

REPORTING ON CORRUPTION

- Autonomy and control in the Kenyan mainstream press

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Thesis submitted for the Cand. Polit. degree

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Autumn 2006

Abstract

This thesis is a sociological case study of news on corruption in Kenya. The study explores the autonomy and watchdog role of the Kenyan mainstream press. It analyses corruption content and the production and mediation of corruption news in the Kenyan mainstream press from 2001 till 2005. The study shows that journalism on corruption increased as President Moi resigned and President Kibaki took office in late December 2002. The newsworthiness of corruption increased. Revelations boosted newspaper circulation and fed journalists' ideological self esteem as independent watchdogs. New and more sources on corruption enabled a culture of more openness and transparency in Government organisations. A counter trend emerged in 2004 as revelations started to hit the sitting regime. Government's (re)enforcement of means to maintain secrecy, particularistic use of state resources against media firms, and clientelist use of media practitioners, impact on production practices. These and other factors catered for a relatively more constrained environment for disclosures of corruption in late 2004 and 2005. Journalists' autonomy enables revelations of corruption; however it also enables clientelist use of the press. The Kenyan mainstream press serves as a watchdog of Government deviances and simultaneously as an instrument for non-professional internal and external interests.

Sammendrag

Denne hovedoppgaven er en sosiologisk studie av nyhetsproduksjon om korrupsjon i Kenya. Studien utforsker autonomien og vaktbikkjerollen til den kenyanske dagspressen. Oppgaven analyserer den kenyanske dagspressens korrupsjonsinnhold, nyhetsproduksjon og mediering av korrupsjon i tidsrommet 2001 til 2005. Studien viser at korrupsjon fikk økt nyhetsverdi da Kibaki overtok som President i Kenya etter Moi i desember 2002. Korrupsjonsavsløringer ble godt stoff, solgte aviser, og tilfredsstilte journalister selvilde som uavhengige vaktbikkjer. Nye og flere kilder muliggjorde en ny åpenhetskultur i offentlige kildeorganisasjoner. En mottrend finner sted i 2004 i det korrupsjonsavsløringer begynner å ramme det sittende regimet. Myndighetene iverksetter tiltak for å stoppe informasjonsflyten fra myndighetsorganisasjoner til pressen for å sikre hemmelighold. Innflytelsesrike kilder benytter statsapparatet selektivt mot mediebedrifter og bruker journalister klientelistisk for å hindre publisering. Disse faktorene vanskeliggjorde korrupsjonsavsløringer i pressen i siste halvdel av 2004 og 2005. Den kenyanske dagspressen er i dag både en vaktbikkje og samtidig et instrument for ikke-journalistiske interne eller eksterne interesser.

Acknowledgments

When working on this study I have received direct and indirect assistance and support from a number of individuals. I am in particular indebted to journalists and editors in *the Standard* and *the Nation* for their willingness to participate in the research as informants. They have generously shared their time, knowledge and interpretations with me, and put up with my stumbling in a foreign environment trying to make sense of unfamiliar codes and conducts. Without their participation this thesis would not have been written. I am grateful for the support of Frank Wang'Endo, Jens Barland and Esther Kamweru who assisted me in getting access to news workers in Nairobi. This assistance was crucial for the conduction of my research there.

Martha Wangethi at the Nation Media Group's library; Hilde Klemetsdal at the Norwegian Embassy in Nairobi; Tone Bratteli at the Norwegian Agency for Development Cooperation; and Jan Borgen at the Transparency International Norway have provided valuable technical support at different stages of the work process. I would also like to thank Louise Hallgren, Frank Wang'Endo, and Subramonia Ananthakrishnan for social gatherings, their generosity and friendship that made life in Nairobi enjoyable.

Randi Haraldstad, Kjersti Grut, Lars Helgeland and Mette Kvandal have provided fruitful comments to draft chapters of this thesis for which I am most thankful. Åsta Stangeland Heien has generously proofread the thesis and significantly improved readers' access to it. Professor Tore Slaatta at the Department of Media and Communication at the University of Oslo has provided firm and most valuable supervision and support from the thesis' initial phases to its finalisation.

Finally, this thesis would not have been finalised without the lovely generosity, patience, and support of my family, in particular my wife Mette.

Helge Kvandal

Oslo, November 2006

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1. Introduction

This thesis analyses the role of and the production of news on corruption in Kenya and discusses how the production and mediation of corruption news is shaped by negotiations over control over news. Public revelation of corruption as news change social relations and have become an important instrument for power and contestation over power. It changes relations in Government agencies, in the cabinet, and between politicians. Corruption claims change the public image of political leaders as national figures, reducing their political visions to images of personal greed, factional interests, or tribalism. News of corruption can ruin people's careers, and promote others'. The disclosure of corruption can change relations between nations and affect the income generation of countries as donor support potentially dries up. Much is at stake as corruption is investigated and disclosed both for the accused part and the accuser. The construction of news on corruption is thus not an easy matter. However, these realities make news production on corruption an interesting object of analysis as certain aspects of journalism and its relative autonomy are illuminated.

The case of Kenya is interesting in particular as the country has recently elected a new Government. In December 2002 a coalition of parties, the National Rainbow Coalition (Narc), won a historic general election by nearly two-thirds majority ending more than two decades of Moi presidency and nearly four decades of Kenya African National Union (Kanu) rule in Kenya. Mwai Kibaki won the Presidential election defeating his opponent Uhuru Kenyatta (Kanu), son of Jomo Kenyatta the first President of independent Kenya. In a country ridden by corruption Kibaki promised change. Narc's election platform was anti-corruption and pro constitutional reform. In his inauguration speech President Kibaki reconfirmed his commitment to fighting graft:

Corruption will now cease to be a way of life in Kenya. And, ladies and gentlemen, by the way you have voted in the last elections, I am calling upon all of you to come out and fight corruption, and agree to support the Government in fighting corruption as our first priority. (BBC web ed, 30.12.2002¹).

The Narc cabinet seemed to act rapidly on graft. It established new anti-graft institutions, initiated new anti-corruption legislation, started campaigns, and initiated investigations into alleged state corruption (Getecha, 2004). For this they received applause from the national media. The Kenyan mainstream press reported extensively on corruption in 2003 and 2004 detailing corruption from the Moi era and new initiatives to fight it. Moreover they

¹ News articles are referred to with day of publishing. For a complete list of articles referred to in this thesis see appendix 5.

investigated and revealed ‘new graft’ allegedly perpetrated by figures in the new Government. In January 2006, Kenya experienced an unusual resignation of a cabinet minister as Finance Minister David Mwiraria resigned over alleged involvement in the so-called Anglo Leasing scandal. These developments might suggest that media power has become important, not only to Kenya but to Africa. Thus we should be interested in analysing the case of the Kenyan media and the reporting on corruption in more detail. This thesis focuses on autonomy and control of the Kenyan mainstream press as it analyses news production on corruption from 2001 till 2005.

The role of corruption disclosures – two perspectives

The theoretical framework for the study is a sociological one acknowledging that news is social constructions. When constructing accounts of reality, journalists adapt professional norms for source interaction and text writing. By employing routines for news production and selection, news workers are able to meet space and time demands and deliver news on a regular basis. Sharing an occupational culture accepted in society they are able to construct news that makes sense in the cultural and political economic context where it is published. The sociology of journalism is occupied with the multifaceted process of production that shapes journalists constructs.

Few analyses have been conducted on news production in Kenya, indeed this counts for the whole continent of Africa. African mass media have traditionally been regarded as an extension of Government in centralised African countries enjoying less than little autonomy, serving development and nation building in fragile newly independent states (see for example Hachten, 1971). However, after the introduction of multipartyism in most African states in the 1990’s, media was captured differently and with greater interest. There seem to be two ways to conceptualise what is going on in Africa. On the one hand there is optimism among analysts that the development of a Western institutional framework (including strong and independent media) will provide a strong bulwark against corruption. Chowdury (2004) holds that globally the level of corruption correlates negatively with the development of free press. Similarly Helge Rønning and Tawana Kupe conceive the exposure of corruption and other Government scandals in Southern Africa as the work of a free press protecting public interests against political misbehaviour.

The history of investigative reporting and the uncovering of public scandals and corrupt practices by the independent press and courageous journalists in the official media in Southern Africa exemplifies how the media perform a public service by

investigating and stopping malpractice by public officials (Rønning and Kupe, 2000: 175).²

At the core of political liberal theory or ideology of development is the idea of the media as an autonomous force in society. Liberal press theory holds a normative notion of the press as a watchdog of Government activity pursued in the public interest. Important elements in building media autonomy is professional training and the sharing and practicing of the same occupational norms of objectivity and detachment.

This positive view of the developing autonomy of media in Africa and the positive effects of journalism on corruption is not enjoying consensus. For instance the French political scientists Patrick Chabal and Jean-Pascal Daloz (1999) regard corruption revelations and media discourses on corruption primarily as instruments in political quests in African clientelist societies:

Officially all African societies have accepted Western norms in respect of this phenomenon [corruption], which is why the local press regularly exposes the most blatant cases of venality and illegal deals. However, above and beyond such ritual disclosure of wrongdoing and the no less ceremonial demand for the upholding of the rule of law, it is well to ask whether this denunciation is not essentially instrumental. We would argue that, with few exceptions, such anti-corruption discourse is primarily rhetorical and that the recurrent purges that follow are, more often than not, convenient devices for eliminating political rivals rather than a real attempt to reform the political 'order' (1999: 104).

Chabal and Daloz use the term clientelism in order to make sense of politics and organisational life in Africa. The concept has been developed within anthropology (see for example Eisenstadt and Lemarchand, 1981; Eisenstadt and Roniger, 1984). Lemarchand, for example, suggests that 'patron-client ties involve dyadic bonds between individuals of unequal power and socioeconomic status; they exhibit a diffuse particularistic face-to-face quality (...) they are voluntarily entered into and derive their legitimacy from expectations of mutual benefits (1981: 15).

Developments within anthropology and political science should also be taken seriously by media sociology. However, literature on clientelism has not developed many arguments on communication issues, and the sociology of journalism has shown equally little interest in the notion of clientelism. Nevertheless, Hallin and Papathanassopoulos (2002) comparing media systems in Southern Europe and Latin America, and Hallin and Mancini (2004) comparing media systems in North America, Northern, and Southern Europe have developed its use.

² This optimism is also shared by policy makers in international organizations discussing media's normative role regarding corruption, see for example Peters, (2003), Pope (2000), or Stapenhurst, (2000). The role and the premises for the media effectively fighting corruption is also discussed by Rose-Ackerman (1999) and in a Kenyan context by Munene (2004).

Hallin and Papathanassopoulos provide this understanding of clientelism drawing on the work of Eisenstadt and Lamarchand (1980); Eisenstadt and Roniger (1984); and Roniger and Günes-Ayata (1994):

Clientelism refers to a pattern of social organization in which access to social resources is controlled by patrons and delivered to clients in exchange for deference and various kinds of support. It is a particularistic and asymmetrical form of social organization, and is typically contrasted with forms of citizenship in which access to resources is based on universalistic criteria and formal equality before the law (2002: 185).

According to Hallin and Papathanassopoulos political clientelism of journalism is manifest where journalism 'is not strongly developed as an autonomous institution, differentiated from other institutions – the family business, the political clique, the party – with a distinctive set of professional values and practices' (ibid: 182). One aspect of clientelism is instrumentalisation. What Hallin and Mancini mean by the concept is 'control of the media by outside players – parties, politicians, social groups or movement, or economic actors seeking political influence – who use them to intervene in the world of politics' (Hallin and Mancini, 2004: 37). The relevance of the notion of instrumentalism for the study of media in Kenya is highlighted by Anassi claiming Kenyan politicians become media owners to control news (2004: 334).

Clientelism should not be understood primarily as the instrumental use of the media by its (political) ownership. As Hallin and Papathanassopoulos state clientelism 'tend to blur the lines between the public and private domains, privileging the private (...).' Information is treated as a private resource (2002: 189). Whereas corruption and tribalism are hot topics subjects for journalism in Kenya they were and still are issues *within* the media houses, as Gecau also informs (1996). Chabal and Daloz discussing professional life in general suggest that 'vertical divisions remain more significant than horizontal functional bonds or ties of solidarity between those who are similarly employed or professionally linked' (1999: 20), undermining professional culture as a core in professional practice. They hold that 'occupational or professional unity is more often than not undermined by internal discords or linked to questions of identity or community' (1999: 20). Instead they underline the non-importance of organisational boundaries and the importance of the particularistic and the informal to professional life. Umeh and Andranovich (2005) hold that professional life in Africa is characterised by many qualitatively different kinds of relations. They see these as based on the individuals 'hierarchical position, status, educational background, seniority and gender' (2005: 64). They hold that 'local contexts' do influence the performance of administrators who 'often encounter conflict between the formal or expected administrative

behaviour based on Western bureaucratic norms and expectations' (2005: 64). Chabal and Daloz (1999) equally refer to different 'registers' in order to explain seemingly contradictory behaviour by professionals. The relevance of these perspectives in Kenya is evident as tribalism (Mac'ochieng, 1996), and corruption (Mac'ochieng, 1996; Odhiambo, 2002; Gecau, 1996; Munene, 2004) is claimed to challenge professional conduct of journalists.

Within the perspective of clientelism the role of journalism in revealing corruption can be conceptualised in many ways. On the one hand it might be understood as an instrument of the owner and/or the political factions he supports. On the other hand journalists are perceived as guided by other norms and expectations than purely professional. They serve as clients for external interests. Finally, as recent developments in Kenya might suggest and as Rønning and Kupe hold with regard to media in Southern Africa, we might observe a different and more independent role of the media realizing its democratic and 'watchdog potential' and ambitions.

Research questions

The different ways to make sense of media in Africa makes it important to study news production in more detail. This thesis is thus a case study of journalism on corruption in the Kenyan daily mainstream press from 2001 till 2005, its coverage of corruption and its news production on the issue.

My main research question is inspired by the different ways to understand the role of news on corruption in Africa. Whether corruption disclosures are the product of the instrumental use of news or a fulfillment of media's watchdog ambitions is therefore an issue concerning autonomy and control of news in the Kenya.³ My main research question is thus: *In a democratic perspective, what is the role of corruption news in the Kenyan mainstream press?* A first important question is to what extent the Kenyan mainstream press reports on corruption. A starting point for my analysis is to measure the extent of corruption coverage in the Kenyan mainstream press from 2001 till 2005. This material provides some quantitative trends, by month, year and genre and served as a reference point for investigations into the process of news production. I also approach the main research question qualitatively as I consult media practitioners on how they perceive opportunities and constraints to their work reporting on corruption. The main research question invites to explorations along different paths: First, political and economic contexts of corruption news, the very interests of the firm

³ Media can play many roles with regard to democracy and democratization (see for example Randall, (1998)). In this thesis the attention is drawn to media's ability to guard against public authorities' abuse of power (ibid: 3)

in relation to the issue must be understood. Second, the news as an institution, journalism as a profession and how it informs news production in Kenya must be explored. Third, how norms and ideas of journalism are actually practiced in the Kenyan context as journalists consult sources and negotiate news on corruption needs attention. Moreover, as this is a case study of journalism on corruption in Kenya from 2001 till 2005 we need to be sensitive to changes in different aspects shaping news production. These ambitions can be formulated in a set of sub-questions below.

1) The role of the media reporting on corruption can not be analysed without understanding political and economic contexts of its production. *How do politics and economics shape journalism on corruption?* This question is split in two. First we approach the media scene in Kenya in order to understand regulative framework, state-media relations and the business model of the Kenyan mainstream press. What characterises state-media relations in Kenya? How do ownership interests shape journalism? Whose interest do media pursue reporting on corruption, political or economic? Second, the issue of ownership is revisited as we explore media owners merely as *agents* influencing editorial decisions concerning corruption news production and mediation. How does ownership influence news and how is it approached by powerful sources seeking to influence editorial policies and production practices? Interviews, documents and content analysis are consulted to illuminate political and economic aspects of news production in Kenya.

2) A second sub-question relates to news as a social institution and journalism as a profession as journalists' ideas and norms inform their practices: *How is corruption news shaped by journalists' ideological and professional demands?* The autonomy and authority of news (Hallin and Papathanassopoulos, 2002) is found in the norms and ideas of journalism. Professionals' news values and journalistic norms frames journalists' action and are resources for autonomy and professional conduct when interacting with sources. Crucial questions to be answered are therefore: How do journalists' consider newsworthiness of corruption? How do professional norms shape news on corruption? How do organisational demands shape the practices of ideas and norms? Have any of these factors changed from 2001-2005?

3) The third sub-question relates to the news process. The issue of autonomy and control of news production is relative to and subject to negotiations in different contexts and processes. The question concerns the negotiation of news and access to Government secrets: *How is journalists' access to corruption information negotiated and shaped by whistle blowers and the source organisation?* A qualitative reading of corruption news content from three periods of intense media coverage suggests emphasis on the qualitative process of

revelation of corruption. Thus the role of the so-called ‘whistle blowers’ in the process of news production and how source organisations seek to control disclosure of corruption information must be analysed. Who are sources of corruption news? How is journalists’ access to corruption information negotiated with sources? How do source organisations seek to patrol and control the flow of secret information from the source organisation to the news media? Are journalists merely instruments for their sources or do they maintain any autonomy in the process? Have there been any changes to the quality and quantity of the source participation from 2001 till 2005? These issues are approached through interviews with media practitioners.

4) Professional norms of balance and objectivity provides for the participation of the accused part in a news story. Thus he becomes a source. The participation of the whistle-blower and the accused, or affected part in the disclosure of corruption, are distinct in time and space, and their negotiating powers and skills are unequal. The fourth question concerns powerful sources, and journalists’ autonomy and control over the news process: *How is production and mediation of news negotiated between journalists and powerful sources (accused or affected by corruption claims)?* We need to understand how news is negotiated between powerful sources accused of corruption and media practitioners, and the resources used in these negotiations. What kind of resources do sources employ in these negotiations? How do journalists act in order to remain in control of the production process? Have there been any changes to journalists’ autonomy in the process of news production from 2001 to 2005? These issues are explored through interviews with media practitioners.

The order of the thesis

In chapter 2 I discuss terms used in this thesis and theoretical perspectives the thesis draws on mainly culturalist approaches inspired by political-economic notions of clientelism and instrumentalism. Exploring autonomy and control in the Kenyan mainstream press from a pluralist position I acknowledge that production is not determined by structures but negotiated within structures reshaping the latter in the process. I use Ericson et al’s (1989) negotiation model in order to analyse source-journalist interaction in two arenas of negotiation: the Government and the media.

In chapter 3 I introduce the methods applied in order to collect empirical data. The thesis applies (in the terminology of Philip Schlesinger (1990)) a *mediacentric approach* using news workers as primary informants, and analyses the journalism on corruption using different analytical tools. First, quantitative content analysis provides an overview of the

extent of journalism on corruption from 2001 till 2005 and patterns of and changes in the published volume of this issue. Qualitative interviews with media practitioners provide insight into the factors that shape the production and selection of corruption articles. Qualitative interviews are used in order to find significance rather than a quantitative mapping of factors of news production.

In chapter 4 different contexts for news production are presented. I account for political developments and institutional changes in Kenya with regard to corruption, and present an overview of media regulations, the Kenyan media scene, media ownership and its interests.

Chapter 5 provides a quantitative analysis of journalism on corruption. The volume published on corruption in the Kenyan newspaper *the Daily/Sunday Nation*⁴ is measured and changes in the attention given to the issue from 2001 till 2005 by year and by genre are analysed. I also analyse news discourses on corruption in three periods of intense coverage.

In chapter 6 aspects of news as an institution in Kenya is explored. I analyse how professional norms and journalists' ideas of journalism inform and shape news value on corruption and how they vary in the different political contexts in Kenya. Internal priorities in the newsroom that provide for journalistic enquiries into corruption and changes in the organisation of news production are examined.

In chapter 7 journalists' access to information on corruption is explored. Inspired by Ericson et al (1989) I analyse negotiations between whistle blowers or covert sources and journalists over corruption leaks and their term of use. Using the space-knowledge model of Ericson et al (1989) I analyse how source organisations seek to prevent leaks from the knowledge-enclosed back region officially confined to secrecy and the methods used to maintain secrecy. In doing so aspects of journalistic autonomy as it relates to source influences are touched upon. Changes to covert source participation in news stories on corruption and how these changes are understood by media practitioners are accentuated.

Leaks enable journalists to investigate corruption. However they can not base their stories on leaks alone. Professional norms oblige journalists to balance news stories. As corruption information leaves the source organisation as leaks, sources affected by such leaks strive to maintain enclosure through censorship. In chapter 8 I analyse source-journalist relations and how influential sources and those affected by disclosure use their knowledgability of organisational demands, journalistic norms and routines to negotiate and

⁴ From now on termed *the Nation*.

perform different control measures in order to impact on the production and selection of news on corruption. I analyse how sources shape news on corruption and the distribution of knowledge to the public, and how source methods of control have changed during the past few years. Likewise counter strategies journalists employ in order to gain autonomy of the production process and enable publishing are examined.

Chapter 9 revisits the issue of ownership exploring the role of the media firm and powerful sources as players in struggles over news. The chapter explores powerful sources' avenues for control over corruption news disclosures.

Finally I summarise the findings and discuss how different factors have shaped the reporting of corruption over the five year period. In chapter 10 I also discuss the empirical findings in relation to issues of autonomy and the watchdog role of the Kenyan mainstream press. Some issues for further future research is proposed. For the impatient reader, each chapter contains summary and comments at the end.

2. Sociological approaches to news production and their applicability in the Kenyan context

Conflicts over secrecy – between state and citizen (...), or in journalism or business or law – are conflicts over power: the power that comes with controlling the flow of information. (Bok, 1982 cited in Ericson et al, 1987: 13)

The sociology of news has a long history of making enquiries into issues relating to different power relations and how they shape the news production process and the output of journalistic practice. As news is knowledge and knowledge is power, the control over news means control of the environment and players who inhabit it, according to the Canadian researchers Ericson et al (1987: 12-13). However, the ability to gain and make use of knowledge is unequal. The same can be said about the ‘ability to prevent its acquisition and use by others’ (Ericson et al 1987: 13). Thus, when making enquiries into media power in Kenya the notion of control over news production is a central one. How is the news production and knowledge distribution on corruption shaped in the Kenyan context of news production? What enables and constricts journalists’ access to information? Which factors shape journalists transformation of information into published news accounts? In short, how is the production of public images of politics in Kenya – particularly issues related to corruption - shaped by different opportunities and constraints?

A key issue to the sociology of news production is thus the level of autonomy for journalists and how this degree of autonomy is shaped. However, different approaches to the study of news have traditionally provided diverging views on how the product and process of journalism can be explained and what factors influence and shape the autonomy of journalists in liberal capitalist democracies and thus the mediation of reality by the news media. News is shaped by social, cultural, political and economic aspects, and different approaches to news production accentuate these factors differently and provide analyses on different levels of enquiry. The different approaches to news production are not exclusive of each other but provide complementary explanations, when focusing on news coverage and journalism on corruption.

News production – three approaches

One way to understand news production is as a product of economy and politics. According to Street (2001: 41) news is in one sense a consequence of economics, a product of trade, and a product of politics. Political economic explanations put emphasis on the economic ownership, the influences of the state and the logic of the marketplace (McNair, 1994: 39-45). The

political economic approach sees journalists' autonomy as structured by political and economic forces in society. Moreover, ownership can be active players pursuing political or economic interests through their position (Hallin and Mancini, 2004). In this perspective ownership of Kenyan media, its commercial and political interests, and state-media relations might be important to explore in order to understand journalism on corruption in Kenya.

Another branch of academic analysis understands news content as a product of the social organisation of the news production process, 'the limitations imposed by the news form; constraints imposed on journalists' ability to gather news; and the routine professional practices of journalism' (ibid: 45). Professional ethics, routine practices, aesthetic codes, the notions of objectivity and the applications of news values guide the journalistic work and thus have a major impact on the journalistic product (ibid). According to Tiffen, 'institutional routines' provide predictable and productive means for gathering news, and conventions about news values that are shared by news workers (1989: 4). Thus news are not journalists arbitrary, personal accounts of reality, but manufactured in accordance with professional standards and routine work conventions. Now, in this perspective my research questions can be said to concern themselves with how the organisation and routines of news production on corruption are producing direct or indirect influences on news content.

A third approach is the culturalist approach, which combines the political economic and the organisational approach, focuses on 'how media are positioned relative to the power elites in society' (McNair, 1994: 48). The culturalist approach does not understand journalism as a function of ownership nor organisational constraints, but emphasises the interaction between news organisations, the sources they report on and 'social institutions' (ibid: 48). According to Curran, culturalists generally assume that relatively autonomous journalists enjoy authority within media organisations, but '[t]heir reporting is structured by cultural and ideological influences' (1990: 120). Culturalist analysts have extended sociological scopes of analyses to include how active sources are part of the news construction process as they act strategically in order to influence the framing and mediation of news (see for example Ericson et al, 1989; Schlesinger, 1990; Schlesinger and Tumber, 1994; and Slaatta, 1999). The concept of negotiation is an interesting one since it opens up for a model of news production where not only meaning but also money and other benefits or constraints are part of the negotiation.

Theoretical approach

This thesis draws on perspectives from political economic and organisational analysis accounted for above, and attempts to combine these in a primarily culturalist approach accentuating negotiations over the production and selection of news. I would argue that there are good reasons for combining these approaches when studying news production in Africa. First, political and anthropological literatures on Africa challenge the very notion of organisation. We need to take seriously claims that Africa (and then Kenya) are understood by ‘a lack of institutionalization, a general disregard for the rules of the formal political and economic sectors, and a universal resort to personal(ized) and vertical solutions to societal problems’ (Chabal and Daloz, 1999: xix). If it is so, macro and meso-analyses of regulations, ownership, and formal rules will prove of limited value as formal organisations are overruled by vertical informal layers of decision-making. We therefore also need to analyse personalised relations in order to achieve an understanding of how autonomy and control in professional life work.

Second, and thus, political economic significance might also be better understood through a micro level analysis of relations rather than a macro level analysis of formal institutions and regulations if we want to comprehend the factors that shape news production. Descriptions of state-media relations and patron-client relations in Kenya in the 1990s should be taken seriously. If powerful sources use the courts and regulations concerning media particularistically as arguments in conflicts over control over news, then we need to approach these conflicts.

Journalists are not social robots as they produce news (Eide, 1992: 18). Neither are they culturally determined merely responding to non-professional demands of kiths and kin. When approaching autonomy and control in the Kenyan mainstream press I thus find it useful to understand journalism on corruption as negotiations of control between different actors in different processes of news production where different norms and cultural bonds and expectations are used as resources. There are negotiations between media practitioners and ‘whistle blowers’, covert sources of information, over access to corruption information and its interpretation. There are negotiations between media practitioners and the accused part over the enclosure or disclosure of corruption as news. These negotiations are shaped by political and economic factors.

Thus we need, first, to acknowledge the importance of and explore how media ownership is important for corruption news. Second, we need to explore social and ideological resources journalists bring into these negotiations as professionals. Resources of

journalism must be explored: *professional norms* for production, journalist cultures and *ideas of news* and *organisational demands* that inform *news values* and *journalistic routine practices*. The news institution is not a fix in time and space. As social rules are continuously constituted by social practice it is also subject to negotiations and change. Third, we need a framework to understand sources participation in news production and how they shape it, the *contexts for negotiations* and the *strategies* employed. My position is that journalists are neither predetermined by professional norms or by primordial cultural demands. Their action is structured by different demands in situational contexts. Norms and cultures serve as frameworks for their actions and as resources when negotiating news. Analysing news production on corruption in Kenya I find it useful to take a pluralistic position inspired by Eide (1992).⁵ There is a ‘duality of structure’ as social structures are both the medium of and the result of action (ibid). Acknowledging this, political, economic and social structures are reproduced but at the same time we allow for change. The presentation below does not *reflect* the different approaches presented in the introduction to this chapter. The different sections below draw on different perspectives of these approaches in order to illuminate the analytical platform of this study.

Ownership and instrumentalism

Mediaowners do not produce news. The news organization does, so why give attention to the news firm? First, a key issue for political economic approaches to news production is who owns the media and whether they use their ownership for personal or political purposes (McNair, 1994: 40). In a Western liberal context it is often held that journalists hold considerable independence from management control (Curran, 1990: 143; McNair, 1994: 41). Is this also the case in an African context? If we take serious Chabal and Daloz claims with regard to the role of corruption revelations in African societies we need to take the issue of ownership and control in the Kenyan media seriously. Analysing media in the Kanu era Gecau provides examples of occurrences where the boundary between firm and news organisation has been blurred. Gecau even suggests that the reason the Kenyan press was not nationalised after independence in 1963 might be understood due to close relationship between the editors and the Government. There was no need for it as the press supported the Government anyway (1996: 205). Without subscribing to this view we need to have in mind the role of owners with regard to newsroom influences. Second, the laws and regulations politics imposes on the society’s cultural producers must be understood (McNair, 1998).

⁵ Eide (1992) interprets Giddens ‘theory of structuration’.

Third the economic relationship between the political apparatus and the media - whether the state inhabits any control of financial resources - influence journalistic practices (ibid).

With regard to the second and third point above I would like to draw attention to the work of Hallin and Papathanassopoulos (2002) who might serve as guides in this respect. They note namely that ‘rational legal authority is less strongly developed’ in countries with a history of clientelism; other branches of Government and the bureaucracy are often politicized; ‘and there is often a tradition of evasion of the law’ (2002: 186). This also impacts on the practicing of media politics and regulations. According to Hallin and Papathanassopoulos

[t]he persistence of a culture in which evasion of the law is relatively common means that opportunities for *particularistic pressures* also are common: Governments can exercise pressure by enforcing the law selectively, and news media can do so by threatening selectively to expose wrongdoing (2002: 187, my italic).

In this regard controlling state resources through political or financial power become a significant resource when control over news production is subject to conflict.

In this respect I would also like to draw attention to the contribution of Hallin and Mancini (2004) and the concept of instrumentalism. By instrumentalization they mean the ‘control of the media by outside actors – parties, politicians, social groups or movement, or economic actors seeking political influence – who use them to intervene in the world of politics’ (Hallin and Mancini, 2004: 37). The study put its emphasis on the microcontexts of news production. However, if we do not give any attention to ownership issues this analysis will lack a framework that gives meaning to the findings. I believe these notions might be valuable in order to illuminate aspects of news production in the Kenyan context.

News institution, news organisation and news values

In what way do professional norms shape news production? How do journalists value corruption news? How is journalist autonomy shaped by internal social demands? When analysing the process of news production my point of departure is *the news institution*. An institution is structured social practice in time and space acknowledged by its members (Eide, 1992: 16). Journalists share occupational norms and ideas of their work but work for different *organisations*, in different media houses, or as Gans narrowly defines it; as a ‘set of professionals’ (1980: 93). I share his definition as it enables to distinguish between journalistic, professional aspects of news production and economic and political aspects. News values inform the journalistic practices of constructing and selecting corruption news for publishing. Rodney Tiffen, holds that ‘[i]n approaching news values, it is (...)

fundamental to understand them as responses to the various cross-pressures in news production than to construct imaginary formulas of newsworthiness' (1989: 68). Professional norms and organisational demands are important in this respect.

