in nature and scope of electoral processes in terms of technical and practical skills

Further, most local language stations tend to have good local language speakers but with little, if any, journalism training. This professional training gap predisposes them to the inability to control, moderate and effectively manage politically-charged debates on live talk-shows. The radio stations also have no clear and comprehensive guidelines that inform their selection of experts, panelists and discussants to be invited to the political and election-related programmes. This sometimes leads to a highly partisan selection of experts and discussants denying their audiences the opportunity to engage and listen to diverse and pluralistic voices on different electoral issues.

The above challenges put the media's impartiality and



objectivity to test. Thus, the media's task is not and should not function as a mouthpiece of any government body or a particular candidate including the state or public

broadcaster. Its primary role is to enlighten and educate the public and act as a neutral, objective platform for free debate of all points of view.

Several local language radio stations, be they commercial or community suffer challenges around financial viability and sustainability. They do not attract enough public or private advertisements to break-even in Kenya's local language news media sector. However, this problem affects commercial local language stations differently. They are perceived to have broken even when their owners endorse certain political formations. They also suffer when the political competitions take control of state power and use state advertising's soft power to allocate benefits and rewards to radio stations that belong to their political cronies.

Local language radio stations can be double-edged swords. They can promote culture and tribal histories, bring positive development and enhance political participation but can also be tools of propaganda and tribal divisions. For example, some local language stations have been

accused of undermining social cohesion and encouraging violence by propagating intolerance and disinformation messages that tend to manipulate the public to resort to violence.

In Kenya, the role of community and vernacular radio broadcasts in general and specifically to the electoral process got prominence in the aftermath of the 2007/2008 Post-Election Violence. The broadcasts were accused of fanning violence through instigating hate speech targeting different communities. In responding to the phenomena, direct interventions were made to individual broadcasts focusing on those that were adversely mentioned. An overarching approach was not employed. Therefore, a policy brief on community-based and vernacular broadcasts is imperative to understand the legal framework they operate in, how they weave their role in an electoral process and how stakeholders can engage with them to ensure electoral processes increase participatory governance, improve democratic outcomes and contribute to improving livelihoods.

3.0 METHODS / APPROACHES AND RESULTS

This policy brief is based on a review of extant literature and a series of semi-structured interviews with senior



media figures, media academics, media regulators and election experts in Kenya. Numerous documents were reviewed, including election observers' reports, media monitoring, and other reports to better understand local language radio stations' role during elections.

The policy brief deals with the broad question of how political and economic structures define the development of local language radio stations, hence its adoption of the political-economy approach as its theoretical basis. It is interested in how these forces intersect-how they constrain, enable and generally shape Kenya's local language radio stations ecology.

The focal question of the political economy of communications is to investigate "how changes in an array of forces which exercise control over cultural production and distribution limit or liberate the public sphere," directing attention to two critical issues: "pattern of ownership of such institutions and the consequences of this pattern of control over their activities and the nature of the relationship between state regulation and communications institutions."

The social responsibility theory was also deployed, which holds that broadcasters operate their media "with some concern for public good."

4.0 LEGAL FRAMEWORK

The twin issues of language and elections are enshrined in a number of legal instruments at local, national and international levels. The right to access development



through a language is enshrined in a number of instruments key among them: The United Nations 2007 Declaration on the Rights of Indigenous People; the 1996 Universal Declaration on Linguistic Rights, the 1998 OSLO Recommendations Regarding Linguistic Rights of National Minorities, and the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention (No 169). However, we must note that Kenya has not ratified any of the above instruments.

Kenya is a state party to several regional and international instruments that guarantee freedom of expression, the right to vote and the right to participate in public affairs. The right to freedom of expression, which includes the right to access information and media freedom, is guaranteed by Article 9 of the African Charter on Human and people's Rights. The African Charter augments this on Democracy, Elections and Governance, the African Union Convention on Preventing and Combating Corruption, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. The above regional instruments

re-echo Article 19 and 21 of the Universal Declaration of Human Rights and Article 19 and 25 of the International Covenant on Civil and Political Rights, which guarantee the right of access to information and the right to participate in genuine periodic elections that are free, fair and credible, by equal and universal suffrage.