Professional norms of objectivity, journalists' ideas of news and the role of journalism and organisational demands of productivity shape news value. Journalists as professional news workers use their professional judgement to decide what news is. In this lays their claim to autonomy.

Journalists ideas of journalism

Mancini discusses why the 'professional model' or 'liberal model of the press' has become the dominant model in media theory and practice around the world (2000: 265). The model has been aggressively exported since the WWII; there has been a 'free press crusade' (Margaret Blanchard quoted in *ibid*: 267). Kenya is no exception. Jens Barland (2005) analyses how the Western model of the press has been established also in the Kenyan context. Mancini holds that the theories of the press once suggested by Siebert et al have become occupational *ideologies of the press* (Nerone, 1995; Mancini, 2000: 267). However, Hallin and Mancini (2004) argue that 'the adoption of an ideology of journalism as 'public trust' is an important historical development and should not be dismissed as 'mere ideology' any more than it should be accepted as pure altruism'. Journalists' ideas of the journalism inform their work practices. One of my Kenyan informants reflected on professionalism and expressed:

I think when each side is calling you names it means that you have done it professionally. If the Government think you have done a bad job and the businessmen who were chasing some contracts think you did a bad job so then you are on the right track.

This way of understanding professionalism is also observed by others. Tiffen points out that 'in no other profession would universal hostility be taken as evidence of quality' (1989: 2). For journalists criticism gives them the impression that they watchdog the execution of power in society fulfilling their societal role.

Objectivity: Professional norms and routines

This idea of journalism is in dialogue with norms for the practice of journalism as a profession. In the case of Kenya the Media Council, an umbrella for most news media in Kenya has set a range of rules on how journalism should be conducted professionally, including norms for how to handle sources, achieve objectivity and handle complaints (MCK, 2002). Norms of objectivity are important as the public legitimacy of journalism as a

profession is drawn from its reporting objectively or balanced (Ericson et al 1987; Gans, 1980; Tiffen, 1989; Mancini, 2000). Hallin and Mancini note that journalists' adoption of a public service ethic is important in order to 'claim autonomy and authority' (2004: 36-37).

Whereas journalism is a social construction there are different conventions used to achieve journalistic objectivity. One way to operationalise objectivity is through the genre conventions of the media separating news from commentary (Mancini, 2000: 272). Tuchman creatively suggests with regard to the news genre that '[n]ews is a window on the world'. It is a frame (1978: 1). For journalists as professionals it provides a view on the world as Tiffen informs:

The distancing devices of 'objective' formats should not obscure the sharpness with which these formats delineate the most newsworthy point. It is the selection of these 'frames' or orientations or 'angles' which is the essence of news judgement (1989: 65).

The news format and any other journalistic formats 'exist to discipline the routine performance' (ibid: 64). 'The story format favours resolution over doubt, the concrete over the abstract, the narrative recounting of recent, finite events over the analytical account of continuing conditions' (ibid: 65).

The application of news values might thus be understood as undertaking objective reporting as professional and routinised ways to value news are employed. According to Tiffen '[t]he strengths of news values transforms difficult decisions into routine choices, reduces an ambiguous and infinite mandate – covering the news – into a set of unproblematic routines, all but removing doubts and options' (1989: 66). Thus media practitioners see news selection as an instinctive or self-evident action: 'News values minimise the role of individual attitudes, so that news judgement transcends the preferences of the individuals producing it', according to Tiffen (ibid: 67). Confronted with criticism they can claim they made a professional consideration of a story's or perspective's news value.

However, the selection of angles, frames and accounts of reality might be considered objective as journalists are obliged to follow norms to achieve objectivity within a news report. To be balanced is to give equal coverage to different parties of an event regardless of the relevance or news value of their contribution (Street, 2001: 19). Eide and Hernes (1986) suggest that objectivity, and autonomy from sources, can be achieved over time as a case unfolds and sources act on previous accounts made in acts of staged dramas. When handling exposés, however, facts must be 'evidenced' for editors to be able to support their journalists if controversy over a powerful source develops (Gans, 1980: 120), and this impacts on the

negotiation between sources and journalists. I believe these different notions of objectivity might be fruitful when discussing news production on corruption in the Kenyan context.

Source participation in the news process

When valuing news and selecting stories, news workers consider different organisational demands. Any news report must adhere to the space requirement of the outlet. Thus space becomes a scarce resource, and a constraint limiting the number and the depth of news reports (McNair, 1994: 45-6). Time is also a critical factor as copy must be delivered at deadlines that fit the production cycle. Likewise, human resources are limited and thus oblige news workers to choose between different potential stories to pursue. Due to these constraints news gathering is to a large degree organised as beats or institutional contexts for news reporting that are likely to produce news. Organisational demands thus inform the *routine practices* of journalism. In Tiffen's vocabulary sources are 'supply factors' (1989). Corruption news in Kenya is for example the product of journalistic activity at different beats: Corruption is debated in Parliament and reported by parliamentary reporters. Politicians hold press conferences or speeches at funerals and make accusations of corruption against each other or they demand action to be taken, which in turn might be reported by political journalists if deemed newsworthy. This perspective is important as it underlines the importance of the allocation of human resources at different beats for news production. Likewise, news organisation's resource allocation to non-beat or investigative reporting must be understood as a premise for revelations of corruption in the Kenyan mainstream press.

Official and non-official sources

The conception of sources as mere suppliers of information, however, simplifies journalism as construction of meaning. The frequent and routinised use of institutional and powerful sources on beats has been subject to much academic debate. It has often been claimed that journalists merely reproduce the accounts of the powerful in society as they rely on institutional elite sources. Molotch and Lester state that official sources appear frequently and regularly in the news; and that '[r]outine access is one of the important sources and sustainers of existing power relationships' (cited in Schlesinger and Tumber, 1994: 26). However, regular exposure to journalists does not guarantee positive coverage. Access can not be taken for granted, 'powerful sources still have to pursue goal-oriented action to achieve access' to news (1994: 26). This observation of Schlesinger and Tumber is also important in the Kenyan context. Corruption claims in Kenyan media targets the political and economic elite like government

ministers and heads of public or semi-public institutions. Thus institutional sources and powerholders can not take positive coverage in the news for granted.

Schlesinger and Tumber also draw attention to the contribution of non-official sources to news production, challenging the notion of all-powerful powerholders with structural access to positive news coverage. They underline the need to bring analyses into the participation of non-official news sources to the news production process and the competition between these sources, issues previously ignored by news sociologists (ibid: 33). Whereas most news on corruption in the Kenyan mainstream press probably are reports of public statements or speeches made at rallies, funerals, seminars etc some news stories diverge from the bulk of routinised beat news reports. Schlesinger and Tumber's perspectives are important for my research. Revelations of corruption by the Kenyan news media are to some extent based on the participation of non-official sources who leak Government secrets to the news media. These are often covert sources (Tiffen, 1989). My interest is mainly these revelations and what enable and constrain them. Non-official and covert sources play an important role in this respect. I use the term non-official source and covert source synonymously as individual sources do not necessarily represent their formal organisation when they perform this role.

Pressure and negotiations

What control do sources have of journalists and vice versa? Conducting journalism on corruption or other sensitive issues that produce negative coverage of individuals or organisations is not a light matter. Herbert Gans analyses in his classic *Deciding what's news* the different forms of pressure that journalists are exposed to (1980: chap. 8). He argues that '[s]tory selection and production is (...) a power struggle over what meanings enter the symbolic arena', the 'public stage' of which messages are presented (ibid: 249). By pressure he understands criticism, but not demands of factual corrections; protests, organised or unorganised; as well as threats against journalists. According to Gans they have the intention of altering stories, censor or induce journalists' self-censorship. Journalists experience pressure especially as they report on issues where much is at stake as corruption revelations potentially have a huge impact. Gans observations and reflections are important. Inspired by Ericson et al I prefer to understand pressure as arguments or resources in negotiations over control. Ericson et al explore journalists and sources relations on different institutional beats in their newsbeat ethnography *Negotiating control. A study of news sources* (1989). The Canadians hold that *source organisations* have a 'dual mandate' as they interact with news media: 'They want the public face of their organization to be covered in the news, and their

private face to remain under cover' (1989: 25). Sources ability to do this is neither routine nor fixed, according to Ericson et al. 'Obviously negotiation with journalists is itself an exercise in social control: control over organizations in the environment requires control over the news' (ibid: 25-26). The term *control* is a useful one when referring to the ability to negotiate enclosure of corruption information or its disclosure as news. Negotiations for control take place in different terrains: physical, social, and cultural (ibid: 26). Negotiating control sources, individual or organisational, are not equal in terms of physical, social and cultural resources and with regard to the ability to employ these resources skilfully.

Institutional contexts and regions

Ericson et al (1989) also provide a model that illustrates journalist-source interaction. In the Canadian researchers' model (based on the work of Goffman (1959) and Giddens' later refinements (1984)) organisations are divided into regions of *physical access* and *knowledge access* which are used as a framework for how organisations protect and promote themselves through information management and regulation of journalists' access to information (see figure 2.1).

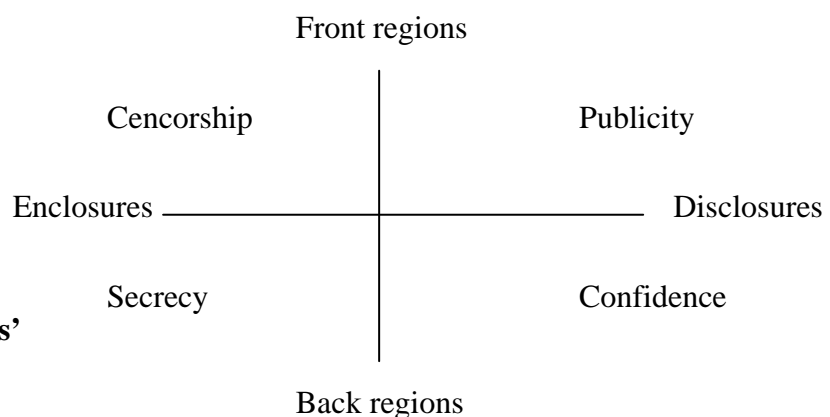


Figure 2.1: Journalists' access to source organisations.

The back regions are spaces where decisions in the organisation are taken but access is restricted to those who are formally employed and externals officially authorised to be there (Ericson et al, 1989: 9). The front regions are the areas where the source organisations public business is 'transacted'. Not only those who have an official role in the organisation, but also those who do or wish to do business with the organisation, might be allowed access (ibid: 10).

Ericson et al use the term *enclosure* as attempts to 'circumscribe' or censor information or signs that are given in front or back regions. *Secrecy* is efforts to keep knowledge away from others for example by physically restraining access to back regions. *Censorship* on the other hand is restrictions on publicizing. *Disclosure* refers to attempts to

communicate in front and back regions. *Confidence* refers to ‘the revelation of private matters with mutual trust’ usually in the back regions of an organisation. *Publicity* on the other hand is accounts made for public consumption: ‘Here the source organization work hard to give off signs that make it appear to be doing what interested publics think it should be doing’ (ibid: 10-11).

How should leaks and covert sources be understood in this context? Rodney Tiffen (1989) is one of few who analyse leaks in his analysis *News and power* from an Australian context. He defines leaks as ‘unauthorised release of confidential information’ (1989: 96). Tiffen underline that the term refers to different phenomena as the release might come from ‘a dissident’ or powerful individuals seeking political advantage. On the other hand the nature of information leaked varies as ‘confidentiality ranges from the very sensitive to the innocuous, from what was intended to be forever secret to the about-to-be announced.’ Leaks are used strategically by sources, often covert, in order to gain different purposes, and journalists perceive the legitimacy of the leaks and its news value differently (ibid: chap 5). Within Ericson et al’s model leaks transpire in or concern the back region of Government and state agencies transforming secrets into confidentialities. Whatever the intentions behind leaks or the formal position of the whistle blower, news exposés on corruption are enabled by journalists or their covert sources access to the back regions of source organisations.

Acknowledging leaks is also acknowledging complexities of source bureaucracies. As Ericson et al observe there are many conflicts among subunits and levels. The organisation is better depicted as having a myriad of ‘microcultures’, and characterized by ‘multiculturalism’ (1987: 26). This is an important observation as it enables us to understand that corruption news is not only the result of goaloriented and skillful action of streamlined source buracracies, but of sources but significantly a consequence of internal differencies in the source organisation.

It is important to underline that the term *source* does indeed refer to many agents and individuals. There is not *one* powerful controlling agency that employs its power on media practitioners and the news organisation. Indeed, when analyzing journalist-source interaction sources must be considered plural with regard to agencies and individuals and heterogeneous and unequal with regard to powers and skills they are able to employ in negotiations with news workers and news organisations over news on corruption.

Autonomy

The conduction of journalistic professionalism is the very argument for journalists' claims of autonomy in Kenya as elsewhere. The notions of autonomy is however coloured differently in research literature. Curran notes that the nature of journalistic autonomy is conditional: 'it is a freedom exercised on terms determined ultimately by employers' (1990: 133). According to Tuchman journalists insist on autonomy from owners and superiors as they claim 'the right to judge what news is' (1978: 174). Gans hold that news organisations are bureaucracies staffed by professionals, and as professionals journalists do not like to be given orders, rather suggestions, if their professional autonomy is to be respected (1980: 93). Gans holds that journalists perform 'seriatim journalism' as every story is shaped by many levels of the organisational bureaucracy before it is published. 'The daily routine is like screwing nuts and bolts' (ibid: 84). However, sociologists usually refer to journalists' newsroom autonomy as relative to different work processes. Autonomy, according to Gans, is greater in story production than story selection (ibid: 103). Ideas of news, social norms for the conduction of the craft and organisational demands might be seen as constraints on the autonomy of journalists. However, they are also resources journalists use when negotiating news with their sources.

Autonomy of journalists is thus also relative to sources. Journalists depend on sources for their news accounts. Allern (1997) holds that journalist autonomy can be circumscribed as news workers regular access to sources depends on sustained positive coverage of the sources. This is an important argument. Ericson et al hold that journalists enjoy a relative autonomy from sources as they hold the power to reframe their accounts in their news stories (1989: 12-6). The source can provide his accounts of or interpretations of events but there is no guarantee that the journalist will adhere to his constructions. Eide and Hernes (1986) suggest that journalists gain autonomy from sources as sources are staged in media dramas ultimately decided by news workers. When conducting corruption exposés professional norms with regard to objectivity are tools journalists can employ in order to maintain autonomy from their sources. Journalists claim to professionalism is thus a resource when autonomy is challenged by sources. Clientelism challenges this journalist autonomy.

Clientelism tends to break down the autonomy of other social institutions, and journalism is no exception. It forces the logic of journalism to merge with other social logics – of party politics and family privileges, for instance. And it breaks down the horizontal solidarity of journalists as it does with other social groups (Hallin and Papathanassopoulos, 2002: 189).

The term clientelism is also used in order to capture the influence of non-professional ties and norms (Hallin and Papathanassopoulos 2002). Both tribalism (Munene, 2004) and corruption in the media (Mac'Ochieng, 1996) must be observed as a challenge to professionalism in Kenya. Both practices are understood and sometimes referred to as clientelism in this thesis.

My use of the term autonomy is relational rather than absolute,⁶ acknowledging for example that social norms constrain journalist freedom, but it also inspire it (Eide, 1992); and that autonomy from superiors might enable cooptation by sources (Gans, 1980).

Comments on terminology and research outlining

A few terms and their use in this thesis are presented above; however a few more considerations must be done before the outlining the research. When analysing news production there are many terms in use depending on the research approach and research tradition the researcher is affiliated to. *News gathering* (see for example McNair 1994: 45) is commonly used when journalists attend institutional beats and interact with sources. As both journalists and sources are involved in *construction of meaning* I prefer simply to use the word *production*. I use the term *mediation* in the primary meaning of selecting 'other parts of experience for special attention and closing off other views and voices' (McQuail, 2000: 66). The alternative terms of the *selection* of news in the meaning of deciding what is to be published, or deciding 'suitability' (Gans, 1980: 81) is also used. My informants simply use the term *publish*. Whereas *discourse* is commonly used by culturalists on news I prefer to use *disclosures* or *revelations* in order to signal that it is mostly single news item, certain points in a discourse or the point of departure that premises a discourse - that is the interest of this thesis.

Research outline

In order to understand autonomy and control of news production on corruption we need to understand the context of which it is produced. The first explorations of this thesis are the contexts for news production on corruption, media-state relations and media ownership. Analysing aspects of media autonomy and control in this regard I draw on the notions of clientelism (Hallin and Papathanassopoulos, 2002) and instrumentalism (Hallin and Mancini, 2004).

News is a social institution reproduced and changed by social actions (Eide, 1992). I approach key aspects of it as the resources and authority of journalists are found in the news

⁶ See also Tunstall (1971) for a discussion of autonomy.

institution (Mancini, 2000). The news institution; professional norms and journalists ideas of corruption as news and journalism, inform news production on corruption. In my perspective they become journalist resources as they negotiate news with their sources.

From the organisation and institution I enter the news process which I split in two processes of negotiation: First between news workers and covert sources over government secrets and journalists' access to information, and second, journalists' negotiations with the accused part. Inspired by Ericson et al (1989) I approach the first as negotiation over secrecy and confidence, the second as negotiations over censorship and publicity. In these analyses I borrow Ericson et al's notion of different 'terrains' in which interaction of journalists and sources take place: the *physical*, *social* and *cultural* (ibid: 26). I choose to use the term 'resources' for my purposes. First, analysing the physical resources of negotiations with whistle blowers I account for journalists' physical access to regions, and the use of communication tools. Analysing the social I investigate 'what holds the relations together' (ibid: 26) as friendship, money, and trust. Analysing cultural resources I account for shared or divergent meanings of news and corruption between different players; sources and journalists. Second, as journalists are informed about corruption through leaks they approach the accused part. When corruption information becomes known to journalists sources use different means in order to maintain enclosure. Journalists make efforts to remain in control of the production and publishing of corruption news. I analyse how influential sources use different resources in order to prevent disclosure of damaging information gained in back regions of source organisations. Powerful sources use cultural resources or 'registers' (Chabal and Daloz, 1999) of identity as they negotiate news; they use social resources as their knowledge of journalistic norms and routines in order to negotiate corruption stories in the pipeline; and finally they use physical means in order to control news production, particularistic use of laws etc.

Analysis of news content during 2001 till 2005 is presented early in the thesis and serves as a reference point for investigations into news production. As the process of news production is analysed I also expect to find features that might give information on some of the changes in content published from 2001-2005. This includes factors shaping media autonomy in different phases of news production.

3. Methods

Due to unavoidable circumstances, we were unable to run a continuation of Githongo's secret diary as promised. We apologise for the inconvenience.

*The Standard, 26.01.06*⁷

Scope of analysis

This thesis analyse autonomy and control of the journalism in the mainstream press through a case study of journalism on corruption in Kenya from 2001 till 2005. The daily newspapers *the EastAfrican/Sunday Standard*⁸ and *the Nation* represent the Kenyan mainstream press in this study. These papers are chosen as the objects of analysis for a number of reasons. First, they are known to report regularly on corruption issues. The fact that much research on corruption in Kenya is empirically based on mainstream press reports indicates the importance of the mainstream press as providers of information on corruption to the public sphere (see for example Sihania (ed) 2005; Kibwana et al 1996; or Odhiambo and Mitullah (ed), 2005). Second, the papers have a long publishing tradition spanning many decades. They are privately (and foreign) owned. They are the biggest newspapers in terms of circulation, and are run on a commercial basis depending on sold copies and advertisements. And as Jensen informs, the readers of these outlets are the urban based elites, state employees, business men and intellectuals in a multicultural Kenya (2000: 72). Therefore what I term the mainstream press is to some degree an exception to politically owned printed and electronic media in the country. This position makes the mainstream press an interesting case of analysis as they provide a cross ethnical cultural canopy in a country with many political factions.

The scope of analysis is the journalism on corruption undertaken by the mainstream press. Emphasis is put on revelations of corruption rather than regular beat reporting, 'the reporting of speeches,' as one of my informants put it. This back region journalism is interesting as it is well suited to illuminate certain aspects of journalist autonomy in Kenya due to the conflicting nature of the topical issues in question. This choice is also reflected in the selection of informants (see below).

The time frame 2001 till 2005 is chosen as it incorporates a significant change of Government in Kenya in late December 2002. This provides for an opportunity for comparison of factors shaping news production from one regime to another. An interesting factor is also *the Standard's* traditional loyalty to Kanu and former President Moi and *the*

⁷ Standard team and agencies, 2006: *World Bank warns Kibaki on corrupt ministers*, the Standard 26.01.06

⁸ From now on termed *the Standard*

Nations traditional sympathy for the Kanu opposition. This makes the issue of ownership and control a potentially interesting issue when corruption news is constructed and published.⁹

Methods

News content is the outcome of news production processes and factors shaping it. An analysis of news content however does not reveal the social processes and power relations shaping it, and only rarely does news reveal constraints on its production, selection, and distribution. The initial quote in this chapter is an exception to this as the paper makes the reader aware that a story has been 'killed'. Even if the result of the social construction of news is obvious and concrete, the quality of how power works and shapes news is not self evident. Understanding news production on corruption requires that we go beyond the actual news items and investigate the practices of news workers and the forces working on journalism. These we do not know beforehand, hence a reliance on quantitative methods alone is not a good option for this inquiry.

Repstad notes that qualitative methods are useful when the significance is the objective and not the occurrence of predefined variables (1993: 15). According to Holme and Solvang, a qualitative approach is a flexible one enabling the researcher to integrate new knowledge obtained as research proceeds. You may change or add questions as you learn and acknowledge during the research process (1991: 77). Indeed, the research questions developed prior to the field work changed before, during and after the undertaking of the field research. Qualitative research – content analyses and interviews - can strengthen theories and make them more or less credible, but we can not test theories (Repstad, 1987:86). On the other hand a qualitative approach enables the researcher to develop hypotheses and theories. As my aim is to explore and describe the informants experiences, my main approach is a flexible and qualitative one accentuating understanding more than explanation; finding significance rather than causality; and diagnosis rather than prediction (Ericson et al, 1987: 78).

This does not mean that quantitative tools are not valuable for the process of understanding. Ericson et al (ibid: 76-77) emphasises the importance of using different techniques to gain knowledge. Through quantitative content analyses the extent of corruption coverage in the newspapers and changes over time become visible, while qualitative interviews can accentuate the players experiences and strategies. Quantitative and qualitative methods are not in conflict, they rather complement each other (Holme and Solvang, 1991:

⁹ This potential opportunity is however rarely exploited due to divergent empirical material and due to concern over informant anonymity.

74). The triangulation of methods, i.e. the application of different tools on the same phenomena gives a broader basis for interpretation (Repstad, 1987: 20).

Quantitative content analysis

Quantitative content analysis was a starting point for my investigations. One way of reviewing journalism on corruption is to measure the volume written. The main purpose for this exercise is to get an indicator of change in the volume published on the issue of corruption during the last five years. During September to November 2005 I went through the articles filed under the labels of ‘corruption’ and ‘scandals’¹⁰ in the archives of the Nation Media Group (NMG) for the purpose of quantifying their reporting on corruption. These are not the only files containing corruption stories. Court stories are not accounted for. Neither is the separate file on the Goldenberg scandal. From spring 2004 and throughout the year *the Nation* reported daily from the court hearings on the scam of the 1990’s.

The same exercise for *the Standard* proved to be a most difficult task as they do not have the same filing routines.¹¹ Based on this lack of availability, I chose to focus on the coverage of *the Nation* only.

Defining variables

One genre convention is the distinction between opinion articles and news. Opinions and editorials are normally seen as expressions of subjectivity. News convention on the other hand aspires to objectivity and factuality, balance and impartiality when reporting events (Street 2001: 18). In my study, I have measured journalism on corruption by different variables: news articles (including news notes), commentaries, letters, and editorials. In my analysis they represent different aspects of journalism: the professional news selection (amended by source negotiations and internal commercial demands), authoritative voices of journalists and experts on topical issues in the news, the voice of the reading public, and the voice of the editor/owner of the paper respectively.

Another variable is the number of front page stories on corruption. As *the Nation* is not a subscription news outlet, but relies on copies sold by street vendors and kiosks, the front page purpose is to sell each edition to a reading audience. The number of front page stories might thus indicate changes in the perception of the public interest in corruption issues.

¹⁰ This file contained a few stories that were not graft or corruption cases. These are not accounted for.

¹¹ Identifying and analysing news items from the last five years’ editions of the Standard would be extremely time-consuming.

Analysis, validity and reliability

The files contain articles that include the term corruption whether this is in the headline, the lead or in the body of the article. As such, articles mainly focusing on other issues might fall into this category as long as they include the term. Whether corruption is a major issue in the story or not can be better measured if only headlines or leads are counted. I have not counted how many articles carry 'corruption' in the headline or lead due to the workload of such a measurement. However the number of front pages on corruption might serve as an indication of the reliability of the measurement of the other genres.

The archive files consist of articles from different media outlets including *the Nation*, *the Standard* and *the People*. Only articles published in *the Nation* are analysed. It has to be taken into account that the numbers might not be an exact measurement of all that is written on corruption by the *the Nation*, as some articles might have disappeared from the files. However, even if the accurate number might not be correct, the trend these files show is not compromised, according to the NMG librarian. She also assured me that the filing routines had not changed during the time frame measured. I therefore believe that the trends found reflect the actual attention given to the topical issue and not the filing routines of the library.

One problem I experienced when classifying content was that it sometimes proved difficult to know whether an article was a *letter to the editor* or a *commentary*. As I went through my files I became aware that my practice was not consistent with regard to the column *Talking Point*. All news analyses, commentaries and letters are therefore aggregated under a category I term opinion articles. As the exercise is conducted consistently for the whole time frame the result for the aggregated category is reliable and the data valid. Due to small number of samples I have not conducted any analysis on variance or any regression analysis. Due to the fact that the sample size is small and that the samples are not independent it is not justifiable to do statistical analysis. Thus it is not possible to make deductive conclusions on statistical differences. I choose to make descriptive analysis of the data only.

Qualitative interviews

My main methodological tool is qualitative interviews. The main group of informants (16 of 25) is journalists and editors. I did however interview nine non-media practitioners including two parliamentarians and a former civil servant in order to get views on the media from sources' perspectives. A qualitative approach is flexible. It enables the researcher to integrate

new knowledge obtained. You can change or add questions as you learn and acknowledge new aspects during the research process (Holme and Solvang, 1991: 77).

Selection of informants

The starting point for this exploration was qualitative and quantitative reading of articles on corruption. A quantitative reading provided an overview of the coverage of corruption and changes in the period from 2001 till 2005. A qualitative reading of articles on corruption in *the Nations* web edition (www.nationmedia.com/dailynation) prior to my fieldwork provided knowledge on current issues (for example *Anglo Leasing and Finance scandal*, the *Rotich case*, and *Clays dossier* to mention a few) and players involved. Both approaches indicated possible informants, as these were selected based on the quantity they had written and quality (investigative stories or revelations) of a saga. These informants have led me to their editors and colleagues and thus provided me with informants with different functions and responsibilities within the media houses. Other sources led me to informants representing specific knowledge or experiences on particular issues brought up.

The selection of informants is based on the main approach, namely following the flow of information on corruption where significance is more relevant than representativity. My qualitative approach in search of premises for information flow has therefore led me to investigative journalists, who are overrepresented among the informants. The selection of these informants is based on the quality of experience they represent. The informants do not represent all the desks involved in journalism on corruption and the research findings do not represent the media houses' general news production process and routines. Thus, concluding that Kenyan journalism is mainly investigative would be committing an error. In this context these journalists and their production represent certain qualities or (investigative) aspects that are fruitful to analyse in order to understand back region journalism on corruption.

Semi structured interview approach

The qualitative interview as a method seeks the informants own understanding of the reality. As a researcher it is important to prepare the field work in a way that will unfold this reality, instead of confirming ones own prejudices. Flexible and semi structured interviews are valuable when you want to look into and understand the informants, their working space and how they understand their role. One tool for the interviewer in this regard is interview guides. The guides served as a starting point for the interviews (see appendix 5 for an example). The guides were to a large degree individualised. I found this necessary in order to include the

relevant topics depending on the informant's position and articles the informant had produced. The latter provided me with individualised references which sometimes served as entry points to their world of reporting. The purpose was to enable informants to relate to a concrete task they had performed. As Ericson et al (1989: 29) point out, discussion on specific matters the interviewee has been involved in, rather than 'questions about concepts and processes in the abstract' is to be preferred. Giving attention to their individual work possibly made the informants motivated for further revelations on the subject.

Journalists were asked how their articles were initiated, what premised their access to corruption information, and about source communication tactics. They were also asked about working methods, routines and ethics. Many interviews focused on how their 'journalistic space' was configured: what they see as opportunities and constraints to their work and whether they have experienced any changes in the space for reporting on corruption during the past five years (2001-2005). As new information, angles and premises were brought up, the guides and interviews shifted attention, letting the informants co-determine the issues to be discussed. Some of the interviews also discussed the quantitative content data (see chapter 5) on media reports on corruption. Thus, the interviews have not consisted of a fixed set of questions but evolved and changed during my explorations while in Nairobi. The flexibility is one of the strengths of the semi structured interview technique (Østbye et al, 2002: 102). Thus interview guides have served merely as a reference points to be revisited during the interviews.

Ethics and transcription

The informants were informed about the scope of the research, its methodology and how the information gathered would be used. Media practitioners were told that their names would appear in an appendix and that quotes would not be attributed to their names. Non-media practitioners were not given this opportunity i.e. they are quoted under their names in the text. Thus, informants' decisions to participate were informed decisions (Kvale, 1999: 67). Some informants gave conditions. One former state bureaucrat requested me not to use his name or the name of his office in the text or in the appendix. Two informants (one media practitioner and one non-media practitioner) did not want the conversation to be tape-recorded. Three media practitioners requested me to turn off the tape recorder during sequences of the interviews. Quotes/citations from these sources are based on notes taken during the interviews.

The transcriptions made from the interviews provide thorough and informative accounts of the conversations. They include representations of interruptions (by telephone calls, waiters etc.) laughter, halting speech, and pauses. I believe a thorough transcription is valuable in order to enable a valid analysis of the information when this is undertaken weeks and months after the interviews. However, the representations of speech in this thesis are slightly edited versions of transcribed speech, as I conceive stumbling on words, coughing, and telephone interruptions i.e. as being of little value and rather destructive for the action of reading. The 'raw' transcription is therefore edited for the purpose of clarity and reader friendliness. At the same time I try to represent speech as spoken and have upheld incorrect grammar and other language errors in the conversations. Codes guiding the representation of speech in this study are found in Appendix 2.

Document analysis

A third source of information is documents. Various documents were gathered prior to, during, and following fieldwork in Nairobi. These include the code of conduct issued by the Media Council of Kenya, journalistic guidelines issued by NMG, annual reports from both the STG and NMG and selected laws issued by the Government of Kenya.

Media content is also used for the purpose of illustrating or contrasting arguments made. The thesis does not contain separate qualitative content analyses, but uses articles from different sagas eclectic in order to illustrate certain points. One of the cases is prominent and is given the most attention: *The Anglo Leasing scandal* is a saga containing hundreds of news items, commentaries and editorials. Different aspects of this case have been reignited on many occasions since April 2004, with series of articles to follow.

Analysis and validity

Ericson et al underline the importance of keeping different data separate in order to avoid confusion between 'seeing is believing' and 'believing is seeing' (1987: 78). It is important to underline that it is difficult to draw causal deductions on content from the news production process or from process to news content. When undertaking analysis for this thesis I have tried to separate cognitive knowledge and evaluating statements or interpretations of events. This line is not easy to draw. Indeed it is fluid. However, as Ericson et al accentuates, 'the fact of having been in the world under study to obtain detailed background knowledge, and the derivation of different types of data through different methods to be compared and contrasted with one another, is the best guarantee of veracity and accuracy' (1987: 78). However, the

quantitative content data informs the qualitative data and vice versa. The employment of different methods aspires to what ethnographers as Ryle and Geertz term ‘thick description’ (Geertz, 1973: 7).

Limitation to the topical, media-centric approach

There are some limitations to the approach applied. The thematic approach leaves out important players in the process of news production. Traditionally ethnography on news production aims to map social relations in the newsroom (see Ericson et al 1987). Ericson et al also suggest that each news beat must be investigated empirically in order to fully understand beatbound news (1989). When journalists police corruption issues, it involves many different news beats: the Parliament as legislators and as monitors of Government performance; the Government as an executive authority allocating human and financial resources; the police investigating crime; and the Judiciary among others.

My approach is narrow at first, as I am primarily interested in the back region journalism on corruption and only map social relations as these are relevant to the construction or obstruction of news on corruption in context of Government institutions. Second, being media-centric implies as Schlesinger (1990) and Ericson et al (1989) note, that I leave the strategic acts of sources to be mediated through the verbal representations of journalists. There are pragmatic reasons for these choices. First, handling many institutional contexts of negotiations would have breached the format of this thesis. Second, as I experienced how difficult it was for the former bureaucrat employees to discuss whistleblowing (as it is a violation of the Official Secrets Act) I decided to concentrate my efforts on journalist informants. Anyhow, the knowledge gained on journalism neither represents the beat reporter, the stringer nor the strategic sources of journalism. However, recognizing these limitations I believe my approach also has valuable gains as the back door journalism is accentuated. Thus we might be able to see certain features of Kenyan journalism which a broader beat oriented approach would overlook.

Limitations to tools applied

Ericson et al see observation newsroom ethnography as valuable and that there are limitations to the use of interviews as a tool. The way an organisation and its representatives portray themselves in interviews are not necessarily their actual behaviour (1989: 26). The Canadian researchers (1987) also point at journalists’ lack of articulate consciousness when describing choices and selection made. They underline that the ‘web of social relations’ is best mapped

by direct observation by the researcher (1989: 25). According to Gans journalists actions can sometimes also be unconscious. Journalists may not be aware that they are practicing 'self censorship' as a response to pressure (1980: 251).

There are limitations to my approach as news beat or in house observation is not employed as a tool. However, sometimes not all tools are viable options due to constraints. Access to the newsroom is necessary in order to undertake observation. If formal access is denied you risk losing informal access to valuable informants along the way. Corruption is a sensitive issue and a contested area for journalism in Kenya. Journalists use secret sources in order to enable themselves to report on corruption issues, and the interaction between journalist and source interaction is thus not a public phenomena. Taking these considerations into account I did not see observation as an available tool when undertaking research.

Another limitation to my approach is in part a consequence of my emphasis on journalists' external relations when undertaking the research. The social organisation of news work is given relatively less emphasis in the thesis (for example journalist/editor negotiations on assignments and angles and how human resources are organised internally in the news organisation).

Do the limitations of the approach and methods employed hamper valid analyses? No, not necessarily. While acknowledging that there are other aspects of news production that deserve attention, the knowledge gained should still be valid as long as the boundaries of research and the limitations of the research methods employed are understood and observed. Being aware of the limitations of the scope of my inquiry and knowledge, is valuable and might help to avoid the pitfalls of making invalid conclusions. This is done consciously in the following chapters.

The process of analysis

When undertaking interviews I made efforts in listening and following the reasoning of the informants. Steinar Kvale (1999) discusses the use of leading questions. Leading questions as opposed to open questions were also used in order to secure valid data, ensuring that my understanding corresponded with the respondents' statements. Kvale also underlines the importance of asking leading questions for the purpose of confirming the validity of ones interpretation and the reliability of the informant (1999: 97). One example is the discussion on the heavy fines following conviction of defamation:

A: What happened at that time, the media was very critical at judges and the Judiciary at that time. So I think we made enemies with the Judiciary. So, [that is] the reason why the judges put heavy fines on the media on matters of libel.

Q: So you think it is a kind of revenge?

A: Yes, that is my view.

Gaining knowledge of how journalists experience their role and autonomy when reporting on corruption was one of my purposes with the interviews. However, my experience from this exercise is that you do not always get the most valuable information when you ask directly. When undertaking qualitative interviews the researcher risks receiving conventional answers and stereotypes (Repstad, 1993: 14). The terminology commonly used when discussing journalism as 'autonomy' and 'the role of the media' often generated textbook answers rather than genuine reflections on the issue. For example, when I asked informants how they see the role of the media in Kenya with regard to corruption I sometimes got more programmatic than reflexive answers: 'The medias role is very clear: it is to inform, to entertain, and to educate'. From this I learned that different approaches to the topics, including different ways of asking, are necessary in order to go beyond and challenge conventional wisdom.

Gans (1980) emphasises empirical and definitional problems when studying external pressures: 'Surrender to pressure is viewed as an act of cowardice and a sign of powerlessness, and those who must surrender are loath to discuss it' (ibid: 251). I also experienced this. Surrendering to pressure, causing a libel suit being filed against your employer, and being censured by superiors are not experiences easily shared. It can be discussed in general, but hardly acknowledged when discussing personal experiences. In respect of the informants, I was cautious when experiencing hesitation. However, this colours the interviews and must be observed. Establishing this fact through complementary use of knowledge was thus important for the quality of the analysis.

As a researcher one does not always know where to draw the limit of close questioning, I experienced. The issue of ethnicity was for example difficult to approach. One informant felt offended by one of my questions as he felt his professional integrity was questioned.

Q: I am told that ethnicity also has an impact on journalism and journalism on corruption. How does it work?

A: Ethnicity... It is a very tough question. It is too complex... [researcher interrupts]

Q: I know it is complex but is it possible to... [informant interrupts]

A: I don't know but... I don't know what you mean by ethnicity has a role to play in investigative journalism... what I believe... (...) Whether I am from this group or the other ethnic group. You can't change it. You don't take it away from me. It is my talent (...) to look out for things.

These are risks one faces and I guess as journalists impose self censorship when dealing with difficult issues so does a social researcher. As a researcher you do not want to offend the

informants who voluntarily participate in your research. As such you might put some restriction on your enquiries (deliberate or not). However, lack of familiarity with local cultural codex's and being a non-Kenyan might also have been an asset for me as a researcher in Kenya. It is reasonable to speculate whether for example a Luo researcher successfully can ask detailed questions about source relations of a Kikuyu journalist or vice versa. Being an ethnic Norwegian my questions might not provide for the suspicion of a factional agenda as I believe native Kenyan might would experience.

Fieldwork

The fieldwork was undertaken between 15th of September and 30th of November 2005 in Nairobi. 25 interviews were conducted: 16 journalists and editors, two parliamentarians, one former civil servant, one professor, and three persons representing the journalist union and the Media Council.

Ideally interviews should be undertaken in neutral places where the informant can relax and feel comfortable. If interviews are undertaken in the informants working environment, telephone calls and other interruptions might disrupt the interview (Østbye et al, 2002). I had to give pragmatic considerations when choosing locations for interviews. Journalists in Kenya are working long hours and many found it difficult to leave their office to meet me. Several interviews were thus undertaken in offices of *the Standard* and *the Nation*. Others were conducted in quiet cafes in downtown Nairobi.

Most requests for interviews were accepted. One constraint, however, was informants who did not show up to appointments. Media practitioners are busy and often have to change their time schedule due to new assignments. Another issue that occasionally was brought up by some informants was 'financial issues', or 'consultancy fees'. I experienced these requests brought up once as a premise for the participation in an interview, once it was brought up during the interview, and once after the interview via sms. Only journalists made these requests. No editors or non-media practitioners made such financial demands in return for their participation. One of the informants redefined his role from being an informant to a research assistant (see appendix 3 for full account of the email exchange):

Sorry for the delay in replying. I've been out of the office covering referendum campaigns. Now, to do what you want me to, I suppose there is a financial consideration. Since I would be working as your research assistant. Once that is settled, we shall proceed.

I experienced these requests as foreign and to some extent problematic, especially during the first part of my field research as I was worried I would not be able to conduct my interviews

with the possible informants. However ‘financial issues’ are also a feature of journalism that could be interesting to explore more in depth. When taking into consideration that the informants daily follow codes of conduct in their working life quite similar to that of a researcher, and that journalists are reporting on corruption on a regular basis, this is an interesting phenomenon. As I proceeded with interviews I also learned that paying for information is not something that media practitioners are unfamiliar with. More importantly the credibility of bought information is not necessarily hampered, according to the perception of one informant:

If you get somebody who you pay to get the information, most likely you wouldn’t have an agenda, or his agenda is just the money. But when they come to you freely you want to push him: ‘Why now?’

However, none of these requests were met.¹² As a result of my position on the issue I might have lost valuable informants. Another loss is the hampered opportunity to investigate the rationality that makes such requests legitimate in the local context.

Summary and comments

Chapter 3 introduces the object of analysis, discusses the methods used, limitations to the research tools applied, how research is conducted, and considerations on validity of empirical data. The thesis is a case study of journalism on corruption of the mainstream press from 2001 till 2005. The Kenyan newspaper dailies *the Nation* and *the Standard* is in this thesis termed *the mainstream press*. The findings are valid as they relate to this construction and not to the particular newspapers unless it is explicitly stated.

The main research methods used are firstly, quantitative content analysis bringing data on the extent of and changes in public distribution of knowledge on corruption in Kenya from 2001 till 2005. Secondly, qualitative interviews are undertaken in order to analyse news production on corruption and how social and cultural changes premise news production. The field work was undertaken in the period of September to November 2005.

¹² Travel expenses for one of the informants who met me out of working hours were once paid. Likewise was food or drinks for informants when meeting formally or informally put on the researcher’s bill.

4. Ownership and control in the Kenyan press

Maybe nobody in the press should be expected to be a crusader. This is a business. It is not a philanthropic sort of outfit.

Koigi wa Wamwere, MP Subukia constituency

In order to understand journalism on corruption we need to understand contexts in which it is constructed. The political and economic environment of the news media shape journalism on corruption in Kenya. The issue of corruption in Kenya and institutional changes with regard to fighting it is presented briefly based on fieldwork experiences and reports on corruption and politics in Kenya. Second, regulatory frameworks for media reports on corruption is presented. This is based on documents and data provided by the Nation Media Group. Third, I analyse media-state relations and the issue of ownership interests with regard to corruption disclosure. My approach is partly based on annual reports, news, other documents and interviews with media practitioners and non-practitioners. This chapter is not an attempt to construct a history of Kenyan media.¹³ Neither is it an attempt to understand politics and corruption in depth.¹⁴ Indeed, these issues deserve more in depth analysis than possible in this format. Nevertheless, below is a brief account of certain aspects of both in order to illuminate the case studied; namely news production on corruption from 2001 till 2005.

Politics and corruption in Kanu Kenya

Patronage politics including nepotism, tribalism, and corruption has been the hallmark of Kenyan politics since independence in 1963, according to Chweya (2005). The rampant corruption was not just due to failed policies. The Kanu Governments following independence used corruption as a survival strategy as they had ‘vested interests in the malpractice’. The party used it as a means to distribute political patronage. Chweya describes the role of corruption for Government practices this way:

The Government (the state) focused on distributing patronage, including allocations of opportunities to engage in corruption as for gain in exchange for loyalty. Opportunities for corruption became a resource that the political regime “offered” clients in return for loyalty and political support. Corrupt officials and businessmen characteristically gave a part of their ill-gotten wealth and resources to their

¹³ For media history in Kenya see Abuoga and Mutere (1988). Bourgault (1995) and Wilcox (1975) provide useful insights into media issues in sub-Saharan Africa. Hydén, Leslie, and Ogundimu (eds.) (2002) provide a compilation of articles on media and democracy in Africa.

¹⁴ For explorations into the play of Kenyan politics Throup and Hornsby (1998) might provide a starting point. Andreassen (2004) discuss multiethnic politics in the Kenyan context. Haugerud (1995) explores micro-contexts of politics. Chabal and Daloz (1999 and 2006) provide interesting discussions on the concept and meaning of corruption. For a legal and political discussion of the issue in a Kenyan context see for example Sihanya (ed. 2005).

“godfathers” – public servants, especially politicians – ostensibly as a contribution to one harambee¹⁵ project or another. In addition, the Government irregularly allocated public resources to regime supporters, including civil servants and ultimately produced a formally sanctioned and executed kind of corruption (2005: 13)

Kanu had held on to power by ‘virtue of an intricate patronage system financed by the proceeds of official corruption’ (Kantai, 2005: 170). Wamwere has described how President Moi used cash to improve loyalty among parliamentarians, and how corruption was the very fundament of the harambees in Kenya in the 1980’s (1989: 94-5). Corruption did not end with the one party state. The biggest scandal yet in Kenya, the Goldenberg scandal, was executed in the 1990’s. The Kenyan Government gave subsidies to gold exports paying exporters, in Ksh, 35 per cent over their foreign currency earnings. It is held that the Goldenberg scandal cost Kenya the equivalent of 10 per cent of the country’s annual GDP. The scandal allegedly implicated ministers in the Moi Government, for the purpose of securing finances for Kanu election campaigns in 2002 (Mutua, 17.06.2000). Thus some hold that with multipartyism new needs for financial resources were introduced as political parties need funds to drum up support at rallies around Kenya. Holmquist (2002) asks whether corruption has increased after the introduction of multiparty politics.

President Moi did promise to tackle corruption as he became President in 1978. He established a commission to make recommendations, but failed to implement them (Chweya, 1978: 12). Likewise during the 1990’s anti-corruption reforms were a ‘back-and-forth affair’ (ibid: 17).

If we accept this description of Kanu Kenya, then corruption is more than the deviant behaviour of individuals. In post-independence Kenya corruption became a way to secure political support, to grant Government contracts, and to distribute welfare.

Anti corruption efforts and conflicts in Narc Kenya

When Narc came to power in December 2002¹⁶ the coalition ended 24 years of Moi Presidency and almost 40 year of Kanu rule. As President Kibaki promised war on corruption there was also an expectation that corruption would end. Sihania (ed. 2005) for example hold that Narc’s election victory was due to its anti-corruption platform.

The Narc cabinet seemed to act rapidly on graft and institutionalise the fight against corruption. A former voice of opposition in civil society and anti-corruption activist, John Githongo, became Permanent Secretary (PS) for Ethics and Governance, the President’s

¹⁵ Self help projects

¹⁶ See Anderson (2003) or Throup (2003) for details on elections and transition.

special adviser on corruption, in January 2003. In February 2003 President Kibaki recalled Parliament early to pass two new acts: the Anti-Corruption and Economic Crimes Act and the Public Officer Ethics Act. The first provides a code of conduct for public officers and makes it a requirement to declare their assets and wealth.¹⁷ The latter paved the way for establishing an independent anti-corruption body that is constitutionally protected. The Act was passed by Parliament in May 2003 and several bodies are since established: Kenya Anti-Corruption Commission (KACC), an investigating body for economic crime; The Public Complaints Office, an Ombudsman's office; The Public Service Integrity Programme aimed at establishing anti-corruption prevention plans within every public institution; the National Anti-Corruption Steering Committee established to launch a country-wide anti-corruption campaign; and the Kenya National Human Rights Commission (KNHCR), that was given the mandate to check on Kenya's compliance with international human rights standards. Kenya ratified the UN Convention against corruption on 9 December 2003 (UNODC, 2005).

The Narc Government also launched new tribunals and commissions to look into allegation of economic crimes from the past. In February 2003 the Narc Government established a commission with the mandate to investigate the Ksh 22 billion (\$275 million) Goldenberg scandal (Throup, 2003: 8). In 2003 the anti-corruption authority found evidence of corruption among five of nine Court of Appeal judges. The body also found misconduct among 18 of 36 High Court judges and 82 of 254 magistrates. Following a commissioned report on corruption in the Judiciary, one-half of Kenya's senior judges were suspended over allegations of corruption and investigative tribunals were established. Analysts acknowledged the new regime's effort to handle corruption. Throup for example holds that 'the Government has moved swiftly to remove the worst offenders left over from the Moi regime and to clamp down on corruption' (2003: 10).

The Narc coalition was however ridden by internal conflicts. These conflicts started almost immediately after it took office as the President was accused of ignoring the memorandum of understanding between the coalition parties when composing his cabinet. This issue found its climax as a proposed new constitution was given to the people to decide on in a referendum held in November 2005. The issue split the Government in two, one supporting the proposed new constitution and one rejecting it. Both camps tried to drum up support for their view at rallies around the country and in TV debates. For months the cabinet didn't meet and the Parliament suspended its work so that the MPs could take part in

¹⁷ No government official has been prosecuted in connection with the legislation, according to Kantai (2005).

campaigning. The Narc Government ended in December 2005¹⁸ as the President dismissed the whole cabinet following the Kenyan people's rejection of the proposed new constitution.

Regulatory contexts for journalism on corruption

The Kenyan constitution provides for freedom of expression and freedom from interference with correspondence.¹⁹ Journalism on corruption is sensitive. It touches on the very fine lines of what is protected by freedom of expression and exceptions to this freedom. In Kenya there are about 14 Acts which have implications for media (Barland, 2005: 88).

The Media Bill²⁰ regulates the media scene in Kenya as it sets an entry cost for any new outlet. The Bill, approved by Parliament on 8 May 2002 (IPI, 2003), demands that publishers purchase a US \$12,800 bond before printing and publishing. Journalists access to information from Government offices to the public is for example regulated by the 1970 Official Secrets Act (OSA). Forwarding, obtaining or receiving information is an offence under the Act (Makali (ed), 2003). This means that Government information and Government documents are not freely accessible for journalistic inquiry. A journalist can not claim any legal rights when he pursues information from Government institutions.

There are several laws in Kenya that impacts on publishing practices, for example the interest of public health, public order, public safety, public morality, the interest of courts, and state interests as national security. (Makali (ed), 2003). Some are more important than others for the publishing of corruption news. The purpose of the defamation act is to compensate individuals whose reputation has been injured (ibid: 105). A new Defamation Act was passed in 1992 that seemed to be designed to protect politicians against the press, according to Barland (2005: 87). The rewards following defamation convictions increased substantially. The penal code can also be used in defamation. The interests of justice also frame media publishing as the court can restrain the media from publish a particular article. Not obeying to a court order of injunction is a contempt of court (Makali (ed), 2003: 110).

Libel suits have become a common part of everyday life for Kenyan journalists. During the first eight months of 2005 the NMG received 28 suits for defamation. 11 of these were filed as responses to different reports on corruption. The number of libel suits against

¹⁸ Some hold it ended in 2004 as the President included members of the opposition in the cabinet.

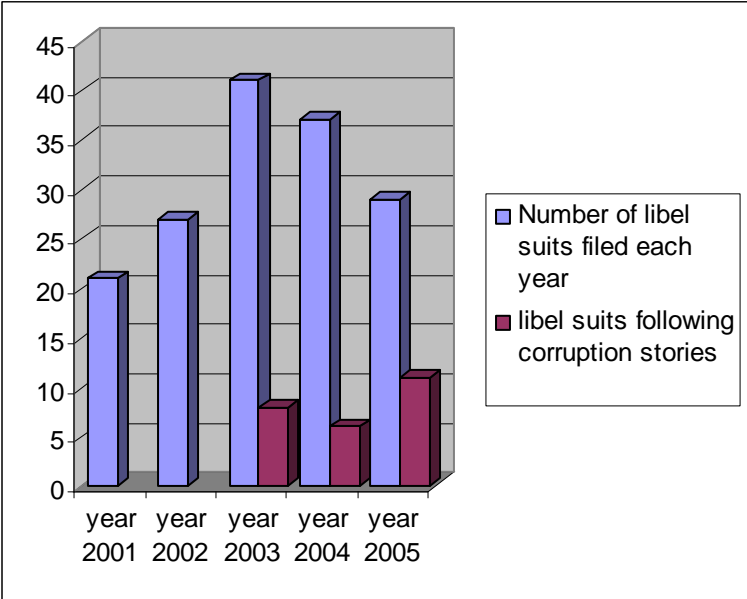
¹⁹ 'Except with his own consent, no person shall be hindered in any enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas, and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence' - Section 79 of the Constitution of Kenya (quoted in Ogbondah, 2002: 58).

²⁰ Also termed the Books and Newspapers Act

NMG has according to an informant increased since 1999. It reached a peak in 2003 before it decreased slightly in 2004 (see fig 4.1).

Figure 4.1: Libel suits

Number of new libel suits filed 2001 – 2005 against Nation Media Group. The numbers from 2001 and 2002 are minimum numbers as some cases have been settled since and are thus removed from the Nation files. The NMG’s legal officer estimates that the actual numbers of new cases in 2001 and 2002 can be 20 percent higher. The 2005 numbers includes the first 9 months only. Libel suits following corruption news is measured for the years 2003-2005 only.



Of the 29 new cases filed in 2005, 11 were filed following news reports on corruption. Complainant can sue anybody who publishes the story: It could be the reporter, the media house or it could be the vendor, the distributor. However, according to an informant ‘lawyers tend to cut short the process and just go for who they believe can pay and in this case you go for the publisher, the employer.’

From the libel suit is filed to the court hearing takes place it takes about one and a half year. Less than ten percent of the libel cases are settled outside the courtroom according to estimates made by Nation Media Group. Of the cases settled in court the NMG loses approximately 25 percent of cases, according to a Nation informant. The awards granted by the courts have risen significantly during the 1990’s and the 2000’s. One informant sees a court decision from 1999 as a turning point regarding the impact of libel suits. According to the verdict in the so-called ‘twin Biwott case’²¹ of 1999 former politician and businessman Nicholas Biwott was rewarded Ksh 30,000,000. The court decision set a new standard for awards given in libel cases. In a similar cases in 1992²² and the award granted was Ksh 1,500,000. In yet another one in 1997²³ the award was set to Ksh 3,500,000. The three court decisions has in common that they concern the political elite or high ranking civil servants or

²¹ Civil appeal No 314 of 2000, Nicholas Biwott vs. Clays Ltd & another and Nicolas Biwott vs Dr. Ian West and another (HCCC No. 41068 of 1999).
²² HCCC No. 85, (ref Civil appeal No 314 of 2000).
²³ HCCC No. 42 of 1997 (ref Civil appeal No 314 of 2000)

advocates and that the publications condemned is what Kenyans generally refer to as the alternative press.

‘The courts got crazy’, according to one informant commenting on the Ksh30m award that was granted in the twin Biwott cases. He saw the increase as an incentive for individuals who use the opportunity of filing libel suits as a way of benefiting financially on this practice: ‘It was an incentive to sue the media’. The court decision thus might be an incentive to corruption in the Judiciary. ‘A lawyer can make an arrangement with the judge and say “if I claim 20 million Ksh, you get 10”’, according to the informant holding that ‘the financial argument became important’ as the awards increased.²⁴

You may find that one publication is fined three times more than another publication that publish the same story. The damage may not be exactly the same. *The Nation* may be fined 10 million Ksh and *the Standard* suffers 1 million Ksh. damages for the same story, for reasons known only to that magistrate. The issue of the interpretation of the law is a bit of a problem.

As one informant held the libel awards now granted are so huge that it becomes a highly profitable business, also for the judges. The financial strength of each media house provides the framework for awards granted, it is claimed. This has implications for competition between the different news outlets. When *the Nation* avoids certain stories it creates opportunities for its competitors as *the Standard* or *the People*, according to an informant.

The number of corruption cases is partly explained as attempts to earn easy money. It is commonly held among media practitioners that lawyers read papers carefully in order to find potential clients as they find possible defamations in news items. However, as Barth (16.01.2005) indicates it is pertinent to ask whether libel suits is a new method to control the press and avoid public scrutiny and negative publicity. As will be shown in chapter 6 the high level of libel suits have influenced routine practices with regard to news production on corruption.

Ownership and patronage in Kenyan media

In the 1980’s during President Moi’s dictatorial rule President Moi used the state apparatus to cow the media through arrests, detention, the outlawing of publications (Kiarie, 2004) and even torture (Faringer,1991). Mak’Ochieng (1993 and 1996) documents how the mainstream press gave space to a ‘wider spectrum of political and other opinions’ (1996: 31). Throup and

²⁴ The NMG legal officer expressed hope that an appeal court decision (Civil appeal No 314 of 2000 14th of October 2005) might stall the inflation of libel suits and awards.

Hornsby likewise uphold the democratic role of the mainstream media in the election processes of 1992 and 1997 (1998). Moreover, since the introduction of multipartyism news outlets have mushroomed (Karanja, 2000). If you walk the streets of downtown Nairobi you will be amazed by the huge flora of publications sold by vendors on the streets, and if you turn on the TV there are fairly many options to choose from: Kenya Broadcasting Corporation (KBC), Nation TV (NTV), Citizen TV and Kenya Television Network (KTN). The media scene in Kenya is diverse, but with a few exceptions dominated by political players.

Political influence of the alternative press and the broadcast media

Most Kenyans rely on the broadcast media, particularly radio, for news. The state owned and politically controlled public broadcaster KBC was until the 1990's the only media option for most Kenyans. KBC operates under the Parastatals Act that provides the TV station with some autonomy – 'primarily limited to generating revenue' (Okello, 2000: 82). The main sources of revenue are ads, casual and funeral announcements, sale of radio permits and hire of equipment. Moi liberalised the airwaves in the 1990's and thus ending the monopoly of the Kanu controlled KBC. Until recently the liberalisation of broadcasting had a limited impact outside Nairobi but some private radio and TV networks now have wide coverage of much of the country. According to Okello issuing of frequencies following the liberalisation of the airwaves 'has been based on an ad hoc basis with licences apparently being given to organisation which the President and the ruling party Kanu are believed to have controlled through manipulations' (Okello, 2000: 78). The granting of broadcasting licences to the Royal Media in 1997 might serve as an example. Royal Media is owned by the former politician Samuel K. Macharia, and was granted a broadcast licence by the Moi Government in exchange for political support (Okello, 2000; Kiarie, 2004; Barland, 2005: 93). The relationship with the former President cooled down, however, and in the 2002 election, Citizen's radio and TV channels supported Kibaki. After the Kibaki victory Royal Media has obtained new licences and launched at least five new FM stations. 'He is regarded as close to Kibaki's Government' (Barland, 2005: 93). Royal Media operates Citizen FM, Citizen TV and several other minor radio stations and is maybe the biggest player in electronic media. Royal Media reach potentially 70 per cent of all Kenyans through their various media, a big number in Kenyan media context (Kiarie, 2004).

Since the introduction of multipartyism a lot of informal publications have been established (Throup and Hornsby, 1998: 364). This part of the Kenyan press is often termed 'the yellow press,' 'the gutter press', or more respectfully 'the alternative press'. These are

privately owned but they are not emancipated from politics. It is generally held that some politicians own their own news outlets that can be bought on the streets of Nairobi. It is difficult to ascertain ownership, however. Some of these publications were assumed sponsored by politicians connected to Moi prior to the election in 2002 (Kantai, 2005: 170). Today some informants are more concerned about alleged ownership dominance of politicians loyal to the sitting President. The alternative press regularly cries out sensational stories on their front pages seldom to the advantage to characters given their attention. It is commonly believed that articles printed are to a large extent paid for by persons external to the media or used strategically by the owner to paint a black picture of political enemies.

A: The alternative press is more often than not owned by politicians, and Government ministers. (...) They have their own researchers. (...) Now, when they get information on you and they know it is damaging to you, he comes to you.

Q: So they use this information for blackmailing?

A: Yes, more often not it is used for blackmailing. What you see in the alternative press is either what they have been paid for to write or what they were not paid for.

Whereas the mainstream press operates within the law of the media bill, the alternative press does not. According to informants they do not operate with a physical address and a publisher. Hence, they are difficult to sue. The alternative press does not seem to enjoy respect neither from advertisers nor political players. Advertisers seem to avoid the alternative press probably because of lack of legitimacy.

The mainstream media

What is a large middle class in an African perspective provides Kenyan media with a base for advertising revenue. Thus, Kenya enjoys more diverse media than many other African countries. If you look behind the flora of outlets only a few players seem to dominate the media market in Kenya. Two major media houses, the NMG and the STG dominate the media market today, especially in publishing. NMG and STG have in common that they are owned by private and foreign ownership generating income through advertisements and copies sold, and are relatively less constrained by political ownership than other media.

Both the NMG and the STG run various electronic media and newspapers. The flagship of the NMG is *the Nation* and this might have as much as three quarters of the Kenyan newspaper market. The paper was launched in 1958 as Taifa and the following year Aga Khan bought the majority share in the newspaper (Abuoga and Mutere, 1988: 23). The English-language daily grew and soon became the largest daily newspaper in Kenya in terms of circulation (Mak'Ochieng, 1993: 92), and has remained so today with a circulation of

approximately 150 000 till 200 000 copies. NMG also runs the weekly *EastAfrican* and *Taifa Leo*. The latter is the only daily Kiswahili newspaper in the country. NMG has a considerable interest in broadcasting, operating the Nairobi based Nation TV, licensed in 1998 (Okello, 2000) and Nation FM relays in Nairobi, Mombasa, Kisumu, Eldoret and other cities. NMG has a substantial market share in the newspaper market not only in Kenya but also in the Uganda and Tanzania. The biggest shareholder in NMG is the Aga Khan, controlling 44.7 per cent of the shares (NMG 2005: 42).

STG publishes *the Standard* which is the oldest newspaper in Kenya, and the second biggest in terms of circulation (app. 75 000). Started in 1902 by an Indian merchant it was controlled by European settlers throughout the colonial rule in Kenya (Abuoga and Mutere, 1988). The biggest shareholder in the STG today is S.N.G Holdings Limited (STG, 2005: 6). However, the Group was until the elections in 2002 controlled by the Moi family and then sold to foreign enterprises. STG today also operates the TV-station KTN. The licence of KTN was originally granted to Kanu in 1989. After a transfer of ownership to the late Robert Maxwell did not work out it was sold to East African Standard in 1998, and then transferred to the Lonhro subsidiary Baraza Limited (Okello, 2000: 86). Today KTN is run by STG.

Commercial and political interests in the mainstream press

Even if the middle class is big in an African context, the business sector in Kenya is relatively small, as Ogundimo (2002) notices. This means that the mainstream press competes for the same advertising shillings (2002: 225). A huge portion of the advertising revenue of the Kenyan press comes from Government departments or parastatals. In *the Standard* 20 or 30 percent of revenue are Governmental or semi-Governmental institutions.²⁵ It is held that *the Nation* on the other hand has a broader advertisement base than *the Standard*.