Though the legal framework in Kenya governing the coverage of elections and electoral processes does not specifically speak to vernacular broadcasts, the Constitution of Kenya, 2010 generally guarantees freedom of expression, media freedom and access to information. Article 10 of the Constitution of Kenya, 2010 entrenches the values that Kenyans should ascribe to, including public participation while Article 38 entrenches political rights. Finally, Article 11 of the Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation, highlighting language, which is part of the culture, as an integral part of nation-building.

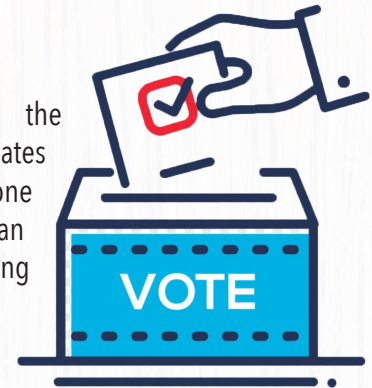
Even though Article 33(1) of the Constitution of Kenya gives voice to the freedom to seek, receive or impart information or ideas; and freedom of artistic creativity, which are within media's armpits and functions, 33(2) cautions against propaganda for war; incitement to violence; hate speech; or advocacy of hatred that constitutes ethnic incitement and vilification of others or incitement to cause harm, which the media can still take part, if not well regulated. These two complementary provisions inform the policy and lay the foundation for various legislations for media and elections in the country.

Beyond these constitutional provisions, the Elections Act,

The Media Council (MCK) Act with an emphasis on the Code of Conduct for the Practice of Journalism in Kenya and the Kenya Information and Communications Act, 1998 that birthed the Programming code for broadcast services in Kenya are the legal instruments that would inform vernacular and community broadcasts.

Elections Act

The Elections Act is the mother law that stipulates the conduct of everyone participating in an electoral process including referenda.

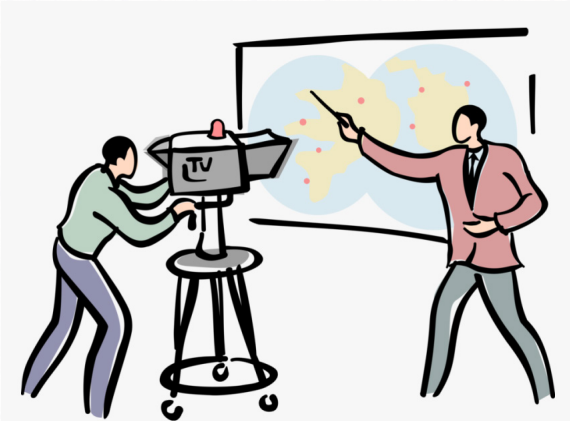


Section 40 of the Act stipulates that the Independent Electoral and Boundaries Commission (IEBC) should establish a continuous voter education mechanism. This mechanism includes a partnership with other agencies and non-state actors. Naturally, media has been part of voter education whether through advertisements, news and features or talk shows.

Section 41 of the Act speaks on access to and the obligation of media. First, a political party participating in an election has access to the state-owned media services during the campaign period. The Kenya Broadcasting Corporation (KBC) owns and runs some vernacular broadcasts. Hence, these provisions should inform their editorial decision-making. IEBC is supposed to work closely with the independent candidates, political parties concerned and the management of KBC or state-owned media services

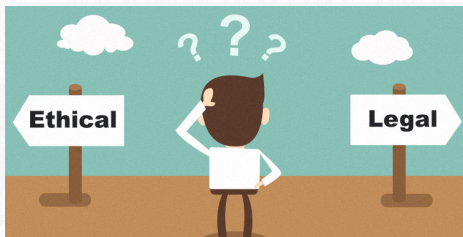
to monitor the equitable allocation of airtime during the campaign period.

Secondly, the state broadcaster needs to be guided by the principle of total impartiality and refrain from any discrimination in relation to any candidate. This provision



again puts weight on the state broadcaster. Thirdly, the provision asserts that the Code of Conduct for the practice of journalism under the Media Act (No. 3 of 2007) will be subscribed to and observed by every media house and every person who reports on any election and referendum. This provision explicitly broadens the scope of media that needs to abide by the code.

Thirdly, the electoral commission may issue directives to the media



including prohibiting a media house that contravenes the Code of Conduct prescribed under the Media Act from transmitting information related to an election.

Finally, section 108 authors that all candidates and political parties participating in an election should be allocated reasonable airtime on all broadcasting media during the campaign period.

The nature and history of elections in Kenya, specifically the tumultuous 2007 and the aftermath, could have informed a need to provide additional provisions for vernacular and community stations because they were blamed for broadcasting hate content that inflamed communities. But that is not the case, as it gives broad guidelines as discussed.

Media Council of Kenya (MCK) Act

The second schedule prescribes the Code of Conduct for the Practice of Journalism in Kenya. It affirms that a journalist, media practitioner, foreign journalist or media enterprise must abide by the code of conduct, meaning that community and vernacular broadcasts have institutional as well as individual responsibilities to follow it.

The code of conduct has twenty-six (26) sections, most of which inform vernacular and community broadcasts. They include accuracy and fairness; independence; integrity; accountability; opportunity to reply, unnamed sources; confidentiality; misrepresentation; taste and tone in reporting; paying for news; covering ethnic, religious and sectarian conflict; gender non-discrimination; use of pictures and names; acts of violence; editor's responsibilities; advertisements; and hate speech. For

instance, in terms of gender non-discrimination, it cannot be fathomed that as the country struggles to attain equity in elective and appointive positions, a broadcast media outlet disenfranchises women in an electoral process.

The twenty-six (26) sections can be considered broad and important without the need to provide all the specifics to the different kinds of media outlets that exist. It would potentially be voluminous to address every interest. However, what could have been considered are specific phrases that lay emphasis on reporting, to give weight to moments or periods that media should not flinch in their role in informing and educating the public.

Kenya Information and Communications Act, 1998 (Programming Code)



The provisions of the code are not very different from those of the Media Council Act as the phrases and meanings are the same. The Programming code under the Kenya Information and Communications Act, 1998 (KICA) is authoritative that broadcasters have an obligation to serve public interest and elections are a public interest issue. However, two provisions stand out.

The first is on User Generated Content (UGC). It refers to content generated by users through mobile phones such as talk shows (call-ins), Twitter, YouTube, Facebook, blogs and podcasts. Broadcasters are mandated to ensure that no harmful, libellous, threatening, or hate UGC is aired on their stations; guard against copyright and trademark infringement on their UGC broadcasts; avoid obscenity, indecency, and spam in their UGC programmes; and ensure the UGC broadcast generated by their stations are accurate and reliable.



The second is specific expectations on election coverage, an explicit provision. Broadcasters are required to provide equitable coverage and opportunities to all registered political parties participating in an election and in particular, to presidential candidates. Election propaganda must be identified as such; no broadcast should deliberately give some candidates undue advantage over their rivals; technological gimmicks like doctoring pictures of political rallies to enlarge the crowds are not allowed; and political messages should not contain attacks on individuals, their families, ethnic background, race, religion or their associations. In addition, political messages should not contain offensive, threatening, abusive, obscene or profane language; and if a person working on programmes for a station becomes a candidate or is employed or retained in any capacity by a political aspirant or a political party, he/she has to go on leave for the duration of the election period or his employment

may be terminated by the station.

The code could have been an excellent avenue to anchor approaches vernacular and community broadcasts should adopt, especially since it briefly speaks to elections reporting. The code is also specific to broadcasting media, which is where the conversations and anchored. But it fails to include anything specific to vernacular and community broadcast perhaps informed by its broad nature to cater for all broadcast platforms licenses by the Communication Authority.

5.0 POLICY RECOMMENDATIONS



The Kenyan policy environment is not deliberate in framing how vernacular and community radio stations should conduct themselves during elections. The only existing document is a guidebook, first prepared in 2013 and revised in 2017,

that was voluntarily signed by the majority of mainstream media houses.

The policy recommendations made will therefore be the first of its kind and whether they take a regulatory route or

even a guidelines route or both, it would still be progressive in helping local language broadcasts undertake their duties with greater responsibility and promote free and fair electoral processes.

In addition, there are two emerging issues that the policy would help inform is on media sustainability. Community broadcasts struggle the most to generate some revenues to help run the stations. The weight of being identified as serving the community has meant that they are unable to raise much revenue which affects their ability to hire and retain quality staff. Serving the community is almost synonymous with charity, with the net effect of compromising quality, especially at critical moments like elections and referenda. The policy should therefore, advance knowledge on how this can be cured.



The second emerging issue is fake news. There are three main types of fake news; disinformation, misinformation and misleading content. Any observer of political contests

recognizes the increase in fake news in elections in comparison to other times. Today, the internet deepens its veracity and reach, necessitating the need for media to not only be more vigilant about their sources of information but also assist society sieve through the tons of information they receive and read.