Other issues are cross-sector economic interests and indeed also political interests of media ownership regardless of declared independence from the state. According to Gecau (1996) the owner of the NMG, the Aga Khan, and the former owner of *the Standard*, Lonhro have financial interests besides being media owners. Aga Khan, the leader of the Ismaili Muslim sect, has apart from his media enterprise ownership interests in many sectors of the Kenyan society: schools, hospitals and hotels. As Gans (1980) holds such interests might impact on editorial decisions as journalists are less likely to report critically on the interest of the employer. According to Barland the Aga Khan seldom intervene in editorial decisions. It

²⁵ The number is an estimate based on the account of different informants. One informant claimed it was more than 60 percent.

has however occurred in matters concerning religion (Ochieng 1992: 60-61; Odero, 2000: 13; Barland, 2005: 109). Even if the media in Kenya operate in a free market the press nurtures close relations with the Government (Gecau, 1996: 203). Indeed it is also held that the Aga Khan 'influence politics in Kenya by media and networking' in order to ensure good conditions for his business' (Barland, 2005: 91). Lohro cooperated closely with the Moi regime. Gecau states that Lohro used to appoint a local chairman from the relatives of then President Moi, that editors were 'carefully selected' and that 'the top jobs in the press are often a compromise between the owners and the President' (1996: 203-4). According to one informant there were certain things the Standard could not take a position on when Moi was President. Throup and Hornsby for example hold that Lohro struggled with editors to keep the editorial line in the Standard in favour of Kanu and then President Moi prior to the 2002 election (1998: 364). It is generally held that Moi today has political interests in owning the Standard.

New Government, new roles

When Kenya changed Government in 2002 the role of *the Nation* and *the Standard* changed. *The Nation* became supportive of the new President and changed position on certain issues, for instance on principal issues such as the power of the President, according to informants. *The Standard* also changed its role to become an oppositional newspaper. 'They gave us freedom. We had a free hand to run the paper' according to former editor David Makali. The paper was given increased editorial freedom by its ownership after the change of Government in 2002.

However, it is thus difficult to hold that one paper or the other supported the Narc Government or the opposition because the opposition was very much a part of the Government itself, as shown above. It is however generally held that *the Nation* supported the camp of President Kibaki up to the referendum in November 2005 and that *the Standard* supports Kanu and Moi interests in the country.

Corruption stories, ownership and media competition

The role of the papers with regard to disclosing corruption is however not very different, according to various informants. From the accounts of informants the commercial aspect seems today more important than the political interests of the media owners. As MP Maoka Maore sees it, 'if a media house, if an editorial management is able to pick a story, it does not matter who it is. I can assure you they will actually expose it.' Corruption revelations impact

on the day to day circulation of the papers. As one of the informants put it ‘corruption sells. Everybody wants to put it on page one.’ Tiffen underlines that the commercial interests of a media enterprise informs news selection (1989). According to an informant the bigger picture is swallowed up by minor things which are important to the ruling class, more than to the general public.’ As *the Nation* addresses the buying and reading middle class what might be considered the public interest in this regard is narrow. Whereas more than 30 million people live in Kenya the circulation of *the Nation* is approximately 200 000.²⁶ The informant told me to look at the ownership of the paper: ‘you need to think about ownership of media houses. They always remind us that *the Nation* is a business (...).’

Commercial demands of the media house are also reflected in production routines. *The Nation* for example brings in Circulation Department when there is a ‘hot story’ in the pipeline in order to achieve the right publishing strategy.

As and when stories break the regular meetings in order to be held amongst the editors, start where and how to go about publishing the story. It could be a one-off story. It could be a series of stories. You bring in a variety of people, from circulation department, editorial people to discuss how to go about that story. Circulation may say ‘we should double or triple the print order’, because such stories sell as hot cakes across the land. So ‘in stead of publishing 200 000 copies lets publish 400 000 copies’. It is a day to day operation.

The circulation experts are brought in on the one hand in order to define the right number of copies to meet the demand from the newspaper buying audience. On the other hand commercial interests informs the unfolding of a story, in other words how it is designed by the newsroom in time and space. To some extent the very conduction of news selection and presentation is not only a matter for journalistic professionals but for other non-journalist decision-makers in the media house.

As corruption news is good news in terms of circulation it is also subject to competition. The competition between media institutions also serves publishing, according to Ezekiel Mutua at the Kenyan Union of Journalists (KUJ): ‘Because of the competition also, if one media house does not cover certain stories another one will cover’. Mutua informs that news media competition therefore also work in a different way. Ignoring corruption issues might be difficult to legitimise, according to him:

A: You don’t want to be seen to be ignoring major corruption stories.

Q: So this competition also contributes or is a cause... [interrupts]

²⁶ One informant however held that each copy might be read by as many as 20 people, thus making the actual readership many times bigger.

A: Yes, it is, because there is no monopoly. If you do not publish and your competitor publishes it the... the public will read you clearly... that you are a bet in corruption, you are trying to cover up and those things will be discussed.

The competition between papers might be considered biased or corrupt if they are perceived as ignoring corruption issues. Thus media practitioners perceive that media acquires legitimacy by avoiding representing factional interests and that this promotes journalism on corruption.

The role of the ownership is however not irrelevant, as *the Standard* experienced. The new editors of *the Standard* 'hit the roof' when they started to report on Moi's alleged involvement in corruption.

We didn't give a damn about the ownership of the paper. We were doing our thing as we understood. So the ownership of the paper were on the receiving end as much as the current Government. I mean I was publishing stories on corruption against the old regime and the current one. (...) One story that offended them really was one headline we had that related to Goldenberg: 'How I bribed Moi with 150 million.'

According to the informant 'that is when their hearts began to turn. How could we publish a story about bribing Moi implicating him in corruption and a crime in his own paper where he is a shareholder? I think from then things began to really swell out. We kept doing our job, and hit the roof,' the informant said. The Moi ownership was increasingly less willing to invest in the newspaper. 'We couldn't do anything. We wanted to do certain changes but it wasn't possible. And the editorial department was starved of resources.' It seems as if the newsroom was crippled of financial resources forcing the paper to downsize investigative efforts in 2004/2005. In 2005 *the Standard* only had one full time investigative reporter.

Editorial freedoms, as these relate to corruption issues, thus seem to be circumscribed by the interests of the media owners. Whose interests are represented by owners is a much more difficult issue to answer since ownership also is a contested issue. As mentioned it is believed that Moi still owns *the Standard* through proxy businesses. Wamwere holds that Moi also have ownership interests in *the Nation*. There is not much evidence to substantiate this claim. The KUJ representative Ezekiel Mutua however holds that politicians buy shares in the mainstream press (through proxy) in order to influence editorial policy and get an avenue to intervene in editorial decisions. Neither confirming nor denying multiple political ownership in the Kenyan media, what is clear from these accounts from media externals is that the issue of ownership is subject to controversies and speculation. It also indicate that journalists in Kenya are perceived to enjoy a limited or circumscribed autonomy.

Media ownership and autonomy

Gecau observes that ownership control is highly concentrated in Kenya. This is problematic, according to Gecau, as editors and media owners share the same material and ideological interests as the political leadership of the country (1996: 203). He underlines that managers and editors are drawn from the same 'pool of people' as politicians, businessmen and bureaucrats share the same background of socialisation and politicisation.

In the colony and post-colonial situation, the press, in any case is the media of the elites – whose aspirations it articulates. The press serves the new [postcolonial] elites as a powerful symbol of their newly won independence.

Gecau seems to understand those with political and economic power as one class with similar interests (1996: 213). It is however problematic to uphold a notion of the elite as one and unified, as society is divided along vertical lines allowing for some competition within the elites. This is also acknowledged by Gecau: 'Kenya's clientelist political system led to fractions and strata within the dominant group of notables fighting among themselves along seemingly ethnic lines' (1996: 207). The ethnic component of party politics is also underlined by others (Throup and Hornsby, 1998; Anderson, 2003; and Throup, 2003). I would claim that it makes more sense to see the political-economic elite as plural but holding unequal power of influence relative to relations with political office holders, and that this also impacts on news production in the Kenyan mainstream press. In this context it should be mentioned that the premium of holding office is high in Kenya as it is in other clientelist societies.

State-media relations are thus more important, in my view, especially with regard to journalism on corruption that targets individuals in the very political and economic elite. In this regard it is also interesting to note that President Moi and Kanu continued a clientelistic use of state resources in order to influence the press after the introduction of multipartyism. This was less the use of the police to harass or the judges to outlaw publications but more the particularistic granting or denial of broadcasting frequencies based on loyalty. This is for example observed by (Okello, 2000; Kiarie, 2004; and Barland, 2005). The Kanu interests in *the Standard* through Lonhro and then as owner is also interesting in this regard. Moreover, Kanu seemed to understand the business level of the media as an interesting avenue of influence, and used the Judiciary as an instrument, according to Kiarie, who also suggests when this strategy was employed.

The Kanu government used the Judiciary to legitimize its campaign to silence the media. This tactic began in 1998, when former president Moi attacked the independent press. There then emerged a trend in which powerful individuals in

government rushed to court to apply for orders restraining newspapers from publishing adverse information about them (2004).

Now, the increased frequency of libel suits and the escalated awards might be understood as the use of powerful government individuals as an avenue to stop bad publicity. The use of the ownership and their business interests as an avenue in order to negotiate news must thus be examined more closely in a new political context in order to understand journalism on corruption.

Summary and comments

The Kenyan press enjoys formal independence from the state. It is privately owned, enjoys constitutionally protected freedom of expression shaped by different laws and regulations. In particular libel laws accounted for the above impact on corruption reporting in Kenya. During the 1990's and 2000's the number of libel suits increased. This is interpreted as a consequence of increased awards given to the complainant in libel cases and makes it less profitable for media firms to encourage journalism on corruption. Its impact on newsroom practices will be further analysed in chapter 6 to 8.

Based on the analysis above we might conceive the Kenyan mainstream media as pursuing investigations into corruption issues driven by commercial, non-factional interests and demands by its reading public. However, this chapter shows that this is a small public narrowed to the literate and news paper buying middle class audience of the Kenyan media. It might be suggested that journalism on corruption serve a middle class struggle for universal values, non-factionalism, and the rule of law. This role is amended by ownership influences into news reports on corruption. As the examples above suggest ownership interests circumscribe journalists' ability to report freely on any corruption issue. Their journalistic freedom is relative to ownership interests.

Analysis of media ownership and legal regulations provides a framework for our understanding of the Kenyan mainstream press reports on corruption, but it does not tell the whole story. If we accept that the mainstream media enjoys a relative independence, journalism on corruption must also be analysed as negotiations over control between media practitioners and their external contacts, the sources of journalism. These negotiations are multiple with regard to agents and involve different layers of decision makers. The mainstream press is particularly interesting in this regard as it is formally independent based on revenues from sold copies and advertisements, but interwoven in external relations at different levels of organisation. The interests of media owners and their occasional

interference in editorial decisions also create avenues for powerful sources. This will be more closely examined in chapter 9.

Chapters 6 to 8 analyse the content of, the production of, and negotiations over corruption news as these take place in different institutional contexts. Approaching news production I first analyse qualitative and quantitative aspects of journalism on corruption from 2001 till 2005.

5. Corruption coverage in the mainstream press 2001-2005

To what extent does the Kenyan mainstream press cover corruption? Have there been any changes in terms of coverage? And if so, what signifies these changes? A starting point for my fieldwork explorations and enquiries into journalism on corruption was to measure the volume written on corruption in the Kenyan daily newspaper *the Nation*. In this chapter I present the volume of journalism on corruption in this Kenyan newspaper from 2001 till 2005; and account for different patterns and changes in the volume in the same period of time by genre, year, and month. I also account briefly for periods when the corruption content peaked.

Kenyan mainstream journalism

Genres of journalism

Newspaper journalism consists of different genres. John Street (2001) observes that journalism genres are not ‘fixed or universal’. They are regular practices, historically evolved and shaped in different cultural, political and regulatory contexts and represent ‘particular cultural form[s]’ (Street, 2001: 44). One way news workers operationalise objectivity is to separate opinions from news through the use of different genres. Whereas opinions are normally seen as expressions of subjectivity, conventions for news production on the other hand emphasise objectivity, balance and impartiality (Street, 2001: 18). In my study, I have measured journalism on corruption by different variables: *news articles* (including notes), *commentaries*, *letters*, *news analyses*, *editorials* and *opinion articles*.

News consists of many sub-genres such as politics, business, sports etc. Street holds that the news genres differ depending on its relative dependence on advertising and according to the regulatory regimes premising news reports in different societal contexts (Street, 2001: 44). News on corruption in *the Nation* is reported particularly in the sub-genres of Parliament, politics, and business, but also other sub-genres as sports. The different subgenres of news occur in different sections. Politics is normally highlighted on the first pages of the paper.

Commentaries diverge from news articles as they provide for the writer’s opinions and analyses. The genres of commentary enable journalists to comment on news reports they construct on different issues. In commentaries the journalist’s own opinion on the issue at stake is thus reflected. He provides ‘an (assumed to be) authoritative viewpoint’ on an issue (McNair, 1998: 10). Newspapers also have different regular columns where in-house

journalists or personalities external to the media house are invited to write on different issues on a regular basis. Another opinion genre is the editorial. The editorial traditionally reflects the opinion of the paper, the editor, or the owner.

The Nation provides several opinion columns in different sections of the paper. First, *news analysis* provides for journalists analysis of particular issues in that day's newspaper and occur among the regular news in the paper. Journalists' distinctions between news and news analyses are examples of the operational separation between objective reporting and opinion. The journalist's commentary or news analysis is published on the same page as the news story. Second, page 8 is usually devoted to *opinion and analysis* by in-house journalists and editors. Third, page 9 provides space for commentaries written by non-media personalities from politics and professional life. The *Fifth columnist* was at the time of my fieldwork senior newsman Philip Ochieng's regular column. The *Cutting Edge* column reviews many news events with short ironic comments. Fourth, the paper contains a section with *letters to the editor* from individuals. The latter includes the column *Talking Point* highlighting one letter over the others in terms of layout and length. Fifth, the editorial and the colophon in *the Nation* occur normally in the left column on page 8. Usually two different issues are subject for the papers opinion. Occasionally only one issue is commented on.

The front page as an argument

The Kenyan newspapers are not subscription papers. Thus the front page of each edition serves the purpose of convincing the literate and possible buying audience of the paper. It serves as an advertisement for the editorial product.

At the time of fieldwork *the Nation* designed the front page according to different templates. One story is always highlighted in terms of space, headline letter size and photo. Sometimes the paper provides two other stories with headlines and parts of the body text. Sometimes it just provides a few headlines and reference to the pages where the article is published.

A quantitative analysis of extent and change

In September (and then completed in November) 2005 I undertook a quantitative analysis of journalism on corruption. The purpose was to measure the extent of journalism on the corruption issue and possible changes in reporting patterns. First, articles published between January 1st 2001 and September 30th 2005 filed in the NMG archives under the label of

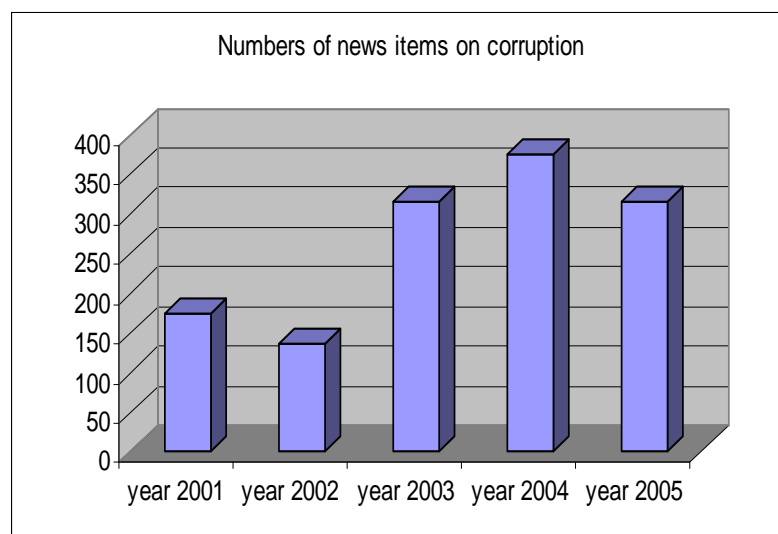
‘corruption, general’ and ‘scandals’²⁷ were coded according to prefixed variables of genre. The variables are news articles, commentaries, letters to the editor and editorials. Second, the number of front page references was counted. The extent of front page stories serve as an indicator of the news value of corruption issues or perceived public interest in the issue. Third, the length of articles was also measured. A constructed year was created by measuring the length of articles every eight day for the years 2001 and 2005. The latter exercises were undertaken mainly in order to qualify the first analysis. As the length of articles counted varied from small notes to full page stories, the length of articles serve to qualify the results. The chapter provides a descriptive analysis of the data. For details on the methodological approach, validity, and reliability I refer the reader to chapter 3.

News reports on corruption

News reports on corruption are news items in different subgenres. *The Nation* published 175 news items on corruption in 2001. In 2002 this number decreased to 137. The number then rises after the regime change 29 December 2002 to 314 in 2003 and 376 in 2004. During the first nine months of 2005 *the Nation* published 316 (see figure 5.1).

Fig. 5.1: News articles on corruption and scandals in the Nation 2001-2005

The number of news articles published in the Kenyan newspaper was 175 in 2001, 137 in 2002 and 314 in 2003. It increased further in 2004 to 376. During the first nine months of 2005 the Nation published 316 articles. These numbers do not differentiate between long and short articles.



The most remarkable change seems to occur between 2002 and 2003 as news production more than doubled in numbers from 137 to 314. In percentage terms this accounts for a 131 per cent increase. When combining data from 2001 and 2002 and then comparing it with the aggregated data from the years 2003 and 2004, the same trend is evident. On average *the Nation* carried one news item on corruption every other day (0.42 per day) in 2001 and 2002. This number more than doubled in 2003 and 2004. On average the paper published 0.95

²⁷ This file contained mainly corruption articles and was considerably smaller than the first mentioned. Those articles which did not concern corruption were left out.

articles on corruption per day during these years. In percentage terms there has been an increase of 121 per cent from 2001 and 2002 till 2003 and 2004.

As accounted for earlier, the lengths of the news items vary. Have I measured the right trend? In order to qualify the numbers I have compared the volume written on corruption in 2001 and 2005 by the length (column centimetre) published. Every eighth day in 2001 and 2005²⁸ all articles on corruption were measured, thus creating a representation of two years without leaving out any particular weekdays. The representation of 2001 consists of 46 days. 787 column centimetres were written on corruption on 11 out of these 46 days. On average 17 column centimetres were published on corruption each of these 46 days. If I account for only those editions containing corruption stories the volume is 71.5 column centimetres.

The representation of 2005 consists of 39 days. 1551 column centimetres were written on corruption on 17 out of these 39 days. On average 40 column centimetres were published on corruption each of these 39 days. If I account for only those editions containing corruption stories the volume is 91 column centimetres.

This comparison by column centimetres of volume published does not change the trend depicted earlier. Rather it confirms it: the volume of corruption has increased by more than 100 per cent (from 17 to 40) from 2001 to 2005 according to the data gathered.

Representing the publisher: The editorial

The volume of news articles is one way to measure the level of attention given to a specific issue. However there are other ways of representing symbolic importance. In this section I measure the extent to which corruption is subject to attention in editorials. Traditionally the editorial represents the voice of the publisher of the outlet. The newspaper addresses its readers in its 'public voice' (McNair, 1998: 10). NMG sees their editorials as 'the authoritative voice of the group' and 'the flagship of the various media platforms'. The editorial will normally 'comment on the most significant events of the day' (NMG, 2003: 6).

A quantitative analysis of the attention of corruption in the Kenyan medium's editorial is particularly valuable for two reasons: first, the size of this column has been the same even if the newspaper has increased in size now including different sections such as 'Business', 'Lifestyle', and others sections making the newspaper bigger in volume. This make this column particularly fitted for analyses of change of attention given to the issue of corruption. Second, the editorial is traditionally used as column where the media house expresses its views on issues high on the public agenda. Whereas the number of news items might not

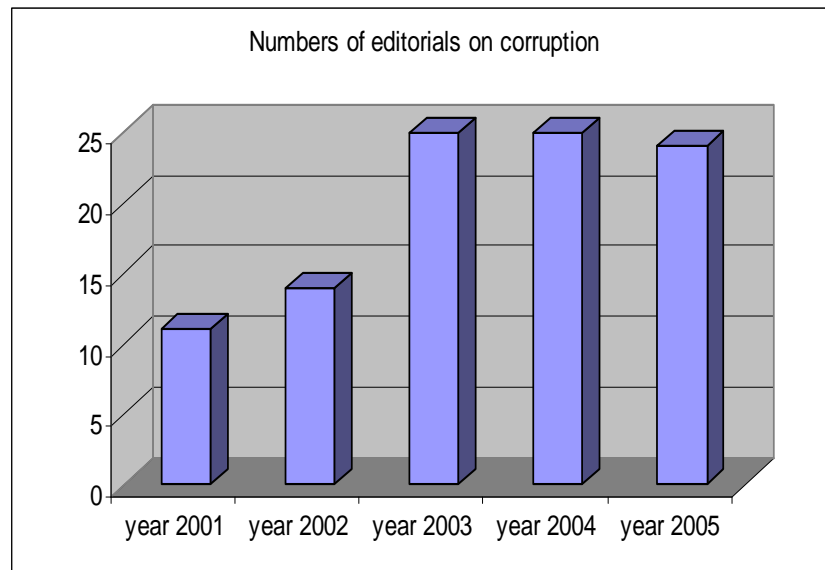
²⁸ First nine months only.

indicate the relative importance of corruption vis à vis other news stories of the day the editorial is exclusive as the space is fixed and limited. As such it is a good indicator of the relative importance the authority of a media house gives to a topical issue.

The Nation published 11 editorials on corruption in 2001; 14 in 2002; 25 in both 2003 and 2004; and 24 during the first nine months of 2005 (see fig 5.2). The number of editorials on corruption issues have doubled from an average of approximately one every month in 2001 and 2002 (1.04 per month) to two per month (2.08) in 2003 and 2004.

Fig 5.2. Editorials on corruption published in the Nation 2001-2005.

The Kenyan daily published 11 editorials on corruption in 2001; 14 in 2002; 25 in 2003 and 25 in 2004. During the first nine months of 2005 the newspaper commented on corruption in 24 of its editorials.



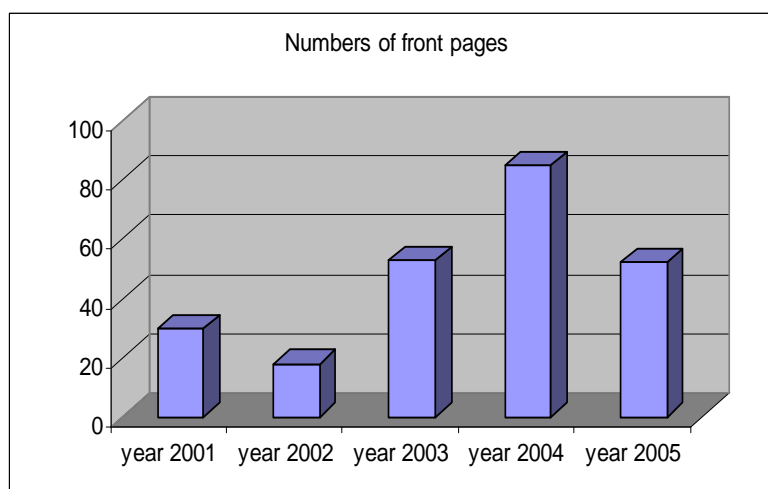
The numbers of editorials seem to confirm the main trend accounted for in the section on news content on corruption namely that the issue gets increased coverage after 2002. It is also interesting to note that the number of editorials increased from 2001 to 2002 counter to the trend in news content.

Representing the public interest: The front page

Yet another way to analyse the relative importance of corruption reports is the front pages of the newspaper. What is on the front page is also a representation of significance. It is also the poster that is there to sell the newspaper, and thus highlights what is considered most newsworthy. As Jewkes notes ‘news values cater for the perceived interest of the audience and they capture the public mood; a factor usually summed up by news editors as “giving the public what it wants”’ (2004: 61). Serving as a poster for each newspaper edition the front page is supposed to sell the issue by its appeal to and adherence to consumer interests. The number of front page stories on corruption was 30 in 2001, 18 in 2002, 53 in 2003; and 85 in 2004. By 31st of October the number was 52 for 2005 (see fig. 5.3).

Fig. 5.3: Numbers of front page stories on corruption 2001-2005.

The number of front page stories on corruption was 30 in 2001, 18 in 2002, 53 in 2003; and 85 in 2004. By 31st of October the number was 52 for the year 2005.



The trend is that front page coverage has almost tripled from 2001 and 2002 to 2003 and 2004. The increase in per cent is 188 per cent. What becomes news is premised by a lot of factors including the supply (Tiffen, 1989) or availability of sources. What become front page stories is to a larger extent a commercial consideration. The fact that front page attention in per cent has increased more than the actual news coverage of the topical issue, might suggest that the perceived audience's preferences of corruption stories increased in the period 2001 till 2004. The newspaper buying audience (as perceived by news workers) seems to prefer corruption issues relatively more than they used to prior to 2003. This might be a preliminary hypothesis as I proceed from analysis content to analyses of process. There might be other valid ways to interpret these trends.

Preliminary conclusions, quantitative content analysis²⁹

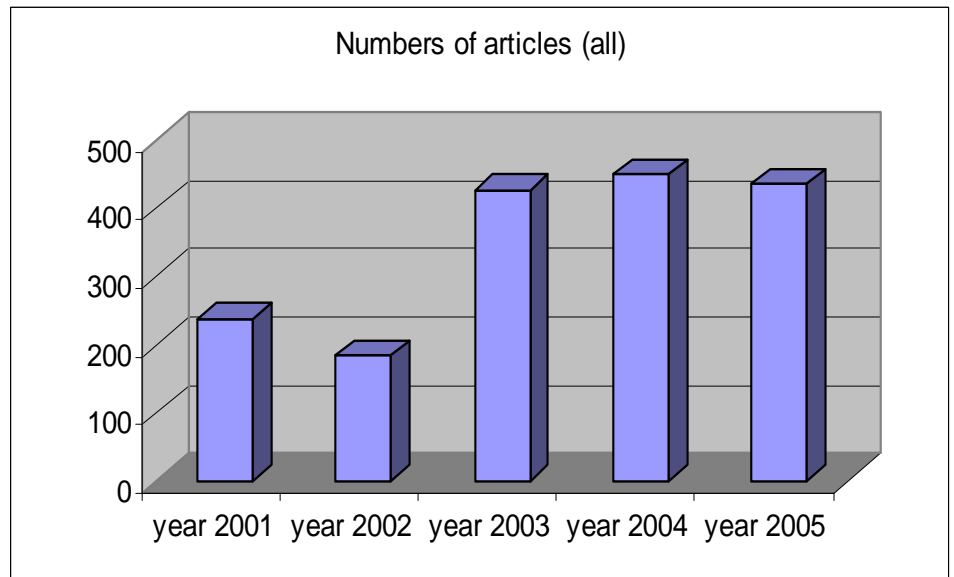
Figure 5.4 shows the overall numbers of all articles published in the period 2001 till 2004. The numbers include all articles; news notes, news articles, news analyses, commentaries and columns, editorials and letters to the editor. In 2001 *the Nation* brought 239 articles. In 2002 the number decreased to 184. The number increased to 427 in 2003, 449 in 2003, and 435 by the first 10 months of 2005. The graph shows that *the Nation* has written more articles on corruption after the regime change in 2002 than prior to it. On average *the Nation* has published more than one article on corruption every day from 2003 till 2005. In conclusion: the graphs presented seem to suggest a consistent trend. The reporting of, commenting on, and

²⁹ Data on opinion articles are available in appendix 4. These don't diverge considerable from trends accounted for in this chapter.

representation of corruption has increased between 2001 and 2005. The change from 2002 to 2003 seems to be significant³⁰ as the coverage doubled in the late years of Kanu rule (2001-

Fig. 5.4: No of published articles on corruption in the Nation 2001-2005 (all)

The numbers include all genre articles; news notes, news articles, news analyses, commentaries and columns, editorials and letters to the editor. The Nation published 239 articles in 2001, 184 in 2002, 427 in 2003, and 449 in 2004. During the first ten months of 2005 the newspaper daily published 435 items on corruption.



2002) if compared with Narc's first two years in office (2003-2004). It is also interesting to note that corruption was less reported in the election year 2002. This might suggest that less emphasis was put on the disclosure of or reporting on corruption prior to the election. This is contrary to what is popularly held; namely that corruption issues were important for the election in 2002 (see for example Sihania (ed.) 2005). A counter trend in this regard is the number of editorials that actually increased in 2002 compared with 2001 maybe indicating that the management of the paper still upheld the topic of corruption and reform in the election year. There seem to be a similar trend in the year 2005 as corruption coverage drops during the year as the referendum on the proposed new constitution approaches, whereas the number of editorials is upheld.

Corruption stories in the mainstream press

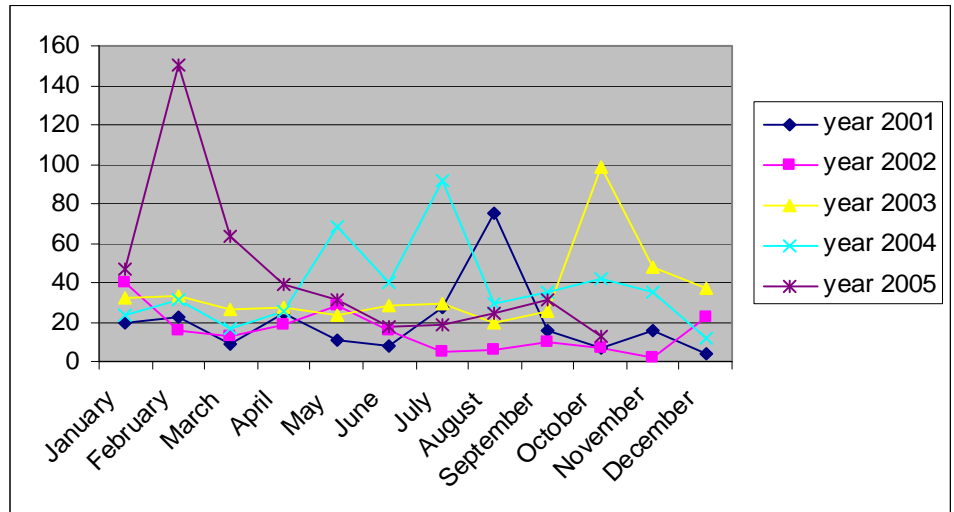
The change from 2002 to 2003 seems to bear most significance as the coverage doubled. However, a closer look at the trends suggests that these changes are not as linear as they seem when categorizing by years. Categorised by month the pattern is more nuanced. As figure 5.5 shows, there are differences within a year as to how much is written on corruption in the news media. The data the graph is based on includes all articles on corruption regardless of genre. There are differences within a year as to how much is written on corruption in the mainstream press. Corruption is reported more intensely in certain periods of time than others. The

³⁰ A reservation must be made in this regard as the data has not been tested for statistical significant differences (Holme and Solvang, 1991: 296).

numbers of front pages seem to follow the same trend (see fig 5.6). The peaks are more prominent in the years 2003, 2004, and 2005 than the previous years. The data might suggest that the change is more of periodic intensity than of the day-to-day reporting. First it is interesting to note from fig. 5.5 and 5.6 that corruption coverage and front page attention during the year 2005 declined throughout the year.