The media plays a crucial role in the election processes by providing information, education, a market place of ideas and persuasions. They help the community understand issues, act as an accountability forum, set and shape the agenda as they enjoy significant public trust. They also mobilize voters to participate in the election process, highlighting the underlying issues against the choices of individuals parading for election.

Vernacular language radio broadcasts engage with audiences on electoral issues in talk shows, call-ins, live and recorded interviews and infomercials among others ways. However, they tend to focus on community issues, with the exception of the presidential candidates and other notable positions like those of Governors and Senators.

These broadcasts can transform electoral processes by being balanced, accurate, objective, and have an agenda to educate their communities. They can invest in proactive strategies to help voters understand processes during the pre, during, and post-election periods, such as voter registration and verification, determination of winners and dispute resolution. One way to implement this is by inviting experts who are well-versed on electoral issues, especially those who can speak the local language, so as to engage with their audiences. They can and should create calendar-focused content on the electoral process

discussing pertinent electoral issues summarized as; Parties, People, Processes, and Places.

Stakeholders including electoral institutions, have an important role in supporting vernacular and community-based broadcasts to provide better electoral-related content. They can do this by



offering balanced views, fielding informed sources to media houses, dissecting the electoral and legal framework for journalists and being available to contribute to and enlighten the public on matters impacting elections and electoral processes. They can also empower journalists to report well on elections through training and mentorship on electoral processes, the electoral cycle, the rule of law and good governance practices.

Stakeholders in election processes can support vernacular and community broadcasts by running campaigns on democracy, good governance and fair electoral practices;

sponsor primetime programmes and carry out surveys on content on the electoral process; and continuously support journalists with accurate and reliable information.

In many instances, electoral stakeholders are yet to appreciate vernacular and community radio stations' reach and effectiveness. They also tend to have disjointed approaches, unfocused and ad-hoc interventions, which run counter to empowering citizens in the long run. In certain instances, they also confuse more than they inform, like on areas like opinion polling, defeating the purpose of communicating to the public.

Vernacular and community-based broadcasts have an important role in availing their platform for divergent views to be expressed on the electoral processes, including their online forums utilised to share ideas on the electoral process. They can also engage through ongoing periodic or need-based partnerships and collaborations with electoral-related institutions.

These broadcasts equally need to invest in reading and understanding the electoral dynamics to build their authority. This is useful as it will help them better inform the public on the issues impacting the political and electoral environment and build networks of contacts and



experts that will be critical for their audiences.

Some of these broadcasts have Outside Broadcasting (OB) services, which can help engage with the public in the field. Through purpose programming, these engagements can be in the form of 'public barazas' where different stakeholders including aspirants, security personnel and electoral experts, can meet and engage with the public in the different neighbourhoods. These discussions are aired live.

Local Language Radio Station Regulators

1. Media regulatory bodies should adopt media coverage regulations during elections that ensure fair and balanced coverage of the electoral process and transparency about political advertising policy on local language radio stations. This can be done by getting the media regulatory bodies, the IEBC and election stakeholders to work on the regulations undertake public participation bringing together the vernacular and community radio stations among others as well as the respective National Assembly committees and Ministry of Information to approve and gazette them.
2. Media regulatory bodies and any other relevant national security, public or private body involved in



the provision of telecommunication services should refrain from shutting down the local radio stations and any other platform through which they broadcast during the elections.

3. In exceptional cases in which a shutdown may be permissible under domestic and international law, the reasons for any shut down should be proactively disclosed. Such limitation should:



Any decision of the media regulatory body or security agencies should be subject to judicial review, which should be undertaken on an expedited basis.

Local language radio stations may be established in all parts of the country to strengthen local democratic involvement and influence, social development, peace and understanding. The relevant regulatory body, the Communications Authority that issues licenses and frequencies, should be encouraged to be proactive in assisting communities in establishing local language

stations across the country.

The establishment of local language radio stations, especially community radio stations, is especially encouraged in remote or economically deprived areas and areas affected by particular problems such as violent conflicts. This can be through reliable Community-Based Organizations (CBOs), the church or organized groups like women and youth that operate at the community level. Community-based radio stations like their local language commercial radio stations should be politically non-partisan but give all groups of citizens' access to roles within management, production and content. This can be through having clear editorial policies that entrench the need for non-partisanship and balanced coverage.