**Figure 5.5:
Corruption reporting by month 2001 - 2005**

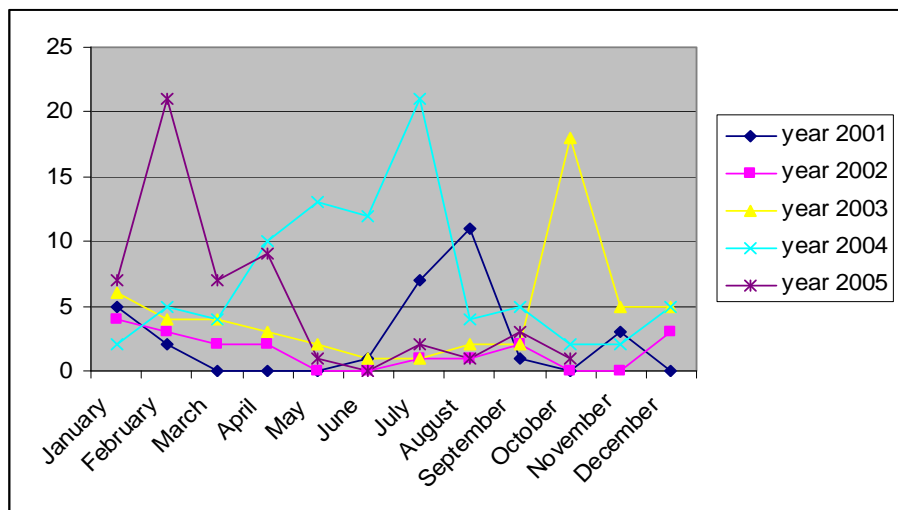
The graph is based on all articles on corruption regardless of genre, and shows some significant peaks in October 2003, April and July 2004, and February 2005.



The peaks shown in the figures correlate to some extent and show that corruption was high on the agenda in October 2003, May and July 2004, and February 2005. In July 2004 and February 2005 for example *the Nation* brought 21 front page stories on corruption. On average two out of three editions carried news stories on corruption on the front page during these months. Below is a review of the front page stories during these peak periods. This short review is included in order to highlight how graft stories might unfold and to explore how the multiplicity of sources, overt and covert, contributes to their creation.

Figure 5.6: Front pages on corruption per month.

In February 2005 and July 2004 the Nation brought 21 front pages stories on corruption. Two out of three editions on average brought news stories on the front page these months.



October 2003: The Ringera reports on corruption in the Judiciary

The disclosure of the so-called *Ringera reports* on corruption in the Judiciary contributes to the October 2003 peak. The reports were the subject of 20 front page news reports in October 2003, plus news, commentaries and editorials in the course of the month. On the 3rd of October the front page of *the Nation* informed its readers: ‘Sh15m: What it costs to bribe Appeal Court Judge’, followed up next day as the Chief Justice (CJ) Evan Gicheru told the judges accused of corruption that they should ‘Quit or face trial’ (Kadida and Mugonyi, 2003). Details of the alleged misconduct was made public after journalists on Tuesday 7th after Nation journalists conducted several interviews of judges, magistrates, court officials and complainants (Nation team, 07.10.2003).

The judges however held that they would not quit (Kago and Kadida, 12.10.2003). ‘CJ sends judges ultimatum letters’ the headline said (Nation team, 15.10.2003), and according to the news report 25 judges were asked by the chief justice to resign or face ‘disciplinary tribunals’. One of the judges ‘it is understood have pleaded with the CJ – but in vain to have his name removed from the list.’ The next day the names and pictures of 23 judges were on the front page of *the Nation* following the headline ‘Suspended: Judges who will face graft tribunal’, using the *Kenya Gazette* as their source of information (Nation Team, 16.10.2003). A few days later some judges preferred to step down in order to avoid standing before a tribunal, according to ‘sources within the Judiciary’ (Njeru and Munene, 18.10.2003). However, the moves to get rid of judges were not applauded by everybody. On the 19th of October four MPs urged the President to address graft in his own cabinet before targetting the Judiciary (Mwandotto and KNA, 19.10.2003). On 21st of October the President announced that ‘the day of reckoning for those engaged in corruption has come’ (Rugene and Mugonyi, 21.10.2003). 23 judges and magistrates appointed during the Moi regime resigned or were forced to quit following the graft reports.

May 2004: The Anglo Leasing and Finance scandal

The first major corruption scandal that hit the Narc administration was the so-called Anglo Leasing scandal. The initial revelation happened in Parliament on 20th of April 2004 as Kanu MP Maoka Maore tabled documents allegedly proving that the Narc cabinet had misconducted tender procedures for immigration security and terrorist proof passports. The accusations were reported the next day (Orlale, 21.04.2004). The magnitude of the scandal was soon to be discovered as the scandal was termed the ‘new Goldenberg scam’ by an MP comparing it with the multibillion corruption scandal of the 1990s. According to *the Nation*

front page headliner the Vice-President would be quizzed in Parliament (Nation Team, 22.04.2004). Three days after the disclosure in Parliament *the Nation* brought front page news that Permanent Secretary John Githongo at the Office of the President had ordered the anti-corruption police, the KACC to launch investigation into the matter. The article also held that the PS of the Ministry of Finance was in the spotlight over the scandal (Nation Team, 23.04.2004). The PAC of the Parliament launched its own investigations, and the Minister of Security Chris Murungaru suspended the contracts awaiting the investigations. As more information on the scandal was disclosed, four top bureaucrats were suspended and later charged. In January 2006, one and a half year after the scandal was disclosed the Ministry of Finance decided to resign from the cabinet. So far no one has been convicted of corruption.

The gradual disclosure of Anglo Leasing scandal in April 2004 contributed to peaks in May and July 2004. During the first days reports were made mainly from the Parliament beat and Government. *The Nation* then started disclosing results of their investigations. They revealed that a businessman ‘with high level links in the Kibaki Government’ was involved (Nation Reporter, 26.04.2004); that the firm which was granted the tender did not exist; that the very same company was involved in ‘yet another deal’ (Okwembah, 27.06.2004); and the person they claimed to be ‘The man behind Sh7 billion finance scandals’ (Nation Team, 16.06.2004). Unfolding and reporting the Anglo Leasing issue, the paper also used leaked documents and covert sources besides regular overt beat reporting. The paper suggested that a famous businessman was involved (Njoka, 28.04.2004); it questioned whether the police investigation had been ordered to stop, quoting covert sources (Nation Team 03.05.2004); it brought exclusive information that two permanent secretaries had been questioned by the police (Muiruri, 04.05.2004), it revealed details of statements given in a closed Parliament committee meeting (Okwembah, 04.06.2004), and details of investigations (Wabala, 27.07.2004). Government sources were quoted in the paper claiming that the money paid to the firm had been paid back (Agutu and Gatheru, 09.07.2004). The scandal was intensely reported on during the summer 2004 and has occasionally been reignited later.

February 2005: Clay’s dossier and Githongo’s resignation

The claim by the then British envoy to Kenya Edward Clay that there are 20 more cases of high level corruption yet to be disclosed (Nation team, 03.02.2005), and the following resignation of the head of the anti corruption department at the Office of the President, John Githongo (Rugene, 08.05.2005) are followed by a series of front pages, corruption news articles and commentaries in a ‘staged drama’ (Eide and Hernes, 1986) in the weeks to come,

explaining the February peak in fig 5.6 and 5.7 above. The US reacted to the news deciding to withdraw development funding to Kenya (Bosire, 09.02.2005) and cabinet members urged the President to act (Rugene, 10.02.2005). Kibaki then ordered investigations into ‘suspect contracts’ (Nation team 11.02.2005). The next day ‘Key ministers urge end to secret deals’ and demanded dismissal of minister colleagues involved in corruption (Nation Team, 12.02.2005). The following day *the Nation* claimed that ‘Half the Cabinet is not clean’ recapturing who has been publicly mentioned in connection with graft or ethical breaches (Mathenge, 13.02.2005). The day after that President Kibaki reshuffled his Government and sacked two permanent secretaries (Nation reporter, 15.02.2005).

The Nation revisited the dossier of Edward Clay the very next day disclosing the list of questionable deals the Government allegedly was undertaking (Okwembah, 16.02.2005), and two days later *the Nation* announced that a special cabinet meeting was to be held on corruption issues the same day. Ministers were, according to ‘sources close to the Cabinet’, urged not to accuse the Government of graft (Nation reporters, 18.02.2005), and the next day the Cabinet announced ‘tough stand on graft cases’ (Mugonyi and Namunane, 19.02.2005). The coverage also brought irritation from members of the cabinet. Cabinet minister Amos Kimunya suggested that the British envoy be questioned on whom his covert source of information was (Kago and Mugonyi, 22.10.2005). From 3rd to 19th of February corruption was the main front page news story 14 times in the Kenyan newspaper daily.

Summary and comments

The quantitative descriptive analysis suggests that journalism on corruption has increased from 2001 till 2004. The number of news items, editorials, opinion articles and front page references on corruption all suggest that the issue of corruption has increased by 100 per cent when 2001 and 2002 numbers are compared with 2003 and 2004 numbers. During the year 2005 there is a decline in corruption coverage. Within each year there seem to be differences in the intensity to which corruption is highlighted. Corruption is periodically a big issue. In February 2005 and July 2004 *the Nation* brought 21 front page stories on corruption, an average of two front pages in three days for those periods. However, between the peaks there are sometimes weeks with no front page stories on corruption. A brief account of periods of peak coverage suggests the importance of credible sources for the revelation of corruption. It also suggests that the ability to achieve credible information on corruption premises coverage of it. For this the participation of covert sources is important.

6. Institution, organisation and corruption news values

'I expose corruption, you know. I destroy networks of people and I destroy their earning, because those people have earned nothing but corruption.

Kenyan reporter

How do professional norms, journalists' idea of news and journalists' ideas of journalism inform news values, and how are routine practices amended by organisational demands. The existence of 'shared norms distinct to the profession' as protection of sources and newsworthiness (Mancini, 2004: 34) must be observed. However these are not a static fix. In the process of news production the news institution is reproduced and changed. Inspired by Eide (1992) I would state that journalist cultures and norms structure journalist action, and provides journalists with resources when conducting journalism.

Tiffen (1989) notes that there are several dimensions of news values and that these might be conflicting. He stresses that 'it is more important to understand the severe qualifications of any consideration of news values'. As journalists share professional values and norms of the news institution their work is framed by organisational demands. This chapter explores the news institution and how it is negotiated by organisational demands. Ericson et al (1987) underline that as media practitioners' news judgements are based on journalists' social norms; working and occupational ideologies of the journalist and sources; and 'the dominant ideology in society', judgements are made contextually. I analyse whether journalists' way to value news on corruption and whether professional norms or the practices of these norms have changed from 2001 till 2005.

News values of corruption inform distinct but related processes of news production. First, it relates to the news production as journalists interact and negotiate with their sources. Second, it relates to the selection of news items for publishing by managers or editors in the newsroom. These negotiations are analysed in the next chapters.

Journalists ideas of corruption news

How do journalists understand the news value of corruption and the role of journalism on corruption? One journalist informant reflected on his role and expressed that

I have always think that our job as journalists is basically to call Government or public attention to the welfare of the society whether it is undermined by the Government or by private interest. It is our job to raise the flag and say 'hey, this is going on. We don't think it is right for the greater good of the public.' That is really where our job lies.

One way to interpret this statement is that Kenyan journalists uphold a notion of the Kenyan in a vertically divided society upholding the ideal of the rule of law. Officially corruption is rejected as deviant both by the mainstream press and the sources of journalism. Ericson et al (1987) hold that journalism seeks common sense; that the main news value is deviance; and that news media act as agents of control suggesting remedies for deviances and anomalies in society. Journalism produces or reproduces ‘common social knowledge and social values.’ Journalists’ ideas of news are informed by the image they bear of their own occupation, how they perceive themselves as professionals. Ericson et al (1987) hold that news values relate to the dominant ideology of society. Journalism might be understood as serving the public interest as it ‘addresses authorities who are distant from the rest of us, and does so on our behalf’ (Ericson et al, 1987: 17). What is in the interest of the public is contextual. Professor Ciru Getecha states with regard to how corruption in Kenya is perceived in a local context ‘They may even say I am a hero because I have been able to enrich myself. There is no social sanction against the corrupt people’. The acts of individuals are perceived differently in various contexts.

I will argue that the Kenyan mainstream press provides a frame for the understanding of certain practices as corrupt or unacceptable, and a language for the perception of society as Kenyan rather than tribal. What is termed deviant or corrupt in the news is thus what news workers perceive as values shared between themselves and their reading audience, namely the literate multicultural and urban middle class.

Corruption news values

As the Narc Government came to power on an anti-corruption platform they created a framework for the evaluation of their performance. If anti-corruption is the norm to be followed, the lack of initiatives, investigations, or prosecutions might be considered deviant by the mainstream press. As one informant put it, ‘the Narc Government was elected on a platform of fighting corruption. Therefore everybody is looking out for anything that would confirm that they are not seriously doing it.’ This is a change from the past according to one informant:

A: this Government was elected to power on anti-corruption. (...) That is why you see that stories on corruption is more now than when Moi was in power. When Moi was in power, corruption was all over. (...) In fact it was no big deal hearing somebody was investigated for corruption.

Q: it was not newsworthy actually?

A: Exactly. Exactly. But now the people who took over told us they are going to fight corruption, there will be zero tolerance to corruption.

In October 2005 I went to a press conference in Nairobi where a report on corruption in parastatal organisations from 1992 till 2002 was released. The report presented old corruption committed under the former regime. During his speech at the conference Maina Kiai, the chairman of the Kenyan Human Rights Commission, urged the journalists also to look behind the figures. Look up those heading the parastatals. ‘What are they doing now?’ Kiai thus provided journalists with a new angle for the reporting of old corruption. Reframing old corruption is necessary for anti-corruption players to gain journalists interests. One of my journalist informants underlined that old corruption lacks news value as it comes ‘post mortem. It comes after somebody has died.’ Discussing the Auditor General’s report he held that

Some of them [corruption cases] are as old as three or four years, so if you look at Auditor’s report you are likely to be doing a case of a scandal that happened two years ago. So it is really not fresh. (...) And if you are going to wait for the Auditor General’s report it hasn’t come out you are operating two years behind, everything would have been ‘eaten’³¹ and life would have moved on.

Newness is also a frame for corruption reports, understood both by Kiai and my journalist informant. Old corruption is most interesting in the context of the present.

What gives meaning to journalists in the mainstream press reporting to a multiethnic national (but still middle class audience) is to report what they term ‘high level corruption.’ The value of corruption as news is relative to the power of the individual performing misconduct according to an informant:

A: Lets say a small man in courts, then he takes a bribe of one million, that one we don’t consider newsworthy.

Q: why not?

A: but when a big person, even me, takes a bribe of twenty Ksh that is big news. Cause we tend to make stories juicy depending on the individual.

Many stories involve both, however. The Anglo Leasing scandal for example involved three ministers and five top ranking bureaucrats and the fraud of many million Ksh from public spending. Likewise the Goldenberg scandal of the 90’s was reported for the extraordinary amount of money involved in the fraud.

Journalists ideas of journalism

Corruption is a good story from the journalistic perspective, that we... the media consider ourselves to be the watchdog of society. We must blow the whistle every time we know things are going wrong.

³¹ ‘Eating’ is a common used term for undertaking corruption.

Journalists consider themselves as watchdogs, and investigate corruption as a journalistic mission. However, media workers perception of what their audience demands and appreciates is also an important aspect of news judgement. Satisfying the audience demand and increased circulation also bring satisfaction to news workers. According to an informant, journalists perceive that the newspaper audience wants corruption exposed and so get inspired:

When we expose a big scandal of corruption and all that, it is reflected in the newspapers sales of that day. People wish to see that issue exposed and people punished. It is a motivator.

Satisfying the audience's demand inspires journalists and add meaning to their routine practices. However, it is difficult to separate what is undertaken in order to serve the commercial interest of the media house and what is the journalists' own idea of news on corruption. As one of the informants says, every journalist wants a front page story. Corruption stories aspire to front page exposure, and a front page by-line also adds meaning to the practice of journalism for journalists. Another informant holds that the exposure of corruption is also serving journalists as it serves any other:

Corruption inflicts on everybody very badly. In that way we serve ourselves. It is something we do without much prompting. Stories on corruption especially high level corruption is a story that any journalist will jump at.

Reporting corruption also make journalists feel powerful. They impact on the work of societal institutions and political and administrative decisions.

I think the thrust in those stories is that we like to see it addressed. When you publish something, a story that relates to corruption, you aspire to get those people arrested. You get the scandal investigated, and the people behind it arrested. And of course in the end of the day it all reduces corruption in the country. That is our desire. We now write about corruption and action is taken. The anti-corruption authorities follow up and investigate. That is our desire. It is happening. People are actually being arrested. Some are being transferred. Some are taken into court. That trend, we believe, can only be enhanced with regular reporting on corruption as on when we get evidence. And I think the general readership is very happy with that campaign.

This perspective is contrary to the idea of media as a mirror reporting objectively about events in society. The statement brings to the forefront media as an *active player* not only reflecting the acts of sources but also actively constructing meaning and shaping political culture and institutional practices. One informant perceived journalists as 'activists' holding they had a mission to change societal ills: 'it is about the mindset you bring... to do something about corruption.' According to the informant activist journalism 'takes you away from the middle ground' as a certain subjectivism is applied to journalism. This is however a contested view on journalism that will be discussed below.

Changed perceptions of corruption news value

The journalists' perception of what is the public's interest is relative to conjunctures and events. According to several informants the political climate changed after the regime change in late 2002 and this impacted on journalists' perception of corruption as news. The news value of corruption increased as media are provided with a frame to evaluate the sitting Government. The new anti-corruption rhetoric did impact on media norms. The rhetoric served as an incentive to undertake journalism on corruption. One informant explained that

when the Narc took power again President Kibaki, his ministers almost always campaigned against corruption in the first year, in the second year of the Narc the accent was on rooting out corruption with the Government saying it was out to fight corruption.

Government promises are now used as an incentive to investigate and a frame for covering corruption:

The Government has committed itself to the agenda to fight corruption. So in the process the media observe corruption as an issue, since the Government has committed itself to fight corruption so the media say 'OK fine, we take on your want and we want to check on this'.

As other institutions act on news reports it adds meaning to the practices of corruption reporting.

There is more satisfaction being a journalist, because what they write is acted on. This is unlike before you just wrote and wrote and nothing would happen. To me, it has been a significant improvement. There is more pride in actually exposing these criminals in business because there is normally action in the end of the day. Before, during the Moi regime, nothing would happen.

A new felt power might thus have increased the value of corruption as news; as such journalism on corruption matches journalists' idea of journalism as a protector of the interest of the public.

Professional norms and organisational demands

How do professional norms shape news values? And how do organisational demands shape professional practices. Above I introduced 'activist journalism' as a term. This idea of journalism is contested in Kenya and in the mainstream press. In a commentary on the 15th of January 2005, Peter Mwaura discusses how journalist can avoid being 'burned by a hot story' (Mwaura, 15.01.2005):

When covering a story about corruption, it is safer to let the facts speak for themselves. No interpretation, no conclusions, no opinions. Just the facts. The job of a journalist is to find and report the facts as they exist, not to make them look bigger than they are. A journalist should always remember that he is a reporter, not a member of the opposition or the Baghdad Boys.

As newspapers in this country compete with one another in exposing corruption and other wrongs, they face many hazards – threats of criminal and civil libel lawsuits, claims of bias and invasion of privacy. Such hazards may not be eliminated altogether but they can be minimised with the exercise of proper caution and common sense.

Journalists can avoid getting burned when the story they are covering is a hot one. They should not publish a story that they cannot reasonably support by evidence. They should not publish information that is not the business of the public.

The commentary might be read as a comment on the investigative story of Kamau Ngotho in *the Standard*, ‘Mr. Moneybags’ (Ngotho, 07.01.2005). Ngotho was ‘burned’ by his story as then Security minister Chris Murungaru immediately ordered his arrest over criminal libel. According to informants it became difficult for the STG to support the journalist because he, it is suggested, could not support all his claims by evidence, even if most of the story was factual (80 per cent according to one informant). Second, he wrote the investigative piece without separating opinion from mere factual news reporting, challenging the genre boundaries. The example shows how dominant interpretations of journalistic norms are contested by journalistic practices. Below I will analyse how the notion of objectivity is subject to rules and how these are operationalised by news workers conducting journalism.

The consideration of objectivity, balance and facticity is a part of the process of news production and judging its suitability in the Kenyan mainstream press. However, avoiding interpretation as Mwaura suggest is difficult according to some sources. An informant stated it this way: ‘If you are basing it on a report, you just say this happened, this happened, this happened.’ But if there is a tender, “this has been done and this has been done,” but you don’t make a firm conclusion.’ This is an artificial dichotomy, one of the informants argues, as all selection of facts is based on interpretations:

once you have presented a fact, the fact that you have chosen a particular set of facts or a particular headline it self is a conscious effort you are making. It is a subjective thing in it. It is a bit. It’s a more of a theoretical issue. (...) But you have to be conscious, though. You avoid making certain conclusions. You have to question things more carefully in the presentation and the conclusion. I don’t think you can avoid conclusions and interpretation completely.

Facticity

There are social rules that provide guidelines for how journalists are to achieve facticity in the process of news construction. One of the informants explains the rules this way:

Once you get a tip, you need to get two independent sources to confirm that information. That is a rule. Then, you have to get the documents if they are available.

Establishing facticity is considered important. One journalist told me that causing libel suit against the employer would be devastating, causing shame, and raising doubt about the

journalist's professional execution of the craft. Journalists didn't speak easily about it, and tried to avoid questions on whether they had experienced it personally. At the same time the general attitude among media practitioners is that the issue of libel is not necessarily concerning the quality of their work but the dubious practices of politicians and lawyers who want to benefit financially from the media. As corruption disclosures regularly become legal issues journalists giving their professional judgement on news must leave the scene to the company lawyers in order to establish factuality in judicial terms rather than journalistic. Thus a media external has the final say in judging the suitability of a corruption disclosure as news.

Balance

Kenyan journalists have to follow rules in order to achieve balance. According to the code of conduct that applies to Kenyan journalists '[t]he fundamental objective of a journalist is to write a fair, accurate and unbiased story on matters of public interest'. The rules demand that the different sides of the story should be reported and that comments should be obtained from 'anyone mentioned in an unfavourable context'. It also holds that media practitioners should not publish stories that 'fall short on accuracy and fairness' (MCK, 2002: 7).

Eide and Hernes (1986) conceive journalism as a drama unfolding over time and space in different acts. The corruption discourse of February 2005 accounted for in the former chapter might provide an example of such a drama. After the former British envoy to Kenya claimed there were 20 more corruption cases, different overt players responded to the actions and statements of each other using the mainstream press as an arena.

When producing investigative reports and accounts of covert sources, on the other hand, the convention of objectivity is a different one. Balance must be obtained *within* the very same article or newspaper edition in order to achieve objectivity.

What we now do is try to give the other party an opportunity to say their story before we publish. So that is... when you end up in court you say 'this was a fair comment. He was given an opportunity to say his part of the story and defend himself.' So in a way that is what we try to do... Just to cover up ourselves. That does not make it simple.

The norms and practices of balance and objectivity provide opportunities and constraints for journalists and sources involved in the construction or obstruction of news. On the one hand they are resources; on the other hand they are procedures that constrict journalist freedoms; and finally these procedures are understood and used by skilful sources. This is accounted for in the next chapters.

Organisational demands and changes of professional norms and practices

According to informants the practical interpretation of facticity, balance and objectivity has changed since 2001. A higher standard of proof is demanded. News stories have to fulfil new and stricter norms with regard to evidence. There are different explanations for this. In part this is explained as a reaction to Government pressure:

There was increasing pressure in many of these media houses for higher standards of proof. Much higher standards of proof than normally required as a result of the Government's insensitivity.

Another (and possibly complementary) explanation is the rising or sustained high level of libel cases filed (see figure 4.1 in chap 4).³² Both the NMG and STG use financial and human resources on libel cases pending in court.

According to the legal officer the NMG now tries to 'avoid new claims coming in' through different means: First, by providing weekly training sessions for journalists. Second, the legal office has the mandate to check stories before they are published. Third, journalists are encouraged to take more care: 'We now tell them to check and verify stories and get documents as evidence if there is a lawsuit'. A fourth measure the NMG considers is bonuses for journalists that have not created a lawsuit for Nation media. The economic impact of libel suits and convictions is an important factor when explaining more conservative publishing practices. According to some journalists it has disabled some articles from being published.

Some cases... when we really cannot cover ourselves we don't touch the story, we keep it in a wait hoping along the way we will stumble on documentation which will give us the opportunity to tell that story.

According to one source that might also explain the decrease in corruption coverage in 2005, as editors have become more careful when they consider news content:

The editors are more strict and more careful in terms of content: 'What is it that is in this story that might put us in trouble?' And that's one. I think that is one way in which it has changed. The other way in which it has changed is maybe we are reporting less and less on issues that... You know like on personalities, like on corruption cases... which always have a tendency of having an element of libel in them. For me there are those stories. There are those two factors.

Another factor of change is organisational in character. The Kenyan mainstream press changed their capacity to investigate corruption after the regime change in 2002. *The Nation* strengthened their investigative desk with new staff and *the Standard* revitalised and professionalised its editorial and journalistic team in 2003. Both papers did deliberately give

³² The figure shows that the number of new libel cases increased until 2003. It is however difficult to ascertain whether it is decreasing in 2005 or not as only the first five months are accounted for. With regard to libel suits that follow corruption reports in the press the numbers have increased from 2003 to 2005.

corruption journalism a boost. However, as Tiffen note one news item competes with another for space (1989). In this sense news values are relational and contextual. An example might be the shift in attention given to corruption issues by the mainstream press during 2005. As the referendum on a proposed new constitution approached in late 2005, human resources were channelled to cover political alliance building and disintegration. Investigative reporters in *the Nation* were assigned to cover politics and cleavages in the Narc Government as the referendum approached. The upcoming referendum on the draft constitution was thus considered most newsworthy by both *the Standard* and *the Nation*. In this perspective public expectations, the relational aspects of news value and human resource allocation might explain the significant rise of corruption coverage in 2003 and 2004 and the equally significant steadily increased silence on the issue during the year 2005.

Summary and comments

The chapter shows how different political contexts for news making and different logics shape news values regarding corruption. The news value of corruption increased as Kibaki entered state house. Corruption became *newsworthy* and revelations pleased journalists' ideological perceptions of independent journalism serving the public. A new-felt power inspired journalists to report on corruption since their reports were acted upon. The new frame for reporting corruption became the new Government's promises to fight corruption, whereas under President Moi corruption was considered business as normal and thus less newsworthy.

The chapter shows that journalists share some distinct professional norms with regard to news production. Whereas occupational norms are common for journalists as all news media are to observe the codes of conducts set by the MCK, journalists' ways to observe these must be understood in plural terms. We should presume that journalistic cultures develop in different departments and organisations. The norms are interpreted differently supposedly providing for different kinds of journalistic practices as some undertake a more 'activist' approach to the craft than others, and allow the voice of the journalist to be present in the news text. Whereas objectivity is the norm there are different aspects of objectivity and how it is to be observed. The mainstream press changed its practices with regard to the selection of corruption news in 2004, changing the interpretation of objectivity. The different notions of journalism and its role with regard to corruption are also subject to arguments and debate (also public) as shown above. As Tiffen notes, in this respect '[t]here are often tensions between the achievement of different values, between professional ideals and organisationally operative short-cuts' (1989: 67-68).

7. Back region journalism and Government leaks

If an ethnic group is victimised it will not take long before documents get out. There are a lot of civil servant who will see journalists as their first choice because they trust us more than others fex MPs.

Kenyan journalist

Journalism on corruption in Kenya is to a large extent the covering and targeting of abuse of office by politicians or executives in public bureaucracies. The journalism on corruption analysed in chapter 5 accounts for all genres and all kinds of discourses. This chapter explores the negotiations of access to and use of corruption information as journalists penetrate government back regions for hot stories. The news media identifies anomalies and propose cures (Ericson et al, 1987), and as suggested in chapter 6 news of corruption in Government offices and state bureaucracies are regarded as deviants of official culture and good news by journalists, especially so after the Narc Government entered office on an anti-corruption platform.

Different institutional beats enable and constrain reporting on corruption. The Parliament and court beats provide privileged information. The immunity of the floor of the House enables journalists to report stories otherwise rejected because of libel threats. The Information flow from Government institutions is however regulated by the Official Secrets Act, enclosing much Government information. In this chapter the back region journalism of Government institutions is analysed. As shown in chapter 5, disclosure of corruption is essential in order for public discourses on corruption to take place. Thus, even if revelations of graft quantitatively are a minimal part of news reports they are vital for the quality of the news discourses as they ignite and premises debates. Such information is confined to the back regions of Government institutions, where the organisations want them to remain secret, whereas players internal or external to the organisation have an interest in disclosing them.

Inspired by Ericson et al (1989) I explore social aspects of negotiation between covert sources and journalists; cultural, how sources and journalists value news, and physical, how the source organization seek to control and patrol its back region, and the methods they use to uphold secrecy. In doing so I touch on aspects of journalistic autonomy as it relates to sources, and how professional norms are practiced. Finally, changes to covert source participation in news stories on corruption and how these changes are understood by media practitioners are highlighted.

Revelations are only aspects of news on corruption. First it is relevant to approach a broader picture of journalism on corruption before a model of back region leaks and negotiations is presented.

Reporting Government and state corruption, a framework

What regulates the information flow from state bureaucracy offices to the public in Kenya is the 1970 Official Secrets Act (OSA). Forwarding, obtaining or receiving information is an offence under the act. As such the act applies for civil servants. For state employees it basically means that knowledge they gain at work is confidentiality and that communicating it to outsiders is a violation of the act. This is how an informant formerly employed in the state bureaucracy experiences the act:

[It] is like a stick that wielded over your head, you know at all times. It is designed to keep people in line (...) [I]t is designed to cover anything and everything you do while in civil service. (...) That is why that you will see even today in Government offices internal memos or anything else is marked confidential.

Downing, comparing the US and Britain, claims that '[t]he assumption is common but misguided that there exists an organic logic at work in the classification of documents and information' (1986: 154). There isn't. Secrecy is used as 'a device to allow the pinnacle of the power-structure to communicate how and when it prefers. It is a mechanism of control over all the other echelons of Government,' according to Downing (ibid: 157). According to informants Kenyan politicians and executives enjoy the privilege of deciding publicity and censorship. They choose what, when, and how to communicate and thus perform acts of publicity and enforce censorship in the process. Government employees in Kenya might face repercussions if caught leaking to the press, for example being transferred to branch offices in rural areas, or losing their job.