At least 80 percent of the programmes should be of local origin or produced by other similar community broadcasters and address topics of interest for the community. The remaining 20 percent may be regional or national news and current affairs or specific programmes from other parts of the country. This can be through customizing the broadcasting code developed for free to air channels by the Communications Authority, with nuanced application to vernacular and community radio stations.

Local language community radio stations, like private local language stations, be allowed to broadcast local advertisements, to establish internet and viewing for a fee-paying audience, or to generate income in other ways to ensure sustainability. This is through engaging the Communications Authority and the Media Council. There are opportunities for training, growth and learning that

the media could get from such a process.

New community radio stations could receive a grant for their launch phase from the Universal Service Fund. The Universal Service Advisory Council should develop clear criteria for application and evaluation for grants.

Community radio stations should receive a set percentage of advertisements from the Government Advertising Agency (GAA). GAA should allow for transparency in how they give government advertising to media houses and set clearly the quarter that will be going to community radio stations. This can be along the same lines of 30 percent preferential treatment for youth and women. A step in the right direction is first making public how they decide who gets the advertisement.

Election Stakeholders

1. Election stakeholders including development partners, civil society and Independent Election and Boundaries Commission (IEBC) should seek partnerships with vernacular and community radio stations well in advance as a programmatic intervention approach before elections are held. Such an engagement



could equally inform proposal development and help define reach, outputs and outcomes. There is the Kenya Community Media Network (KCOMNET) and the Association of Community Media Organization (ACMO), which are umbrella institutions that bring together these media outlets. There is also the Association of Grassroot Journalists in Kenya (AGJK) that reaches directly to journalists from community radio stations. These institutions can provide ideas, platforms and reach to the masses who listen to the stations.

2. Support vernacular and community radio stations in their programming on electoral issues and periods. This can be done by creating a template programmatic approach that the radio stations can adopt or consider to deepen democracy, public participation and good governance. Programmatic approaches can include exploring news, features, radio drama, talk shows and community barazas to help citizens better understand electoral processes and issues.

Local language radio stations

Given the lack of clear policy on proactive disclosure, the following is recommended:

Local language radio stations, whether publicly, privately or community-owned, should proactively disclose the following by publishing on their websites:

- a. Editorial and ethical code or guidelines utilised in undertaking election coverage, including provisions prohibiting incitement to discrimination, hostility or

- violence, if any;
- b. Sanctions for transgressions of these codes or guidelines;
- c. Complaints procedures for handling breaches of these codes or guidelines;
- d. Number of complaints received and how these were addressed;
- e. Code of conduct for staff;
- f. Criteria for the allocation of airtime or news coverage for political campaign advertisements and activities;
- g. Polling methodologies and margins of error;
- h. Actual allocation of airtime or news coverage for political campaign advertisements and activities;
- i. Plan for a transparent repository of all political advertisements, including those targeted at individuals or specific groups on live radio programmes;
- j. Coverage plan for Election Day;
- k. Criteria for the selection of election commentaries, political analysts or other experts;
- l. Guidelines on the responsible use of live bulletins; and
- m. Conflict of interest media ownership information, political affiliation or party support arrangements, if any.

There is a dire need to train vernacular radio station managers in the debunking and coverage of election-related types of fake news. Every local language radio station should have a verification desk and a team with requisite for fact-checking as a minimum licensing condition at a policy level.

6.0 CONCLUSION

Local language radio stations will continue to shape public discourses on public interest issues for as long as they exist. Their niche audiences are pivotal in influencing important national conversations and processes like the electoral processes. There is an increase in the registration and running of these community and commercial local language radio stations across the country to meet diverse community interests.

Therefore, their importance to an election process remains significant, necessitating the need to be deliberate in engaging them and implementing the above-suggested policy interventions to ensure that the stations' transformative role is realised while nipping in the bud the rough edges of incitement, unprofessional conduct and partisanship occasioned by political ownership.

Today, the existing legal framework is not deliberate in guiding local language and community broadcasts, neither does Kenya have a policy framework for vernacular and community broadcasts. This process becomes a good starting point to ensuring they are educative and useful to their audiences on matters of elections reporting.

To bring to fruition the policy recommendations suggested above, the Election Observation Group, should before the next election cycle, engage with policy-makers, members of parliament, media regulators, election management groups, local language radio stations and develop a workplan on how best to implement them.

Compliments and Regards



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