However, efforts to make civil servants comply with the act are not only social. Rituals are used in order to secure a culture of loyalty. According to Downing, '[s]igning the Official Secrets Act upon entering and leaving even lowly Civil Service employment is a potent ritual, stimulating a degree of awe, and an instinct for self censorship and secrecy among those subjected to it' (ibid: 161).

Organisational plurality

Even if the social rules are manifested in the same law for civil servants working in different state institutions, there are reasons to be careful of identifying the state as one. There are for example several ministries governing other institutions with different operational objectives in

the public bureaucracy. Some state institutions in Kenya are established to control and advise others in terms of ethics and conduct. As accounted for in chapter 4 there were several new anti-graft institutions established following the change of Government in late December 2002. These include Kenya Anti-Corruption Commission, a department for ethics and governance at the OP, an ombudsman's office, and the National Anti-Corruption Steering Committee. Moreover, as the state bureaucracy consists of many state organisations each organisation develops different cultures. They are multicultural (Ericson et al, 1989).

Likewise there are organisations external to the executive that serve to police Government activity. The Parliament and its different committees such as the Public Accounts Committee (PAC), Public Investments Committee (PIC), and different select committees serve these functions. Likewise the report of the Auditor General is a resource for any policing agent, and some national and international non-Governmental organisations such as the Law Society of Kenya (LSK), the Transparency International (TI), and political organisations provide for a formal organisational plurality in Kenya. The business community suffers from corruption for instance as they compete for Government contracts but are sidelined as a consequence of clientelist use of state resources. And last but not least foreign envoys have an interest in Government accountability and use of donor funding.

Thus, the Kenyan mainstream press is not the only institution scrutinizing Government activity. In chapter 5 I showed that the British envoy to Kenya disclosed a list of possible graft cases and that MP Maore's disclosure in Parliament started the public unfolding of the Anglo Leasing scandal in 2004. To some extent media rely on these overt sources and accounts of information for the construction of corruption news. However, as the media, these overt sources rely on covert sources of information for their public accounts. In this sense they are also competitors for the same information and the same exposés. In this regard it must be emphasised that covert and overt sources are just as much a matter of different roles as different individuals. A powerful source might just as well see it as beneficial to act covertly depending on issue, context and what is at stake.

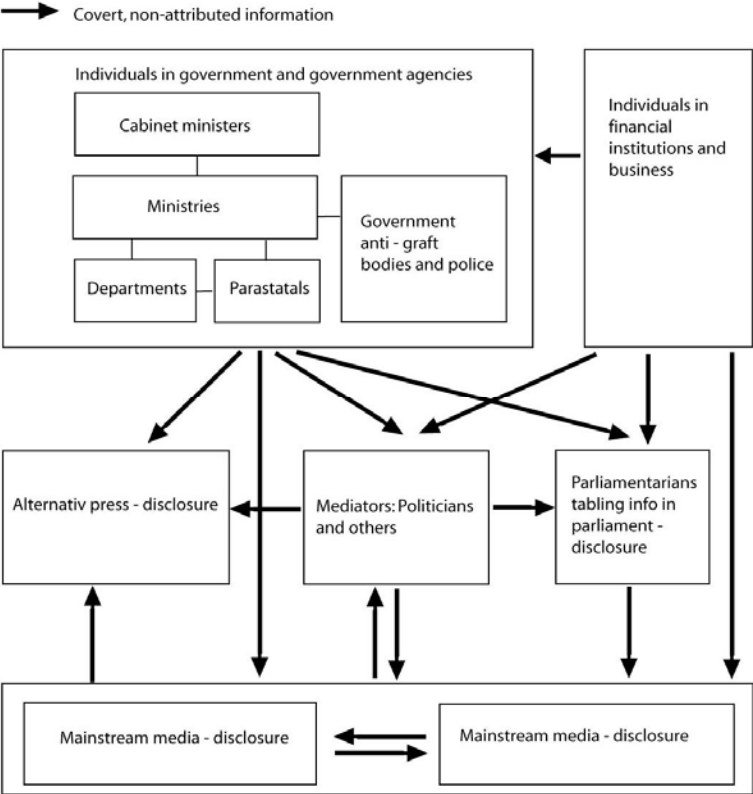
Back region information flow – a model

For corruption information to transpire to the newsroom it is not a linear or uniform process. Figure 7.1 is a sketch of back region relations and the negotiations of corruption information that makes secrets confidentialities as they become known to journalists. It aims to illustrate the complexity of relations and interests that enables secret information of corruption to become known to journalists. Covert sources exist at all levels in Government organisations,

in the business community, in the cabinet, and among politicians. It is a role performed occasionally. The figure also accounts for the occurrence of series of negotiations as confidential information is ‘traded’ or reciprocated between covert sources and what I term *mediators*, and mediators and journalists. Mediators are sources as they approach journalists with Government confidentialities; however they are not the original source of information.

Figure 7.1. Back region information flow

The figure is an illustration of back region relations that enable Government secrets to be known to journalists as confidentialities. The arrows illustrate the flow of information and point of transaction or reciprocation negotiated as information is negotiated by different agents. Individual sources approach journalists and journalists approach sources. Sometimes information is reciprocated in several steps as the illustration suggest.



The different arenas for disclosure shown in the figure compete with each other in attracting covert sources and corruption information. However, Parliament and the alternative press are also resources for the mainstream press utilised as sources of information and basis for further enquiries.

Parliament as an arena for the disclosure of corruption information differs from other arenas as the floor of the House provides immunity to statements made there. However, it is only during the official proceedings of Parliament this immunity exists. If an MP walks out of Parliament and addresses journalists both the MP and the journalist are liable for the statements made and eventually reproduced in the paper. The Parliaments immunity is a double edged sword according to one informant.

A Member of Parliament can misuse it because he wants to expose somebody else, so that he can give false information in Parliament, especially with regard to technocrats who do not have an opportunity to defend themselves in Parliament. Sometimes members of Parliament abuse that immunity. Second, it has an advantage. Whereas

some things might be common knowledge you may never get documentation, so you never speak about it outside Parliament. Parliament will be the only forum where you can be able to discuss those things without attracting a suit from lawyers or whoever you are talking about.

For journalists working on corruption issues this also provides opportunities. *The Nation* had been working on the Anglo Leasing and Finance scandal for several months without finding it safe to publish any articles on the story. When the revelations were finally tabled in Parliament on 20 April 2004 by Kanu MP Maoka Maore, they had an opportunity to go ahead with all their findings after months of investigative work.

The only reason that the Anglo Leasing and Finance scandal came out was because somebody used the privilege of Parliament to bring it out. We had the information, which we could never publish. We did not go to that MP though. Someone, I think, who knew the difficulty we were in decided to give it to the MP. But it was only when he brought it out that we brought up all the information we had about that scandal and that is how it started.

The immunity granted in Parliament is a resource for journalists looking into sensitive stories. One technique possible for journalists and media houses fearing law suits or political pressure is to provide MPs with information and let the story break in the Parliament and then report with full immunity. This is scarcely used however as it levels out competition between the different media outlets.

A good example I think is the recent case of Anglo Leasing, where a Member of Parliament came to Parliament and named some two businessmen, who were believed to be involved in the transaction, but they had no evidence. But it was obvious that those were the people who had linked up civil servants to those who were involved in the contracts. Whereas it was common knowledge they had no evidence, so the only safe place you could make that kind of allegations was in Parliament, and it is up to businessmen how to find a forum to defend themselves.

The public disclosure of these names at privileged floor enabled media to report on these individuals even if they had no physical evidence of their involvement.

The alternative press provides for a diverse media scene in Kenya, crying out sensational stories on their front pages seldom to the advantage to individuals given their attention. It is commonly believed that printed articles to a large extent are paid for by persons outside the media or used strategically by the owner to paint a black picture of political rivals.

A: The alternative press is more often than not owned by politicians, and Government ministers. (...) They have their own researchers. (...) Now, when they get information on you and they know it is damaging to you, he comes to you.

Q: So they use this information for blackmailing.

A: yes, more often than not it is used for blackmailing. What you see in the alternative press is either what they have been paid for to write or what they were not paid for. So they have blackmailed. More often than not that is what you find in the press. They have facts, but they have a tendency of exaggerating.

Still, looking into the news production on corruption it is difficult to ignore the alternative press. No matter how biased and ethically doubtful these publications may be, they do provide information all of it is not fiction, according to an informant: ‘But you see what happens if it comes to the alternative press is that it is used as an avenue. Because there are some cases or stories that the mainstream media can not publish.’ Whereas the mainstream press operates within the law of the media bill, the alternative press does not as these outlets don’t operate with a physical address and a publisher. Hence, they are difficult to sue. Investigative journalists in the mainstream press, however, highly value the alternative press as a source of information. They find new leads for investigations and ideas to pursue:

I read it, not sometimes; all the time I read it. Sometimes they have good stories, but sometimes it is that way they push their agenda. (...) Sometimes you can use the information to get documentations and do a more detailed story, more balanced and with the public interest at heart. They have good stories, but they treat them badly because of the interests they pursue.

As such, the alternative press provides a basis for further inquiries and an extended source network for the mainstream media.

Journalist-source relations: Trust, distrust and reciprocity

Government back region secrecy as accounted for above is a contested space as information on corruption do find its (covert) ways to disclosure in different arenas. The relationship between covert sources and the discloser whether it is media, politicians, or others is based on trust and different kinds of reciprocity. In this section I account for how corruption information is negotiated between covert sources and journalists.

Covert sources, trust, and arenas of disclosure

There are several opportunities for individuals who want to report crime or disclose information on malpractices and criminal activities in Government institutions. The media is not the only option. The formal way is to contact the police or the KACC. However, whistleblowers contacting the police might face difficulties as malpractices sometimes occur within the police force. The police are known to be one of the most corrupt institutions in Kenya (TI, 2005). *The Sunday Standard* for instance revealed that several employees who had reported corruption at their workplace found themselves in a situation where the police informed their employer and revealed their identity (Namwaya, 18.09.2005). Many people are afraid of giving information to the police as, according to an informant, ‘anything they say to the police may be used against them. (...) People have this tendency of having more trust in a journalist than they have in the police, especially the investigative journalist.’

Some documents find their way to the Parliament and are tabled and publicly disclosed there. However, as MP Maoka Maore sees it, the public does not fully trust their MPs.

Let me tell you, many Kenyans, they will not trust MPs with documents also. (Hehehe) No, because they may not use them appropriately. They may use those documents for false favours or to use them for other reasons. But mainly there are few whom they can trust with the documents. I get several of them. I make sure I use all of them the one I get.

The lack of trust in Governmental institutions leads sources to find other channels in order to address their concerns. According to media practitioners the mainstream media happens to have the advantage of trust among sources who want to address corruption in society.

Journalists' ways to establish trust

Investigative journalism requires a lot of name-building. You have to build yourself so that people know you, and then they can approach you: 'I suspect something wrong is happening here! There is something that is not in order. Can you just go and check out'. And then it is my duty to find out what is happening.

The social relation between journalist and source is based on the level of trust. For sources to volunteer corruption information the source need to be confident that his identity is not revealed. Journalist autonomy provides the very basis for covert source participation, as journalists' ability to keep their identity hidden is the premise for their co-operation. According to the code of conducts for journalists they have a 'professional obligation' to protect sources (MCK, 2002: 10). Such norms are followed in journalistic routine practices. The use of secret sources is common in corruption stories. As news texts impact on social relations in the source organisation (Ericson et al, 1989) one way to achieve anonymity of the source is to keep the reporter hidden in the news text.

Sometimes when you go to official offices you sign papers that you are going to see so and so, so if you are seen there and tomorrow there is a story, it is assumed that that person gave you the information. He may not even have contributed to that story. So that is what we try to do for ourselves and for our associates. That's why we don't use by-line occasionally. But in most cases we use by-line.

The importance of protecting sources also impacts on the time frame of the news production process. Sometimes the news media adds additional time in order to de-link their own physical presence and investigations in the source organisation with the news item published.

Sometimes deliberate, you take long just to tie up the loose ends and when you publish a story it looks like it is a well written story. Sometimes to protect sources you wait a bit longer, just to see how things will move before you finally write it.

Covert sources, trust and the unfamiliar media

However, journalists often experience that sources do not trust that their identity will be kept secret by the news media. Sometimes investigative reporters receive envelopes with documents containing Government secrets.

[S]ome of them do not even want you to meet them or know who they are. They tell you 'I have this document, tell me which hotel lobby you want me to drop it for you', and they will drop it for you with your name on it. Then you verify and you know they remain anonymous.

Sources might use hide their identity by using, what I have earlier referred to as mediators, who in order to approach the news media and negotiate the use of the information. When analysing the negotiations of corruption information, the transaction of information, documentation, and its use might be considered a separate process of negotiation where cultural bonds, political affinities, money, and other benefits should not be ruled out as part of the negotiations. These transactions are not empirically accessible for the researcher. However, the mediators themselves become sources for the news media. The following arguments do not distinguish between the two.

Reciprocity and journalist-source familiarity

Corruption information is to a large extent achieved through journalists nurturing social relations with individuals in different source organisations. Sources anonymous to the reader provide information to journalists. According to informants familiarity and friendship were upheld as important for these relations. One informant held that his source relations were very much based on old friendship from his time as a student. Being enrolled at the same university, studying the same subjects, and developing friendships provided a good basis for professional relations between him as a journalist and his friends employed in state bureaucracies.

However, source relations as friendship have to be established and worked on in order to be sustained.

A: But you see, when you make somebody a friend, it is easier for them to talk. And knowing you, even out subconsciously he will drop something, and then you follow it up. So you don't have to be very official. 'How are you? You have anything new?' More often than not he will tell you. And then you attend his daughters wedding, or something you just (hop in), visit him once in a while. Then he looks at you... in case of anything. He may say: 'Off the record it is this, but you must find out your own way.'

Q: but what if he expects something in return for giving you information? A kind of favour or something?

A: Yes. Once in a while you have a present for him. His daughters wedding, those kind of things, the occupational hazard that we have. The things you have to do, whether you like it or not, you have to do that. You will always want to do something. *He thinks he owes you and you also feel you owe him. So it is a two way system.* You talk to this person, he talks to you. You do this, they do that. So it is a give and take. Not necessarily that you are bribing him or that you buying information or whatever it is. If something come they will sometimes... you do something without him realising that you have done it. Then later your contact tells you 'the work you did was very good. It helped us in this way and that'.

Friendship is thus not only friendship. In reciprocal relations both parts benefit. It might take part of a co-operation where one agency and journalist source co-operate with journalists in order to penetrate back regions of other institutions for the purpose of revealing corruption. As an example covert sources in the anti-corruption agencies use the media for the purpose of policing other Government units. As journalists are tipped off about certain misconducts they are invited to take part and investigate certain aspects of the case when the agency is met by closed doors. They have a mutual interest and converging goals as they seek to reveal graft. According to one informant, this friendship is not based on kinship or local contexts.

Investigative journalism all depends on how you deal with your contacts, how do you doctor them, how do you empathise with them, how do you react to them. Once you have confidence of your contacts, they will give you information anytime, anywhere, regardless of what ethnic group you come from. They will always give you information.

One informant emphasised that also politicians and ministers are important in order to gain secret information from Government back regions.

A: [Cabinet ministers] are valuable in order to 'get information that is not attributable'. (...) Over the years you develop a symbiotic relationship.

Q: What do you mean by symbiotic relationship?

A: They will find out for you what is happening. In return you tip them what is going on in their own ministry.

The fluidity of organisational boundaries becomes evident from these statements. In this case the journalist gets valuable information about the Government businesses while the minister receive information that is vital for him as head of a big state bureaucracy, 'for example that their PS is corrupt', as one informant mentioned. Information is passed from journalists to their sources as part of a transaction that is mutually beneficial.

The symbiotic relationship is what Ericson et al (1989: 7) terms a relation of reciprocity and something that is mutually beneficial. Familiar sources are valuable because the journalist does not have to check the source and the information he provides for its accountability as his trustworthiness is already established. As such back region journalism

becomes a routinised operation. Journalists routinely contact familiar sources in order to gain information.

Q: Do you check with them regularly, or do they come to you?

A: No I check them regularly, all guys in the morning, try to find out what is happening. Sometimes if there is something they will call me... and say: 'How come you have not talked to me for a long time. It looks like you are contempt.' (...)

You meet them over a drink, and make them more friends, so encouraging them to talk to you. Sometimes what you get is what was dropped to you without anybody know, even the contact person doesn't realise he gives you something. He is just talking: 'hey, the other day I was doing this and that.' Then you get information, and then try to dig deeper and find out more. Then: 'eh, I didn't know that that was to any interest for you? You should have asked me!'

Investigative journalists have a budget for the entertainment of their sources in order to sustain their friendship and co-operation in the news production process.

Journalists, trust, and the unfamiliar source

When journalists are approached by unfamiliar sources they are cautious, as information they receive is not always factual. One informant gave me an example from the time when he was working in a branch office of *the Nation* of how a police officer, the son of an MP, tricked the media:

And he had got a reporter to publish names of people who had allegedly been sacked for having stolen money. It turned out that two of those people had not been sacked. And we were sued. So when he came next time I told him that I didn't want his information again. And I was very blunt with him. I told him he was settling his cause. And it is so common; it is there in the police; it is all over. Some of them [whistle blowers] may not be genuine. And like I say: don't take it for granted.

Whereas information without documentation might be false, information with documentation might be unbalanced. Many journalists experienced that documents obtained were selectively chosen in order to paint a picture favourable to themselves or their acquaintances or unfavourable to their political rivals.

We also have a problem when you are working on it. Somebody malicious might get something on somebody... on corruption or anything like that... and brings it to you. It is just part of the whole case, just part of it. He is giving this part, but things will deliver what he wants. It will achieve a mean, an end that he wants.

The unfamiliar source is thus treated with routinised caution. As one informant puts it 'before you trust your whistleblower you must establish his or her intentions. Some people want to settle scores using the media and they will pretend to do whistle-blowing.' Politicians also fall into this category as they are not considered trustworthy by many journalists: 'I consider a number of parliamentarians as acquaintances. I can not call them friends because they only

want to use you. They are not genuine friends.’ In order to establish the truth journalists check their sources.

A: So it is the duty of the media to (...) establish the intention of the whistleblowers, and we do that at *the Nation*, try to do some audit. And even investigate the whistleblower without them knowing. It is very important.

Q: How do you do that?

A: How we investigate whistleblowers is, one, this is a matter of policy. When you come to us and say this is a big story, a big scandal, we will get your contacts, and we will send our journalists who will first of all establish the department where you work. That is part of our job. We strive to establish who are your friends, who are your enemies. We try to establish whether you have any problems at that place of work. Once we have established your friends, we will also be friend with some of your friends and try to look at your group psychology. Is there a cause you are fighting as a group? And this is not difficult to do. Yes. We have a team of trained journalists in the department of investigations.

Negotiating reciprocity, the role of money

The reciprocity between sources and journalists is not necessarily based on equality. A source might be a friend, and he might be a stranger. The different knowledge on sources impacts on journalistic practice. A familiar source might be regularly inspected and nurtured for new information. The trustworthiness of an unfamiliar one has to be checked. Whereas the reciprocity of familiar sources are mutually agreed upon, the reciprocity of new ones are subject to negotiation. Sometimes balance is achieved by the use of financial transactions. The guideline of the NMG states that journalists should avoid paying for information because serious questions can be raised about the credibility of that information and the motives of the buyer and seller (NMG, 2003: 12). This guideline is taken seriously by journalists, but there are exceptions to this rule. According to some informants sources expect journalists to pay for information, and journalists do buy documents.

Though ethically it might not be allowed, but I had to use money to get some of these documents from them. Because if you don't have these there is no way you are going to prove that they are corrupt. And if you don't have these there is no way you are going to authenticate your story. So you have to sometimes use money to get some of these documents to prove a story.

Buying information is not only the private practice of an eager journalist wanting to disclose ills in society. It is also incorporated into the routine practice of the newsroom, it becomes an editorial issue and the news media covers the expenses.

A: Sometimes I have to use my own money. It is not accounted for by the way. Some times when it comes to documentation – a juicy story, a very nice one - then you discuss it with the office, and ask them: ‘This is what I have got, and this is what this guy wants. So if we can have it, well then, good’.

One informant told of how he negotiates with potential sources for them to share the journalists' notions of the public interest.

But I always try to make my contacts friends, not business partners really. So I tell them: 'this is for the best of the society. It is not for me'. I mean, if it is a name. I have already made my name. Everybody knows I can do this. So it is not for my name. It is just to improve the society. Because at the end of the day any corruption... it always trickle down to the citizens, to the tax payers. It always affects you. 'So if you think it is good for you, give it to me.' I will not promise money to somebody, because I know I am not capable of doing that.

Contrasting the notion of the altruistic source with converging ideals some journalists actually see sources who demand payments as easier to handle. Those who appear to be altruistic might have an overt agenda whereas the agenda of those selling documents simply is money:

If you get somebody who you pay to get the information, most likely he wouldn't have an agenda, or his agenda is just the money. But when they come to you freely you want to push him: 'why now?'

News values and how sources value news

Journalists believe they share the notion of public interest with many of their sources. They share the notion held in the 'dominant public culture' (Ericson et al, 1987) or maybe more precise in the Kenyan context, the official, middle class culture that the misappropriation of public fund is deviant. This is a significant notion that corresponds with that of journalists. There is a perception of this 'altruistic' source among journalists. The altruistic source blows the whistle for the sake of the public interest. Sources leaving documents in hotel receptions for journalists to pick up are for instance considered by one informant as such an altruistic source, as the source claimed no reciprocity.

Journalists however hold that there are many agendas pursued under the guise of whistle blowing. They regard some as more legitimate than others.

Achieving professional and organisational goals

Whereas they share a notion of the public interest with journalists many sources have their own professional or organisational goals to pursue. Individuals working in state bureaucracies are for example understood by media practitioners to use the mainstream press as a way to move the case forward if internal lines of communication prove unsuccessful. If a state agency investigates a Government body or a parastatal organisation they create a report to the appointment authority. These reports are not public. If no action is taken on the report, people within the agency might pass the report on to the media, one informant said. One of the

informants told of servants in the National Security Fund who used the press as a second route:

They first of all did an internal audit of the retirement benefits scheme, and found several quite, quite a huge chunk of money was being misappropriated, and they tried to raise it internally and none paid any attention to it. So they pass this information on to us.

Informants mentioned several examples of how different covert sources in state bureaucracies, the police, or parastatals use the news media as a second route in order to address corruption in their own organisation.

News as an expression of the official culture is also useful for cabinet ministers in order to address the President, for example that their PS is corrupt and should be sacked following the case mentioned earlier. In Kenya political power is highly centralised and the President appoints (and fires) permanent secretaries, officials and directors in parastatals, ministers and assistant ministers. Media thus becomes instrumentally important for a cabinet minister as a channel for communicating with the President in order to serve his own objectives as head of a state institution.

Sometimes if the minister gets a difficulty within his own ministry he can leak it to you in order to put pressure on the President. A lot of cases we publish come from ministers.

Many cases of corruption happen in procurement processes where private enterprises compete for tender awards. Several journalists found business people very valuable as sources on corrupt practices in tender processes:

Disappointed contractors are also very useful, but very slippery to deal with. They will try to influence the tender evaluation committee and pay them bribes to give them good scores. Then some will understand the committee is bribed or compromised. Then we get everything, minutes from their meetings, everything. We get all the information and documentation we want. But you need to understand the dynamics of the process: wait, talk to everybody involved.

Their agenda is often transparent. They want a second opportunity to win the tender, and use the media for this purpose. However, they will not complain on tender processes in public as they depend on future Government contracts for their businesses.

Factional, political and private interests

Corruption leaks stemming from the civil service might also be strategic action of political factions present there. They use the national consensus of the evil of corruption for instrumental or factional gain:

People are very heavily aligned to certain political interests. And because of that even the civil service fall into certain of those categories, and although we pretend that the civil service is neutral, they are sympathetic to certain interests, and you find that if there is a scandal that is being perpetrated by the Government, there are some people that most likely will provide information on that scandal. That is my cynical view.

According to the informant some ministers for example ‘have an interest in black-painting cabinet colleagues’, and use the mainstream media, the Parliament or the alternative press for that purpose. As politicians have informants in different ministries they are able to provide none-favourable information about cabinet colleagues or corruption taking place in their ministries. Civil servants will tell the minister that ‘such and such is being misused, especially by these guys from the other communities here.’ (...) Sometimes he will not even necessarily want to say it himself. He has his own way of using [MPs name].’

In the process of investigating the source and establish factuality and balance journalists sometimes discover that the account of the source was partial. According to the informant, whistle blowing is used as a way to draw attention away from the individuals own role in a scandal.

And then as you, in the course of your investigations, you will tumble on these things. (...) But as you go in there are cases where you see maybe his name has come in (...) you see, maybe in this group that is ‘eating’³³. That is what he wants to pre-empt by running that and pretending to be whistle-blowing.

Journalistic autonomy and covert sources

Sources trying to serve other interests than the altruistic, public service ones are not disqualified as sources. These motives might be factional or politically biased or intentionally (and maybe effectually) instrumental. Journalists acknowledge that sources try to pursue other interests than their own. This is not a problem according to some informants. The important thing is that the information is factual, and the provider’s intentions with it is inconsequential. Journalists believe they can balance and reframe it as they process the story using their professionalism. Thus factional interests are reframed in the service of public interest and the source of information and threads leading to him are made invisible in the process. As one media practitioners puts it, ‘I will always listen to him, because my duty is to listen. And what I am doing with that information is my own problem.’ The widespread use of money for reciprocal purposes might be understood in this regard. Journalists perceive the need to use money to buy documents as unfortunate but not as a problem of integrity. To achieve this they use their journalistic routines and the judgement of the legal expert at the media house.

³³ Eating means looting, commonly used for taking part in corruption.

Source relations are to some extent based on a long term mutual trust and routine interaction. Kwamchetsi Makokha observes the importance of sources for the process of interpretation.

Without the politicians seeking publicity in creating embarrassment for their foes, genuine whistle-blowers, and organisations whose mandate includes researching and exposing corruption, the media in Kenya would be at a loss as to how to catch graft. Often, corruption is a complex subject that journalists and editors find hard to sell because they are unable to understand it or even spend time assessing its implications (2006: 5).

For this they depend on their sources. Sources not only provide information on corruption but also a framework journalists can use in order to interpret data and information and put it in context, and so create a news account. Informants also perceive that their autonomy vis-à-vis covert sources is possible as they employ routines securing balance. The accused part is given the opportunity to correct facts and defend himself before the story is published:

You try and find out what is hidden on the other side. So that you have... you almost have a balanced story. (...) [Y]ou contact the other person and get his side of the story. 'These are the accusations against you, what do you have to say about it? Is it true? Is it not? I have these facts, I have these evidences. What do you have?' You see?

Changing premises of covert source participation

According to Downing (1996) secrecy is a *battleground* and thus changes over time with ongoing issues at stake and political conditions. As we have seen above both journalists and sources in Government institutions, the police and business men are able to challenge formal regulations of the information flow. Downing claims that Government secrecy 'responds to shocks, crises, dictats and disaffection' (ibid: 154). Secrecy is thus not a static element. It is changing as repercussions against whistle blowers change over time together with political and organisational culture and the relative sensitivity of issues at stake. Changes in Government organisation culture have impact on journalism. Journalists experience changes in source relations that affect the ability to access information on corruption and to report on corruption.

More sources, multiple news cultures

In Kenya institutional pluralism also seem to impact on journalism on corruption. After the 2002 election the Government established several new organisations. The creation of new anti-graft institutions also meant new sources for journalists: The KACC, the Governance and Ethics Department at the Office of the President; National Anti-Corruption Steering Committee; and the Public Complaints Office. This came on top of other public institutions

such as Kenyan Human Rights Commission, Ministry of Justice and non-Governmental organisations.

Moreover, new organisations also enable multiple news cultures not sharing the institutional culture of secrecy in old establishments. More sources (both organisational and individual) seemed to provide for more accounts of corruption in the news. Some of these Governmental institutions operate on a freer basis than the older state institutions and are more willing to cooperate with the media. Some Government institutions have developed a very close relationship with the media after Narc came to power.

This finding is not surprising. In urban centres journalists potentially have a huge amount of sources from different institutional settings with different needs for access to the news. Ericson et al (1987) observe that with a large number of source organisations in a particular market area, provide for more openness and variation. However, more Governmental institutions in Kenya might also make it easier to refuse responsibility. One journalist experienced that it sometimes is a constraint:

I think the more these bodies are in society, the headache becomes for you to get information, because each time you call Githongo's office they refer you to KACC, the KACC will refer you to the steering committee, and the committee will refer you back, so you get everybody to back pass, and nobody wants to take responsibility.

A new 'democratic space'

When Kibaki came to power Kenya felt optimism. People stood up against corruption. Media reported incidents where passengers of matatus³⁴ intervened to stop traffic police taking bribes and vice versa. Many sources speak about a 'democratic space' that opened up.

I think every institution is becoming democratic. You go to the Judiciary everybody is willing to speak. You go to Parliament everybody is willing to speak; you go to the police force people are willing to speak.

Informants talk of a new climate – a new 'democratic space' - that enabled them to report more extensively on corruption issues. This new space has not only influenced media but also organisational cultures media rely on as sources. Journalists experience these changes directly. As sources become more vocal and outspoken crucial information becomes more available for journalists looking for a good story. Some journalists report that they get more tips.

A: We get so many cases and reports of things that people think are fishy going on (...) from Government institutions, private institutions... Sometimes we follow it. It could be just a normal thing (...). So they just raise the red flag just to be sure that this is not a corruption issue. Sometimes there is a real story there, so we go and dig

³⁴ Public transportation minibuses.

deeper and come out with some... You get tips, you never know whether it will be a big story or not. Sometimes you follow it and you find it is a normal business, which is fine. We don't ignore any tips that we get.

Q: And you get more tips now than it used to be.

A: Yes-yes. Very many.

Loosened social control

New organisational cultures must be seen in relations to social practices of control. According to informants there was a slightly more liberal practice with regard to whistle blowers, at least in the initial phases of the Narc rule. During the former regime media leakages could bring serious consequences for the offender.

The Government knows that they [covert sources] disclose, but they will do nothing about it. At least they will not fire, they will not harass because of doing that. What will happen is of course that colleagues will not share information with you. They withhold information because you occasionally pass it on to the media. But, during Moi you would have been sacked or removed, you would have been sacked immediately.

According to another informant Moi regime was also stricter with the Government officials in this regard: 'During Moi's time there were no Government official who would come and tell you, because he would definitely have lost his job.' Some informants held there was a more liberal practice in some state institutions after Kibaki became President than there was during Moi's centralised regime.

Tightened back region control measures

However the picture drawn above is not uncontested. Indeed there are certain events that support the view that the regime in 2004 did tighten control of the information flow from Government ministries, departments, and parastatals. Seven days after MP Maoka Maore tabled confidential Government documents in Parliament and disclosed corruption in the Kibaki Government, a circular from the office of the President to all Permanent Secretaries warning whistle blowers. The circular was forwarded to heads in ministerial departments warned that '[o]fficers found to be releasing classified information to unauthorised persons should be suspended from the service or recommended for expulsion depending on the gravity of the subject matter' (Magari, 2004). The letter and other internal efforts by the Government to reduce the flow of confidential information from Government offices worked, according to informants.

When that one came, the standing warning from the secretary of the cabinet, then there was a definite crippling of the system, because everybody was scared.

According to another informant the letter was just one of the measures taken by Government bodies in order to tighten control of information.

There is a point at which... especially after Githongo left³⁵ things changed a lot. The Government became very, very harsh with its own officers. They plunged a lot of loopholes, they moved certain key people from certain positions, and they started asking the question 'where is the information coming from?'

Different means were employed in order to gain control of organisational boundaries and Government secrets. One informant said that State officials in some Government offices are now asking all secretaries to write down all the telephone numbers of those contacting the department. Then they check with the telephone registry or call newspaper secretaries to get cell phone numbers of journalists. This way they are able to monitor communication between journalists and different civil servants. Tighter control measures as these are enforced to scare civil servants from providing information to journalists.

Government employees might face repercussions if caught leaking to the press. One informant told about whistle-blowers in a parastatal who were punished by their employer after the corruption case was disclosed in the mainstream media, and there are also media reports about such events: 'As soon as this information was out they were transferred to some backwater of Kenya to go and work there. (...) So it is still happening. It is actually a little more vicious than before,' according to the informant. Civil servants' ability to inform the public has not increased with a new Government. Some experience no change or a negative trend: 'Public servants are not freer than they used to be. There is actually hazard that they are probably less free than they were before'.

Constrained social relations

According to several informants, the use of social sanctions in the source organisations as well as physical measures as external communication control, also impact on the social relations between confidential sources in Governmental organisations and parastatals and journalists. Some sources find it difficult to openly acknowledge that they know certain journalists: 'Now they don't greet me and pretend they don't know me when I meet them in the corridors of the [ministry]. I get treated like a leper', one informant said. The former asset of having a face known now became a disadvantage for the journalist.

So many know my face. They are afraid: 'I saw [name] coming to your office.' If I am invited to a party where ministers or state officials are present I don't dare to say 'hello' to my friends. And the same with press conferences.

³⁵ John Githongo ended his job as PS for ethics and Governance at the Office of the President on the 7th of February 2005.

Another journalist told me sources that used to contact him directly now had to use other means to get in touch. The fear of being seen with a journalist changes the source-journalist interaction. More effort is put into hiding connections and social interaction with journalists.

They don't even want to be seen with me. Somebody would rather that we see somewhere out, where you are not expected to be. Within town they don't want to meet.

As a consequence of tightened control within Governmental offices some journalists find it harder to perform their tasks as journalists. It is more difficult to check Government business than it used to be in the early months of the Narc Government.

Establishing factuality constrained

Even if some media practitioners experience that source interaction has become more problematic, it has not dried up. As long as journalists are able to protect their sources they get and maintain them. 'There are some of those civil servants... who as long as you are able to protect them, to assure them confidentiality... then they are able to cooperate.' What changed in 2004 seems not to be that journalists became less aware of Government businesses. They still had access to their sources and were able to be informed even if social relations became somewhat constrained. The ability to report on these informations, however became more difficult. This is an important distinction one of the informants make:

We get a lot of information. I am chasing some information which looks to be a very juicy story, but you see it is only until I get the information... until I get documentation that I can sit confidently and write. Even if somebody wants to sue me, 'well lets meet in court', I will write, because I have documentation. When I don't have documentation, how do I go ahead with it?

Q: You get less tips, but is it also more difficult to talk to civil servants and other servants off the record?

A: no, off the record it is so easy. You will get that. But if I want to get some documentary proof, one, two, three letters, some communications in black and white then I will be very confident in writing about it. There are so many things happening, and all I can do is listen and keep in my archive and hoping that one time I will stumble upon a document that will help me out.

The problem thus does not seem to be lack of information about Government business but a declining ability to publish stories lacking documentary proof:

A: He [the source] is telling you: 'I can not give you documentation, but I can give you a brief: this is what is happening.'

Q: I see, and that has changed?

A: and that has changed. And the problem is that when it comes to my... to verify my information. If I don't have the documentation and I get in touch with you to verify the information and you say 'no comment'.

When documentary proof is scarce it empowers the accused part. As a professional obligation journalists have to establish factuality and balance their stories through the consultation of the part unfavourably mentioned in the article. As factuality can not be established without the cooperation of the source himself the choice of silence serves him better. 'No comment' seems to be the best strategic option. Thus the power balance between journalist and source changes.

The changing source relations and ability of journalists to access Government documents, described above applies to sources in Government institutions. Journalists do have other sources, for example business people. None of my informants described changes in these relations.

Summary and comments

Sources are crucial for journalism on corruption. Without persons supplying information on corruption the journalism would be without fuel. As Kwamchetsi Makokha notes

If Kenya's media seem vibrant in the fight against corruption, it is because there is sufficient malice within the political system to fuel it, disgruntled suppliers who feel short-changed, honesty and indignation in the public service, and staying power in the civil society to focus on corruption (2006: 5).

As we have seen the cooperation of sources in the production of news stories on corruption is strategic. It is for the purpose of achieving occupational goals, private income generation; it is for the tactical purpose to be left out of a future corruption story presumably disclosed; or to achieve political goals. The 'public interest' might be considered a frame for news construction and a resource for covert sources who wants to legitimise factional-political and professional goals within the consensual and 'dominant culture' (Ericson et al, 1987). Professional norms of objectivity and internal demands to prevent libel suits oblige journalists to establish facticity as a requirement for publishing disclosures. Journalists' professional obligation to authenticate a story provides for a market whereby civil servants and politicians 'trade' confidential Government documents for the purpose of achieving professional goals, political goals and/or personal wealth accumulation. Trading documents for money is one way to reciprocate. Friendship and exchange of information are others. However, leaks must also be understood as journalists and sources sharing a common perception of the role of the media and public interest as a core news value.

Journalists are aware of sources having different agendas for the disclosure of information. Investigative journalists routinely investigate their sources in order to avoid biased stories or false accusations. In the process of investigation and reframing of stories

they gain a relative autonomy from their covert sources. However, they sometimes realise that they have not been able to fully illuminate a case and therefore used by factional agendas.

Revelations of corruption were increasingly enabled after Narc entered Government offices creating more anti-graft agencies and thus sources of journalism. As new graft was revealed, new social and physical resources were used in order to keep Government confidentialities confined to back region secrecy. As social and cultural resources are used in journalist-source negotiations over news, changes in the physical terrain shape interaction of journalists and covert sources. This change did influence journalists' ability to establish factuality and thus to produce news reports on corruption.

8. Battles in the news room

The Judiciary is corrupt, Parliament has corrupt people, we have corruption in our churches, why would journalists be any different?

Koigi wa Wamwere MP, Subukia

Journalism on corruption is a battle over the construction and distribution of knowledge. Chapter 7 explored journalists and covert sources negotiations in back regions of governmental institutions. As journalists gain access to corruption information in the back regions of the source organisation I suggest the negotiation shifts from the Government context to the news organisation as secrets become known to journalists. The negotiations explored in this chapter between powerful sources accused and journalists are thus over enclosure or disclosure: censorship or publicity. Inspired by Ericson et al's (1989) model presented earlier, the first part looks into how influential sources employ different resources in negotiations over news, and the second analyse how journalists employ counter strategies to remain in control of the process of production and mediation. Third, I analyse how source actions impact on social relations in the newsroom and journalistic practices as these attempt to overcome source influence in order to remain in control of the production and selection of corruption news.

Powerful sources shaping news

One Nation informant mentioned an episode where the paper was in the process of finalizing a story on an individual nominated for a top position in an anti graft agency. Before the appointment was decided by the President he received a report that implicated the person in corruption while holding a senior position in a parastatal agency. In order to complete the story the journalist called the individual to get his version of it. The first response from the individual was to refuse to cooperate. He refused to comment, trying to obstruct news production. He also sent his lawyer to dissuade the journalist from writing the story. As persuasion did not lead to the desired result, the journalist was told to expect a law suit if the article was published. The example illustrate that powerful sources use different resources cultural, social, and physical in order to disable disclosure of stories that affect their person or organisation. Doing this they appeal to identities, they use their skills and knowledge of journalism, and they use physical resources as injunctions in order to achieve censorship. The most powerful ones do not wait for the journalist to contact them. They attempt to get early

knowledge of journalist investigations in order to choose tactics and ensure that enclosure is maintained.

Source surveillance of journalists

Many informants held that sources use different means to gain early knowledge of journalistic enquiries in order to protect themselves against negative public attention. Two journalists brought up independently that they were regularly under observation by external agents, possibly the police. According to one of them powerful sources have a relatively easy task in figuring out what is in the pipeline as they know which journalists are able to dig up corruption information. 'They know who is capable of stumbling upon what kind of information,' according to an informant. There are not many investigative journalists in Kenya. *The Nation* has five, *the Standard* one at the time of fieldwork. According to informants they are occasionally monitored, but they do not know who is behind it. According to the same informant:

A: One thing I know is that there are a couple of guys... intelligence (...) keep cops on us.

Q: they tap your phone?

A: yes, that is for sure. They tap our phones. That is for sure. I have changed my number enough times. They tap your phone. They always know where you are, where you are supposed to be, you see? That kind of things.

Another way to get an early warning on what is about to be disclosed is to use in-house news workers for this purpose. Using journalism as a private resource does happen in Kenya and this is often termed 'corruption in the media' since financial consideration is considered a part of the reciprocity between the source and the news worker.

They approach the person and they tell them 'so and so, an investigative journalist, is digging you. He has got this story, and it is very damaging. It can be very bad for you. And if we talk I can do something'.

According to one media practitioner and informant some business journalists nurture close relations with their business sources. According to MP Koigi wa Wamwere it is common in political journalism. As autonomy from superiors is a resource for dishonest media practitioners it is an avenue for external agents who want to influence or stop a news item on corruption. Some have regular informants or agents in the media house. One journalist informant said that a key minister mentioned in one of the major scandals shaking the Kibaki cabinet has sources within one of the newsrooms of the mainstream press. One journalist informed of how he was approached by a journalist serving as in-house agent for an external.

I remember two incidents where some junior reporters approached me with saying that there are some individuals who wanted to meet me so that we can discuss the reporting of the [NAME]-scandal. And they offered me some money so that... every time we are writing the stories, we re-account their names. And the amount of money which was being offered was a huge amount of money.

Editors are also concerned that informants are operating in the newsroom and providing internal information to external agents:

A: At *the Nation* we have been very concerned about the extent to which politicians are able to find out what we know and what we have in our system. They have informers all around.

Q: They have?

A: They do that. We know that. Sometimes we get a call from a politician asking you about a story you have not even published, which you are still writing. That happens. They call the editors and ask you about the story and sometimes ask 'why should you publish it?' you know. 'How do you know that I have this story? I don't have it; it is up to you to prove.' But they do have allies. They do have friends.

The reasons for surveillance are obvious. When the newsroom is punctured by external surveillance it enables sources to use their knowledge to employ the right tools needed to secure enclosure or even better, know what to disclose and how. One informant reflected on the knowledge game of Anglo Leasing:

Those who were involved were out trying to find out how much information the media had, what they could hold back, what they could release, so it was kind of a cat and a mouse game.

Knowledge of journalism as a source resource

Occupational norms and practices become part of this knowledge game. Journalists producing disclosures observe objectivity as a balance that must be observed within the news item.

Balance is not conceived as something achieved over time as a case unfolds. As one informant puts it: 'For me to write a story, editors insist that I must get a story from you. If I am accusing you of anything I must get your other side of the story.' He will eventually be consulted on the matter and asked for his version before the story is published. This provides the journalist with the advantage of a surprise attack if the source is unprepared. Journalistic norms and routines provide some opportunities for the skilled and even more for the powerful ones.

Threats of law suits seem to be an instinctive way for sources to react when confronted with corruption allegation. But it is also a threat that is taken very seriously by journalists and editors as shown in chapter 6. Journalists whose stories are the reason for libel suits against the paper might face difficulties with their employers. According to one informant

suspensions over libellous articles have occurred. However, these are merely ways to intimidate the journalist, according to one informant.

I remember during Anglo Leasing I think I got about three letters; none of those have ended up in court. I have not been asked to appear in court on any of those issues which gives you an idea that people just try to intimidate you not to continue writing.

Libel suit is not only a consequence of journalism but a part of the negotiation of journalism. The courts become part of journalism. As the Judiciary is perceived as unpredictable and indeed by some as corrupt threats of libel suits create uncertainty among journalists and editors.

Knowing the routines of news production and the fear of libel suits the source may refuse to comment on a story and thereby obstruct the news production.

Anybody you talk to will tell you, 'I am not aware, let me find out, I will talk to you' and then they will switch off their phones. Then you suddenly can't get to them and all that. That is a strategy that is very common now. Very, very common.

Sources use this tactic in order to prevent bad publicity. They interpret the journalistic professional norms literally and believe that the paper can not publish a story where one part is left out, even if the source refuses to cooperate. 'They believe that if they don't talk to you or give their comment, you will not publish the story.' According to one informant 'there is no way you prove that you tried to talk to him if he is not appearing on the paper.' It is difficult to prove that you have actually done everything you can in order to get in touch with the source. Some journalists said they wait for weeks and months in order to get some sources' accounts. As the former chapter suggests increased source surveillance of communications between journalist and source employees empowers the accused part. As objectivity is difficult to establish without the cooperation of the source, choosing silence serves him better. Silence seems to be the best strategic option.

Injunctions

According to one informant, the use of court injunction is also effective as it stops the mainstream press from publishing on persons or issues related to particular individuals.

You have had people who go to court, not because they believe they can win the case, but just to stop you from publishing. We have had cases where somebody go to court to sue, then you forget about the case and the case stays there. You can't write anything about it.

Filing injunctions mean employing a strategy of censorship. Injunctions are effective because not only do they stop an individual journalist from writing about someone, but the media organisation as such.

It is more effective in that it stops media from publishing anything about that individual. As opposed to where somebody is arrested, his colleagues can still continue to publish and write on the story. But when a court injunction is locked on a media house not to publish anything about that politician then it means: 'That is it.' And some of those injunctions can stay in force for months.

The possible corruption in the Judiciary is a part of the framework for publishing on corruption. The mainstream press can not be certain to win a case even if a news story is well documented because of the possibility of meeting a corrupt judge.

I do not believe that corrupt or corruption in the Judiciary is been eradicated, I think it is still there. So I can not exclude the possibility that some lawyers are working in conjunction with some judges.

Filing law suits or injunctions and bribing judges are methods sources use in order to control publishing and to avoid public scrutiny and negative publicity. At least media practitioners assume such particularistic or clientelist methods to be widespread.

Appeals to loyalties and identities

As is common knowledge among cultural anthropologists culture is not something static. Indeed it is constantly shaped and negotiated in different contexts. Individuals are not bearer of one cultural identity but many, and these are employed in different social or professional settings. Action might be guided by different norms that give meaning in different contexts. Different identities - national, communal, or professional - are appealed to by sources in situational negotiations for control over news and news content. Informants claimed that those accused of misdeeds often attempt to reframe investigations as the outcome of tribalism rather than conducts of professionalism.

When somebody is being investigated, he goes hiding behind his tribe. (...) When somebody is being investigated for corruption, then the next, he calls a press conference. He says, 'oh, I am being investigated because they want to finish my tribe.' Where does the tribe come in?

One informant characterise the corruption discourse following disclosures of Government corruption as a propaganda war. He calls it 'instant rebattle, denials and discrediting' as they publicly attempt to discredit corruption reports and blame them on dirty tactics of the political opposition. The informant mentions the Anglo Leasing scandal where different sources in the Government made several attempts to change the public perception: For example the Anglo Leasing scandal was according to the Justice Minister Kiraitu Murungi 'the scandal that never was. (...) It's unlike Goldenberg where public money was lost. What we will be looking for is the conspiracy to defraud the Government' (Munene and Kago, 21.01.2005).

Whereas the dichotomy of professionalism and tribalism is a common battleground when corruption is to be understood and framed in public, identities are appealed to when sources negotiate corruption news with media practitioners. One informant told how Government officials appealed to the national identity of journalists as they urged them to consider the collective national interest when reporting corruption. The informant mentions one example where the State House urged journalists to play down corruption cases prior to an important donor meeting.

We were called out to a breakfast meeting early this year with the head of public service, Government spokesman, several PS, principle secretaries just ahead of the donor consultative meeting, here in Nairobi, and the general brief to us was: 'go a bit easy on these corruption issues, because we have this review meeting with donors and we want this money so that [they] can come and help our people. So why don't you go easy on this corruption thing and don't go too much on it.'

According to one informant the Government classifies journalists in two groups, the patriotic and the non-patriotic: 'Now if you report corruption you are deemed to be non-patriotic, the same trick as a lot of dictators use everywhere. But it is coming to force very, very heavily.' 'Patriotic reporting' might be understood as a reframing of the public interest. Journalists must undertake responsible reporting and not act contrary to the good of the nation and its people. Thus journalists should rest the issue of corruption for the Government to successfully negotiate donor support.

The issue of ethnicity was also brought up by another informant. According to him there are certain expectations held by the ethnic community that constrict non-discriminating reporting of corruption and other perceived misdeeds. As one of my informers put it:

A: [E]thnicity is a method by which somebody can say that 'this is our very own, let us not crucify him.' Yes.

Q: Does it make it more difficult for you to report on [people from your own tribe]?

A: It makes it difficult, because you are in a position where you do not know what to do. You don't know what your people will think about you... you will go out and say that my tribe man refused to help me... and also you will also be guilty of crucifying my own...

The influence of communal or ethno-political identities on journalistic practices is not just source claims holding no substance in the Kenyan context. It is a perception in Kenya that communal ties do influence on journalism. You are perceived as biased if you write nice about one of your own or corrupt if you scrutinize him. Journalists are not unified on this issue. The news worker quoted above experienced that his ethnic identity made it difficult to report critically about members of his own ethnic community. Yet another media practitioner said he did consciously edit articles in accordance with his ethno-political sympathies during

the referendum campaign in autumn 2005. As one informant put it ‘we as journalists have not been able to rise above the tribes. That is the biggest problem we have in here.’

Accusations of bias against journalists are common. Journalists are accused of having an agenda dismissing ideals of objective reporting. Typically those being investigated for corruption will try to convince editors that their researching journalist is malicious or politically and ethnically biased.

Sources appeal to the different registers of identity they believe are most influential in situational contexts. Meeting a fellow tribesman they seek to appeal to communal identity or professional identity when they present their case for the editor.

Threats

Journalists working on corruption stories are also subject to threats from sources or their affiliates who want to stop investigations into certain matters or individuals’ conducts. Several of my informants had experienced what they interpreted as threats:

A: There are so many experiences. One, either I get threatened, because for instance if I am exposing corruption as far as drug trafficking is concerned... arms trafficking are concerned... That is a risk to my life. Yes. (...) They simply tell you not to write the story. ‘You are messing up with me. I can mess up with you.’ (...) ‘why are you writing stories like you are writing your last story?’ That is threat. Because I can not write my last story unless either I am dead, I am planning to retire and never to write again.

Q: (...) How is such threats communicated then?

A: it is so easy. They will call the office. They will call you on your cell-phone.

Sometimes journalists receive threats concerning their life by sources they can identify. ‘I was told [when I asked for an interview] that ‘this land has killed so many people and you might not be an exception, so you better leave it alone.’ Sometimes threats are communicated more indirectly, as a friendly advice by strangers:

An acquaintance of you, or somebody you don’t know, might bump into you... [for example] in a social place and (...) in the process of introduction he says: ‘ah, so you are this person, I have never met you, I have heard a lot about you, I have read a lot about you but don’t do this and this and this. This is very dangerous’. You see? You don’t know this person, why you want to do you a favour, (...) so why would you want to be so friendly to me.

Journalists differ on how serious they believe these threats to be. ‘We don’t consider it to be too serious to get us worried, but I have got several calls.’ Others have experienced threats they hold to be more than mere intimidations. The more powerful the individuals they investigate the more serious journalists consider threats and harassment. In this context investigating State House is difficult, according to sources.

One of the informant I met in Nairobi employed different security measures in order to be able to work. He had engaged a private security guard, slept at different locations, and changed travel routines in order to make it harder for sources to catch up with him. However, as the informant said, 'if they want to find me they will find me easily. I have no car. I stay in the suburb. So... getting me, and work on me, and disciplining me is very easy.' The informant planned to go into exile and did eventually do so some time after I left Nairobi. A second informant left Kenya for a temporary exile abroad following the police raid of the STG in Nairobi in March 2006.

Journalist counter strategies

Sources use different tactics to obstruct news production and achieve censorship as they obstruct the balancing of a story or the process of establishing journalistic facticity. Some powerful sources infiltrate the newsroom to negotiate news production and journalists sometimes experience that their stories are killed. Pressures or attempted interventions from sources and the media management make journalists employ counterstrategies in order to control their stories and public disclosure.

Overcome source silence and secure facticity

When producing a news story the standard procedure is to get the party involved in the news production by giving his own comments and statements on the claims before it is selected for publishing.

What we now do is try to give the other party an opportunity to say their story before we publish. So that is... when you end up in court you say 'this was a fair comment. He was given an opportunity to say his part of the story and defend himself.' So in a way that is what we try to do (...) just to cover up ourselves.

If sources refuse to cooperate in order to avoid a story journalists use different techniques to overcome these obstacles. When the Ministry of Finance came in the media spotlight over the Anglo Leasing scandal in the summer of 2004 the Finance minister Mwiraria did not surface for a long time.

A: We begged him, we tried all manner of things, wrote letters to respond to us. He did not respond. So they believe that silence is the best weapon. So they just keep quiet. If they don't say anything, you can't quote them.

Q: are there techniques you use to break this silence?

A: (...) Sometimes the minister when they have official functions, when they know that media are chasing them they never hold official functions, so we wait for them until they have official functions. (...)

Q: But the fact that Mr. Mwiraria did not speak. Did that create a difficulty?

A: Sometimes we just have a document, and just want to tell him, this is what we have. What is your side of the story? If he doesn't speak to you and somebody else has spoken elsewhere, we just say 'according to the document available...' and print it out to the market.

Journalists use different means to enable a story when sources keep quiet. If it is impossible to get in touch with the accused part the reporter might leave out his name. The mainstream press prefers to identify the assumed culprit, because it makes the news story more trustworthy: 'You may have to do the story without naming names. For the reader, may not be convinced that facts are correct if you are not naming names.'

What we do sometimes, if we are sure the information is correct. (...) We may publish the story, but we do not publish the names of the culprits. (...) So that is a technique we use, and the person we cannot name brings himself out. (...) Once he has responded we can use his name and legally we have also given him a fair chance... you secure your position in case somebody go to sue you.

Another informant used to find overt and powerful sources that he uses to 'attribute the story'. 'Now, of course some documents are not privileged. Therefore you can be taken to court for quoting them if the information is libellous. [These sources talk] while I am quoting a document.' If a journalist fears a law suit he consults with his editor and company lawyer in order to check whether the evidences in the case are strong enough to win a law suit.

No matter how evidenced a story is there will be complains. These are part of the game. According to one informant they are trying to find out whether a story is documented or not. They are 'fishing' trying to find out if a law suit can be profitable:

Most times what businessmen and civil servants would do is write you and demand letter to apologise: 'we hope you will apologise and therefore ask you to settle out of court.' They also do fishing. They are trying to find out if you have information, do you have documentation? They will send you a letter and threaten to sue you in seven days. What we normally do is to ask our lawyers to respond to them and tell them that we have the evidence and we should meet in court.

The possibility of lawsuits and convictions do impact on the selection of stories. Some stories never find their way to the media.

Some cases when we really cannot cover ourselves we don't touch the story, we keep it in a wait, hoping along the way we will stumble on documentation which will give us the opportunity to tell that story.

Filing law suits is not without risks as media practitioners do control positive coverage which politicians strive for.

If for example we find that somebody is very problematic and always complain about. That means that we have to be extra careful, whenever we cover his utterances, never publish his utterances, you know what I mean. We have to be more careful. At times we may just avoid covering that person.

One politician who bullied and threatened journalists with libel suits today faces serious difficulties when trying to get positive publicity or any publicity at all. The politician is more or less boycotted by the press, according to several informants. Journalists know that politicians depend on positive media coverage. 'I think they need the publicity more than we need them. So they also don't want to annoy us very much, because they want us to come again tomorrow (ha-ha).' This empowers them when handling threats of lawsuits and pressure from their politician sources.

Handling surveillance

According to one informant the longer it takes to publish a story 'the more are the chances that the networks will be able to catch up with you.' One informant explained that the police are very good at covering up corruption:

The police are very good at covering up. So one of the things you want to do is to close the options for the police, shut off the options for the police, so that there is no opportunity for them to cover up.

The journalist is given an advantage if the investigation is not revealed to the possible culprit before the journalist is ready to face him with the evidence. The external and internal monitoring of journalists by external sources has made journalists employ several measures in order to maintain control over the news production process. Journalists use their sources within the police force and get tipped off when they are being monitored:

It is very easy for me to find out information if something is happening. And we also have contacts, we also have friends. People you have done favours for, people owe you a favour. If something is happening on you, they will tell you by the way. 'This is happening, but I did not tell you. (...) I am not aware of anything.'

At least he has tipped you off on what is happening. So you get that tip, and then you know what a phone sounds like when it is being tapped. If you are given those kind of tips, you will know when your phone is being tapped.

Then they take precautions on what they speak about on the phone, they switch between different SIM-cards and meet their sources privately.

Impacts on news room relations and journalist practices

The mainstream press does hold responsibility for occupational risks that journalists are faced with carrying out journalism on corruption. According to an editor in *the Nation*

[w]e do everything possible, we even provide physical protection if it is necessary. We do that. And the others know that anything that arises from their work, the company will take responsibility. Yes anything, whether it is you are taken to court, you are in physical in trouble, we can take security guards to your house if necessary.

However, he also held that there is a limit to which staff and information in the newsroom can be secured. There is also a need for efficiency and transparency in the news production process. *The Nation* uses a computer system that enables journalists to work together and share information. Access to articles in progress is diversified and increased with responsibility. However such systems also enable some to profit from others. As one informant put it ‘such systems always have loopholes. (...) The problem is also a lack of loyalty among journalists.’ When externals operate within a newsroom it might alter news production, as vital information on the status of investigation is revealed to suspects. This might put covert sources’ identity and the production of the story at risk. As sources and power holders infiltrate the different work division of a media firm it thus impacts on relations and journalistic practices within the news room.

Trust and distrust in the newsroom

That journalists perceive a clash of interests between loyal and disloyal journalists in the news room, is evident from this statement:

One of the most important things that really bothers me is you do a very good story, you work very hard, you work on a story that... is almost threatening to take your life (...). But somebody else comes to benefit from that story.

The informant told me about personal routines he employs in order not to lose evidence for his story. In order to prevent colleagues from stealing documentation he always makes several copies and keeps these at different physical locations. If one copy is taken then he always has a backup. The relations between editors and journalists are also impacted by suspicions of journalists nurturing relations with politicians that are too close.

I would like to have firm evidence because that will be a disciplinary matter straight away. It means you can not share certain information with that journalist. It means that when you are planning certain things which are very sensitive you need that journalist out. It means that when you get any stories from that journalist concerned with that particular politician you will have to check very closely to be sure that he is not planting a story in the interest of that politician.

One journalist informant had once experienced that the identity of his whistle blowers were exposed by an editor. The sources faced consequences at their work place following this disclosure. Likewise, when stories are ‘killed’ it raises anxiety, suspicion and distrust. This issue concerns the journalist because it puts him in a difficult position vis a vis his own sources, as the journalist’s integrity is put in doubt.

The other side, I write a story and somebody kill the story. Somebody out there will think that I refuse to publish the story because I received some money.

Journalists do not always get any explanation for such decisions. Sometimes they are just told to leave the company or person alone or they are asked whether they have an agenda. Such actions by editors raise suspicion. The secrecy such editorial decisions are wrapped in increasingly make them a source of speculation. When journalists get a phone call from one of their seniors to leave a company or an individual alone, they might and do interpret the incident as the action of a corrupt leader. The commercial well-being of the newspaper also becomes part of the journalists' corruption news judgement.

If you are the journalist who wrote the story that resulted in a response where advertising was stopped, and for some reason maybe the manager negotiated and the advertisement was stopped. So, next time you get a big story on them you are really not sure whether you want to touch it, because again, it might just come direct to you. Yes, So... to that extent, yes, it does affect the work of journalists.

Examples of disloyal or corrupted journalists or editor colleagues fuel suspicions and speculations in the news room. Relations in the newsroom are to some extent marked by lack of trust between journalists in the newsroom and between journalist and editors. Some colleagues and superiors are perceived as corrupt, politically biased, or both. This is not accounted for in research literature, and as will be shown below it also influences how journalists negotiate their stories in order to achieve their publishing.

Impacts on journalist autonomy

In-house surveillance and the lack of trust between journalist and editor made one journalist practice more autonomy from his editors.

There have been occasions where I have come under pressure from my own media house, where they have asked me to reveal the identity of my sources. But I have refused. Because of that I am still enjoying their confidence and they continue giving information.

Some also undertake investigations without their editors' knowledge in order to minimise interference with their work.

More often than not I know the story, the editor is not aware of what I am writing. So I have all the facts. So it is me and the person I am writing about. My employer doesn't know. It is only a degree of when I present the story to him. That is when he will be aware that there is such a story I am chasing. Otherwise he is not aware.

The careful internal and external information management is important in order to succeed in producing and publishing a story. It seems as if the fewer the people that know about ongoing investigations, the better. Important in this regard is the time it takes from the accused part is contacted till the time it is published. A well documented revelation of corruption is hard to kill. However it does happen and the argument of a possible libel suit is difficult to

renegotiate in the news room: 'You know, this will take us to court. You know, you don't have this, you don't have that.' One journalist explained that it sometimes was worthwhile to present different stories to different editors in order to master and overcome individual bonds of loyalty or challenge media owners' directives:

There are some editors who know which are the sensitive areas. (...) He will not touch the story. He will not publish it. Luckily now, I think the story was published, because the editor who I presented the story to, (...) decided to bite the bullet and he knew that he was doing that.

Many stories are put on hold as documentary evidence is not perceived as consistent. Some stories are killed. In case of the latter it might not be the end of it as information and documentation can be forwarded to other outlets or to parliamentarians as the last resort, according to one informant. If one is unable to select and publish a story as a consequence of loyalties or corruption, another might.

Summary and comments

Sources appeal to loyalties, they use their knowledge of the news production process and they penetrate the newsroom in order to get knowledge on and negotiate news production.

Powerful sources also use the management level to gain influence the editorial practice and the selection of singular stories. The revelation of sources' identities, attempted bribes, and the killing of corruption stories create distrust among media practitioners in the newsroom, impacting on social relations and journalistic practices. Journalists practice increased autonomy in order to protect their sources, their stories and themselves. This autonomy of journalists, I suggest, provides for practices that make journalism the instrument of powerful and, in this respect, governmental sources. It is thus a resource exploited by journalists for professional purposes and by other media practitioners and their patrons for clientelist favours. Journalism on corruption is experiencing this puzzling paradox of media freedom. Whether it is social or cultural explanations for the breakdown of professionalism is difficult to tell. With loyalty there is also often a social or economic benefit.

9. Media ownership and sources: interests and conflicts

The Kenyan mainstream press reported extensively on corruption in 2003 and 2004 (see chapter 5). In 2004 rumours held that the new Government had merely inherited the old networks of corruption from the former Kanu regime. These allegations were further detailed in January 2005 when a *Standard* article *Mr. Moneybag* detailed how businessmen known as supporters of the former regime now frequented the Office of the President, and detailed allegations of corruption against then National Security Minister Chris Murungaru were put forward (see Ngotho, 07.01.2004). Murungaru ordered journalist Kamau Ngotho to be arrested and charged with criminal libel contrary to Section 194 of the Penal Code. *The Standards* 'Media Maverick'-columnist Kodi Barth wrote of the irony he experienced as Mr Moneybag was being investigated by the CID:

While Associate Editor Kwamchetsi Makokha was being grilled on Tuesday at the Criminal Investigations Department headquarters in Nairobi, I was saying nice things about this Government to a visiting Norwegian official. (...)

I told her that in my opinion, Kenya's media was now enjoying a relatively bigger democratic space compared to the years before Narc. The fact that the media could now talk and publish without undue fear of a sudden torrent of police rungs on their back, I figured, was progress enough – even if we still had over 200 libel cases littering our courts (Barth, 16.01.2005)

Barth (ibid) and several of my informants expressed that the 'democratic space' increased as Kibaki and the Narc entered the Government offices in 2003. These accounts are interesting as there have hardly been any formal changes of media regulations since Moi left State House. Laws and regulations obviously impact on journalistic practice in Kenya. Brian McNair (1998: 83-100) see the political system and the laws and regulations it imposes on the society's cultural producers as one of four variables that define the extent to which the political environment shape the journalist's work. However, he also holds that the political culture shapes the political environment of journalism. When Barth evaluates the democratic space he does not evaluate the formal requirements of press freedom but the political culture that premises it. I have argued earlier in this study that Kenyan power holders and Governmental sources historically have used state resources selectively in order to control news. Are such clientelist political uses of the state changing in Kenya? In this chapter we revisit the role of ownership in order to explore how it gets involved as an agent in the mediation of news on corruption in Kenya.

Doing this we should assume that different owners hold divergent political orientations, different economic interests, and indeed we should assume different ideas of

journalism. As the state is plural in terms of organisations, goals and powers, as the Cabinet is divided along political and ethnical lines, and as Kenya has a history of clientelist selective use of state resources state-media relations is best understood as qualitative relations rather than fixed structures as argued for in chapter 2. Below we look at the perception of interference and their consequences, namely that stories on corruption are occasionally stopped by the non-professional management. Then we look at how powerful sources turn to the non-professional management of *the Nation* and *the Standard* respectively as avenues for influence and the resources they use. Accounts of media owners and top management are not part of the empirical material for this thesis. Thus this is primarily an analysis of how interferences is *understood* and *perceived* by media professionals. Such a focus is not without value as the meaning media practitioners' add to their experiences influence their counter strategies as shown in the former chapter.

Stories 'killed'

[The source] gets worried and he talks to my employer, my boss, and says 'I am trying to be malicious and I want to mess up his name.' And when that happens I go to my editor and tell him 'this is what I have. I have got this and this from here and there. Factual, this is what I have. What do you have to say?' And then it is his decision, not mine. If he tells me to go on I go ahead and write my story.

Journalists undertake the production of corruption news. Editors have the final say in the publishing of these stories. Corporate executives act to 'protect the commercial and political interests of the firm' (Gans, 1980: 95). However, powerful sources such as cabinet ministers do not (necessarily) argue with journalists. They call the senior management (business or editorial) of the newspaper in order to negotiate their cause. The Kenyan President does not call *the Nation* or *the Standard* to complain. He has his advisers to call. As any media firm works by division of labour and decisions powerful sources seek influence editorial practices the level most likely to bring the desired outcome. Both media owners and senior news management in Kenya are important in this regard, as media owners in Kenya have the opportunity to and occasionally do interfere in editorial decisions (Barland, 2005: 105). The management and sometimes ownership figures are contacted over stories worrying influential sources. When the media CEO is called by powerful sources he talks to his editors and they handle the issue discussing the case with the journalist. The journalist has the opportunity to defend the story he is currently writing, as the above quote shows. Journalists are occasionally told to leave a story or a person alone. Stories are sometimes 'killed' by the media management. Sometimes the longer terms investigations are restricted. Source interferences

through the media ownership have been observed historically during Kanu rule in Kenya (see for example Gecau, 1996; Munene, 2004). However, to my knowledge it has not been subject to analysis after the regime change in 2002.

The *extent* to which firm representatives interfere in singular cases is not known. However, it does happen. Selection practices are altered and changed by source and ownership interventions and according to informants increasingly so as new revelations began hitting the Narc regime in 2004.

The case of *the Nation*: friendship and loyalty

With the Kibaki administration new people came to power. These were individuals whose time in opposition saw themselves in alliances with the press over a common cause, to see the end of the more than two decades long rule of President Moi. As one informant put it, 'their days in the opposition have formed very close alliances in the media, because they were fighting the same cause.'

Informants disagree as to what degree the newspaper daily is subject to pressure from the owners. According to informants powerful sources such as cabinet ministers address media executives when they are unhappy with media coverage or if they scent that news reports touching negatively on their public image are in production and about to be published. For instance former Finance Minister Mwiraria turned to the CEO of the NMG to express his frustration with *Nation* journalists.

A: So the CEO would want to find out why this particular minister or chief executive thinks that he is getting bad publicity. And we said, 'he does not speak. If he speaks we will give him acres and acres of space.' If he does not speak and his opponents are speaking we cannot hold a story because the minister does not speak or if a chief executive don't speak. So we tell the CEO to tell them to speak to us. We will give them an opportunity to say their story.

Q: so the CEO doesn't put pressure on you to cover him nice?

A: Nooo... hardly. I have not heard an instance where my CEO have told me to go slow on anybody. Unless he tells it to my editors, I don't know. But I have not had an opportunity where he has called me to tell me we need to go slow on this one, this guy has complained about.... We get to know that they went to see him and complain. He sought information on why it happened and he was given an explanation. But that never stops us from doing stories.

This informant held he had never been under pressure from the business management of the media house and asked to put certain corruption stories on hold. Others however emphasise that the environment changed as the disclosure of new cases of corruption started to hit the Narc Government in 2004. According to an informant the close relations between the owners,

managers and power holders have been sustained for many years, and they influence journalistic judgements on framing and selection.

It is more than usual to get signals, about a story you have written, the kind of signals which make you (...) uncomfortable, because you know purely on professional basis you are on good ground, the story was right, you have the evidence. But the kind of signals you have probably been too hard on certain individuals (...): 'are you dwelling too much on the negative aspects of the Government? Why don't you also give the Government a chance to settle down', you know.

For an editor it is difficult to stand up against external political pressure if he does not have the support of the media owners.

Q: Political pressure, does that create self censorship?

A: they are forcing you to be too cautious, and sometimes to hold back on a story, that is self censorship.

Q: What might the reaction be? So what if a politician becomes angry?

A: But you see these media organisations. I don't own the [newspaper]. I am only an employee. (...) It is very different if you own the newspaper yourselves. You can tell them go to hell. You see what I mean...?

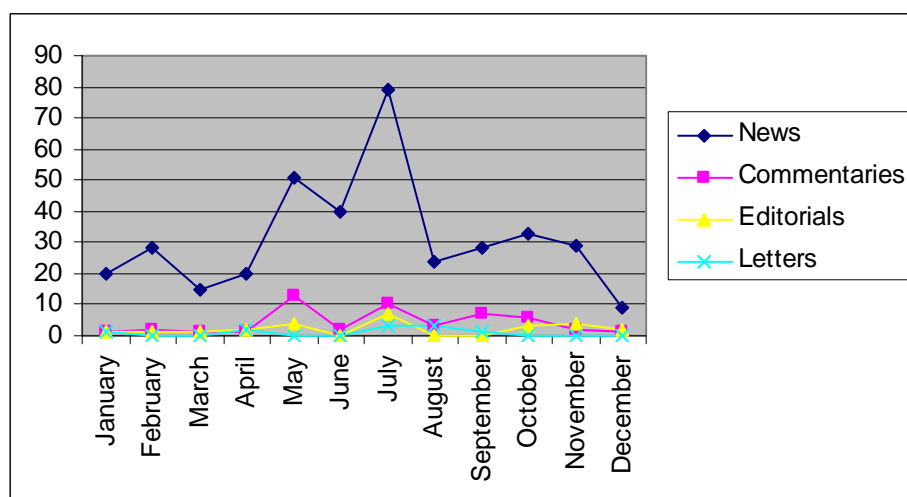
The Anglo Leasing scandal

It is common knowledge that former President Moi put pressure on the media owners during his dictatorial rule in the 1980's. According to Macharia Munene the owner Aga Khan did occasionally call the then editor of *the Nation* Joe Kadhi and express that he should not 'anger his Excellency the President' (2004). There are indications that ownership still is used as an avenue for powerful sources who want to negotiate singular news items and editorial policy of the mainstream press.

Some informants hold that *the Nation* was put under severe pressure to 'go slow' on the Anglo Leasing case in the autumn of 2004. *The Nation* had run a series of disclosures summer the summer of 2004 (see figure 9.1). It is interesting to note that investigative reports and investigative reporters seem to disappear from the case in the autumn while regular beat or front region reporting continued as usual.

**Figure 9.1:
Journalism on
corruption,
2004.**

Coverage in the Daily/ Sunday Nation by month. The peaks from May to July is in part due to extensive reporting on the Anglo Leasing scandal.



The head of this investigation at *the Nation* said, however, that this was so for reasons of security of journalist staff. However, according to other informants *the Nation* was under severe pressure to stop disclosures of the Anglo Leasing scandal.

There was a lot of pressure on the coverage of Anglo Leasing scandal, when everybody was closing in and almost unravelling the mystery around Anglo Leasing. And Nation just left... stopped covering that matter anymore, because I think State House indicated that 'hey, you guys, this is getting personal.'

Other informants confirmed this information. One informant also mentioned a particular story on the Anglo Leasing that was killed by the management of *the Nation* before it was published.

It was to be published the next day, and the management said no. (...) And they didn't publish that story completely. So it can come to that level where they say: 'Don't cover too much on this individual, or leave that story out, just forget about it.' It comes to that level.

A common interpretation would be to see this as a consequence of loyalties since *the Nation* is considered relatively Kibaki-friendly. One informant thus suggested ties of loyalty.

According to him old friendship and expectations from the days in opposition are hard to withstand.

That intimacy, that relationship which they built (...) is a liability right now. And there are such individuals... and you can not turn around and end many, many years of friendship between certain vocal politicians and certain people gain more influence in the media.

Whether *the Nation* decided to 'go slow' on the issue as they shared the political or ideological beliefs of their sources and displayed loyalty, or whether there were other kinds of arguments involved is not known. One informant informed me that the media house might be anxious that their sustained reporting would be too damaging for the Government. To bring it down would not be in the interest of the media house. As news worker informants are left to

speculate on why it was so, so am I. What is clear is that *the Nations* investigations into the Anglo Leasing scandal were going slow from the autumn 2004 onwards, and that this happened following Government source pressure of one kind or another.

The case of *the Standard*: the selective use of state power

During Moi's rule prior to the election in Kenya in 2002 *the Standard* was considered a pro Government and pro Kanu newspaper. As the Kenyan people decided to change Government in 2002, *the Standard* faced a new role as an opposition newspaper. Since the regime change *the Standard* has been a vocal critic of the Government scrutinizing Government figures and institutions for malpractices. The oppositional character and possibly the financial situation of the paper have led Government sources to use other means in order to negotiate the selection of corruption news.

According to one informant the Government can employ different 'weapons' against media enterprises that provide unfavourable publicity. This informant claims that media owners as individuals are targeted for Government pressure in order to control publishing practices in privately owned media houses not showing loyalty to power holders.

A: It is a sort of... well, I think... What the Government does is... you know it also has a weapon, you know like... 'You are running this business and (...) I have all these things about you, so if you don't go slow on me I will go very hard on you.' So that is one way...

Q: [So it is a] kind of blackmailing... ?

A: yes, blackmailing. I think blackmailing is the right word. 'You know, I have this about you and I haven't quite done anything about it, so if you do not go slow on me, really I think I am going to do something about it.'

Q: does that apply to the ownership level or to...

A: Well it applies to the ownership level, of course, nobody in Government has anything on me. And if I want to put out a story, this really wouldn't work on me. Yes. But at some level it works, maybe at the ownership level. The ownership is political. And business paper is owned largely by people who were in the last Government, and this new Government still has a lot of issues to sort out with them. So at that level I think it can still work, and that trickles down to where we are.

This information was confirmed by another informant. The courts are used selectively in order to stop corruptions stories from surfacing in the mainstream press. As misdeeds are found among the former ruling elite the prosecutions of these cases are made dependent upon loyalty shown to the sitting regime. Media owners are sometimes told to stop bad publicity, an informant said: 'either [you] are going to be charged in court or you are going to reign in your media house. According to this informant one of the shareholders had been brought to court and charged 'as a demonstration of seriousness.' Thus the political and selective use of state

resources for the purpose of negotiating corruption stories out of the public sphere still happen in Kenya in the post Kanu era. State resources might be used as incentives and punishment when editorial policy and publishing practices are negotiated with owners and senior news management.

A huge portion of the advertising revenue of the Kenyan newspaper daily *the Standard* comes from Government departments or parastatals. According to an informant, the ‘Government or sub-Government agencies account for slightly over 60 per cent of all your income from advertising.’ Other informants deny this number and insist that it is much lower. Anyhow, if this revenue dries up it has consequences for a newspaper as its survival depends on advertisements. According to informants the advertising purchasing power was used by cabinet ministers in order to influence editorial decisions in the media. In 2003 *the Standard* was threatened that they would lose revenue if they continued their investigations into certain issues of corruption. In late 2004 the newspaper saw declines in the volume of advertisements from Government agencies. Government advertisements are used both as a way to punish *the Standard* for bad publicity and in order to push for a change of editorial practices.

A: well, there have been cases and the columnists have written about them where certain Government... certain arms of Government, ministries, agencies of Government, advertised, placed adverts in all the other papers, but us. (...) I mean, the life line of a media house is advertisements.

Q: did that affect the economy of *the Standard*?

A: naturally we would like to have as many adverts as you possible can. When you are denied these advertisements naturally you will suffer. You are hurt.

The severe loss of money affects internal relations in the newsroom.

So the denial of revenue creates havoc. It creates havoc if you understand the kind of media model that we work with. If you take away Government advertising, even just half of it... (...) for one month you will have played havoc with the finances of your company to the extent where you may not be able to guarantee salaries to your staff!

The editorial divisions of the media house suffered from declining income, and this impacts on editorial decisions. Editors find that they must ‘kill a story’ in order to save the company economy:

You see, this is a business enterprise. And when... when... when somebody upstairs calls me to tell me to drop that story, it means this business is seriously threatened. (...) It is really crucial for them, because this Government has the capacity to shut down this organisation.

Important in this regard is, as mentioned in the former chapter, that decisions to kill stories or to halt investigations into corruption issues affect newsroom relations and journalist practices. Moreover, it affects the watchdog role of the news media.

Summary and comments: Ownership and media autonomy

The clientelist or particularistic use of state resources was well known in different periods of Moi's rule. In the 1980's the state banned publications and arrested media practitioners using the laws as powerful tools to control media performances. In the 1990's media loyalty was honoured in terms of positive incitements as frequencies.

Ownership still matters, also for sources attempting to impact on news production and story selection. Many informants upheld that the ownership of their news organisation was crucial for their work on corruption issues. However, it seems that Government sources used different strategies to maintain enclosure. As owners pursue different interests commercially and politically they are subject to different pressure from powerful sources eager to impact on editorial decisions. It is held by different informants that *the Nation* management is loyal to the sitting President sharing political oppositional goals in the 1990's. Sources appeal to ownership loyalties in order to influence newsroom practices through media owner. *The Standard* is the smallest paper in terms of circulation and vulnerable to financial pressure. Powerful sources use advertisements and selective use of courts to influence editorial decisions and policies, first as threats, then in practice, as *the Standard* experienced. *The Standard* has also experienced that the court system are used selective in order to influence editorial policies and practices with regard to news on corruption. These particularistic pressures are viable options for influence for only a few individuals/organisations mainly those controlling state resources. Publishing practices are partially affected by such pressures as it impacts on the selection and production of certain corruption stories. This also leaves a circumscribed autonomy left for media practitioners to explore and affects the watchdog role of the Kenyan mainstream press.

10: Final remarks

In the introduction the question of the role of corruption news in Kenya in a democratic perspective was raised. The Kenyan mainstream press reports regularly on corruption. The volume on corruption reported by the Kenyan daily newspaper *the Nation* more than doubled from the years 2001/2002 till 2003/2004. If taken as a general trend Kenyan media seems to report more on corruption after the regime change in late 2002, than before. In 2004/2005 this trend was reversed, as shown in chapter 5.

The increased attention given to corruption by the mainstream media after 2002 is to some degree informed by findings in the news production analysis. Deductive conclusions should however be avoided as the content analysis is based on a much broader understanding of corruption journalism than the production analysis, which is primarily narrowed down to disclosures of back region secrets. Some links between content and production however are obvious. First, the increased coverage might be understood as a response to a vocal commitment by leading Government figures that the new regime will have no tolerance of corruption. As President Kibaki came to power corruption became a major issue. The President and the Government's promises became a benchmark for judging corruption and increased the newsworthiness of corruption revelations. As news was acted upon it made the journalists feel powerful and proud as they perceived they were fulfilling the journalist watchdog mission, as suggested in chapter 6. During Kibaki's first two years of presidency new anti-corruption institutions were established. This provided for more sources on corruption issues and might also have contributed to a culture of more openness and transparency in Government organisations. As a new coalition of parties entered the Government offices, civil servants, Government officials, and other whistle blowers felt encouraged to disclose information of misdeeds undertaken during the former regime. Openness and transparency seemed to increase as Kenya changed Government. Moreover, openness made more documentation available to news workers, enabling them to publish corruption stories without too much anxiety about libel suits. It also encouraged journalists to investigate and disclose corruption. The empirical data presented in chapter 7 suggest that there is a shared belief of the public interest among sources and journalists disclosing corruption.

With all reservations with regard to the validity and significance of this finding, the decline of corruption news coverage from March 2005³⁶ might be explained in terms of organisational factors, as chapter 6 suggests. Politics gained prominence, as extended human resources were put into the coverage of the referendum on the proposed constitution. Some also suggest that reporters with important stories in terms of impact might wait to file copy until after the referendum in order to gain front page coverage. New routines introduced in order to establish factuality do seem to contribute to the decrease of coverage. Some claim there are many stories waiting to be written or filed as journalists wait to come by evidence that the news organisation believes will support a possible court case.

However there are other powerful attempts to explain the significant decrease. In chapter 7 we saw how the Government source organisations tightened their practices with regard to leaks. Increased numbers and impact of libel suits as shown in chapter 4 changed the practical interpretation of professional norms with regard to objectivity, as chapter 6 documents. The impact of this is strengthened by the crack down on whistle blowers in April 2004 that made the participation of covert sources more difficult and impacted on the availability of supporting documents in corruption cases. The decreasing trend might also be due to clientelist use of journalists in newsrooms, as shown in chapter 8. Informants have diverging views on this issue. Moreover, particularistic use of state resources, as shown in chapter 9 for instance blackmailing of media owners and selective advertising impacted on corruption journalism in the newspaper daily *the Standard*. *The Nation's* investigations into the Anglo Leasing scandal were halted as a consequence of political pressure. In both media houses it seems as if it affected the ability of the mainstream press to reveal corruption.

Journalist autonomy and control

In the introduction I asked whether the Kenyan mainstream press plays a positive role in a democratic perspective. The democratic role is narrowed in this context to concern media's ability to act as watchdogs of public authorities. In the normative liberal theory the democratic role of the press is to 'act as a check on the state. The media should monitor the full range of state activity, and fearlessly expose abuses of official authority' (Curran, 2002: 217). This is a normative and 'timeworn' ideal, according to Curran (ibid: 219). However, as Hallin and Mancini (2004) argue 'the adoption of an ideology of journalism as 'public trust' is an important historical development and should not be dismissed as 'mere ideology' any more

³⁶ The data thus bring down the widely held assumption that corruption was a major issue during the referendum campaign as constitutional reform to get rid of corruption was one of the main arguments for a new constitution. Corruption does not seem to have been subject to much discussion at the rallies covered by the press.

than it should be accepted as pure altruism'. This thesis shows that Kenyan journalists are guided by the perception of themselves as watchdogs as they investigate and expose corruption in the public interest. Thus, timeworn or not, as this ideal is a part of journalists understanding of what they actually do it is well worth to make some considerations on the issue. The issue of media autonomy is crucial when the watchdog role as a notion of medias democratic role.

As shown in chapter 6, journalists follow professional norms supporting a non-factional journalistic practice and a shared perception of news values and the role of journalism providing for a relative autonomy as they perform their work. Investigative journalists might work for weeks, sometimes months in order to file a story. Investigative journalists seem to enjoy considerable autonomy with regard to story selection and execution of their work. They work independently and are conservative with regard to information sharing also with their managers as well as their fellow journalists. However, managers occasionally assign them to other tasks.

In chapter 7 we saw that sources use the media for political or economic purposes. Journalists do not discriminate against information from their sources that are biased. They consider the information, investigate the motives of the source, seek additional and complementary information and check the validity of the material before they select and publish. Whether the agenda of the source is political-factional is of minor importance as long as the information it provides is factual. News media, however, consider the information they receive regardless of intention but judge it in terms of significance, impact, and factuality, and they decide how news is framed. As journalists meet covert sources they meet political agendas and attempts to use them instrumentally. As they observe normative ideals of objective reporting, checking the credibility of sources and facticity of information gained, they achieve a relative autonomy from these sources.

However and as shown in chapter, 8 there are clientelist practices also in the newsroom. The sources of journalism or other external agents gain influence news selection and processing. Some politicians use and pay journalists as informants in order to obtain early knowledge of what is in the pipeline about themselves or their affiliates. The very autonomy of journalists vis-à-vis their superiors enables these practices. It is a paradox that the autonomy of journalist constrains journalistic practices and enables sources to enhance their control of news room practices. Indeed journalistic autonomy also provides space for clientelist cultures as there is a market for clientelist services.

This thesis shows that clientelism is also an in-house constrain for the mainstream press. In Kenya professionalism and clientelism coexist in the newsroom. Both are enabled by journalistic autonomy, and both request more journalistic autonomy. Today some journalists and editors act as instruments for politicians as they perforate journalists' occupational loyalty and act as informants for politicians for different kinds of reciprocity. Thus constrictions on the journalist watchdog role are also an in-house challenge and influence newsroom relations as shown in chapter 8. This challenge is both cultural and social. A strengthened journalist professional culture is imperative if cross factional professional loyalty is to be achieved. The challenge is also social as journalists' ways to exploit autonomy should be addressed.

Media ownership and independence

There are also claims that politicians influence media owners, editorial or management staff through old friendship, ethnic or regional affiliations, political orientations, or they blackmail them. It should also be noted that clientelism has not disappeared after Kanu lost the election in 2002. The new Government and Government figures continue to use state resources for particularistic purposes constraining independent journalism on corruption and disabling some news stories from surfacing in public. Chapter 4 shows that many different economic interests of media owners make media enterprises vulnerable to such particularistic political or source pressures in a political clientelist society such as the Kenyan. As media owners pursue their economic interests they are vulnerable to blackmailing or rejection of Government hand-outs as chapter 9 suggests.

No matter the amount of pressure, however, the mainstream press can not be seen as ignoring one of the most pressing issues in the country if it is to sustain legitimacy among its middle class audience. It seems as if pressure thus targets the investigative journalism on corruption that is based on leaks of confidential information. Beat reporting continues to enable a corruption discourse to some extent. As media compete in a market the existence of different outlets with different owners enables to some degree corruption stories to be published. However limited this market is it works to some extent against the forces of secrecy and censorship through clientelism and instrumentalism.

From overt intimidation to covert surveillance?

The watchdog role of the Kenyan mainstream press is constrained by different kinds of interference in the operation of the media firm and conduction of journalistic practice, as this thesis shows. It is pertinent to ask whether the quality of interference from the state or state

sources is changing. The arrest order on Kamau Ngotho in January 2005 was termed a PR disaster for the Narc regime and widely condemned by the donor community and international journalist organisations. Such physical harassments of media practitioners were by my informants not observed as the norm under the new Narc rule, quite the contrary. Some of my journalist informants experience and expect a freer role as a journalist now than they used to during the Moi regime, which was at times highly repressive. This also applies to reporting on corruption.

During Moi there was very little press freedom at that time. You could report on corruption, but on your own risk. You could be jailed, you could be killed. Or being harassed by state for reporting on certain things, or even be harassed and beaten by police (...) just for carrying out your work. (...) The previous Government, they used the police and AGs office to intimidate the media.

Detentions and arrests of journalists are not frequent but still occur in Kenya, as Ngotho experienced. However, some informants hold that the 'journalistic space' or 'democratic space' has widened up since the regime change in late 2002 as there is less fear of physical abuse among journalists.

Some informants, on the other hand, hold that they do not perceive the efforts of control to be any lesser than they used to, but the means have changed from overt harassment of the media under Moi, such as arrests and detention, to more sophisticated means of media control. These days political and source pressures take other forms, both direct and indirect, and according to one informant, are much more methodical. According to another informant, the level of surveillance of journalists has increased since 2003. After the disclosure of Anglo Leasing and the Naval ship cases the Government have been able to 'seal the loopholes' in their own organisations and effectuated better surveillance of journalists. Part of this surveillance is nurtured by corruption in the media house, and according to another informant corruption among journalists has increased: 'It was there at some point, but [not with] the intensity with which it is happening is high right now.' The number of stories killed or stopped increased as referendum on the proposed new constitution approached, according to one of the informants.³⁷ This information correlates with the content analysis and might contribute to the 2005 trend in terms of content on corruption.

A: As the freedom is increased and more open, the people who have an interest in controlling the media will look for other means, so the informal relations; the informal ways certainly has increased a lot. That I can say with confidence has increased. Yes.

³⁷ The Government also withheld corruption reports or reports used as resources for journalists to disclose corruption. The report from the Goldenberg tribunal was supposed to be released in October 2005, but was postponed till after the referendum. The report of the Auditor General was according to the same informant also held back.

Q: During when?

A: Epecially under the Narc regime.

Q: They use their people in the boards or in different...?

A: Yes, first, trying to bribe the journalists. Second, trying to influence managers, putting pressure on the company as a business entity, all that. I think it is more of that than ever before.

Whereas physical harassment, arrests and detentions might have decreased after Narc succeeded Kanu in 2002 it is suggested that the different ways to negotiate and control news production and selection have become increasingly pluralistic. This should not surprise us. If we accept that (covert) sources and journalists alike felt freer to disclose corruption after the Narc victory, if control of information and production was decentralised, and more source organisations were established, then these shifts might provide for more a more complex web of influences as more players and more differentiated means of control efforts at different levels in both the source and media organisation. As media gain more freedom from overt state interference and harassment, journalistic autonomy increases. The empirical data does not allow a firm conclusion on this discussion. A hypothesis might be that as media gain autonomy from overt and centralised control, more differentiated and decentralised, covert instrumental or clientelistic ways to control the media also increase.

The watchdog role of the media

The mainstream press served as a powerful check on the Government in 2003 and the first half of 2004. It investigated and exposed graft conducted by the former regime and increasingly the news regime. The journalism on corruption might be interpreted as the middle class struggle for universal values, meritocracy, and the rule of law. This role is amended by clientelist practices in the newsroom and external interferences in journalist practices. Pressure on ownership seems to be an avenue for powerful (governmental) sources aimed at influencing editorial policies and practices. In this regard it is also a question of whether the openness of the Narc regime in 2003 that enabled corruption revelations were merely politically instrumental as the watchdog ambitions of the mainstream press converged with the interests of the power holders in this post-election context of Kenya in the year 2003. As shown, these interests' of the powerholders and the media soon diverged.

Any suggestions on the future directions of the Kenyan media would be teleological speculations. The divergent practices of Kenyan journalist make the Kenyan mainstream press serve as watchdogs of Government deviances. Simultaneously is is used as an instrument for

non-professional internal and external interests. It might be conceived as a power struggle. The result of this struggle is not predictable.

Research proposals

News workers do not trust politicians since they are likely to lie and reject earlier statements, sue the media, plant false information in the news and use the media as instruments for political causes. What is significant is that news workers also bear a considerable distrust of many of their own colleagues. Secrecy and suspicion toward colleagues and superiors shape journalist relations. This is given little attention in the research literature, if any, and is an interesting finding in this thesis. Trust and distrust have bearing on the practices of journalism and is shaped by practices. Thus it touches upon conflicting norms and registers in the newsroom that is given little attention in the African context. Thus, the issue of trust and distrust between journalist colleagues on the one hand and journalists and managers on the other could be explored in more detail for example through a newsroom ethnography in Kenyan media or media in other African countries.

Lack of trust might also serve as an entrance to another issue deserving further exploration. Particularistic pressure is common in clientelist societies. To Hallin and Papathanassopoulos (2002) this also involves media using selective exposures as a mean against political enemies. Ezekiel Mutua for example holds that news is used this way by the news media:

The fact that you will only... you will publish a good story about me because I give you revenue. I publish a bad story about so and so because they don't advertise with you. That is corruption! That is corruption!

Koigi wa Wamwere also holds that media practitioners use the media they own for particularistic purposes as 'they uncover stories about corruption, not with the intention of publishing it, but with the intention of blackmailing.' As noted in the introduction Anassi hold that politicians 'want to buy and own most of the big and influential media houses so that they control what goes to the public as news' (2004: 334). This thesis neither confirms nor denies such claims due to the media centric and mainly culturalist approach. However, media ownership and control is an interesting issue, both with regard to the big media houses as Royal Media, NMG and STG running media on different platforms, but also the disregarded alternative press. As one of my informant held, the difference between the alternative press and the mainstream press is not as big as some claim. To find valid data on ownership would however be challenging.

There are limits to my topical and media centric approach. What it rarely does is to account for *overt sources*' efforts to frame news through strategic actions. A source centric approach might be interesting in this respect. As shown the relations between journalists and politicians are characterised by many conflicts but they also reciprocate in different ways.

Many journalists relate to politicians with ambivalence:

[Politicians] are not guided by anything, in most cases. So they will say something that suits the occasion, and they will deny it the following day because that is what the situation demands. In other words, they have an open field, or a blank cheque, you know, on what they can say.

Politicians have many different audiences for their messages that hold different expectations and demand: their local constituency, the party, the President and maybe also the middle class as politicians express their 'modern developmentalist ambitions,' at least rhetorically (Chabal and Daloz, 1999: 161-2).

The importance of local contexts of politics should not be underestimated. Koigi wa Wamwere has described how demands from constituents made it difficult for him as an MP to support principal and opposition politics as his constituency expressed expectations that he develop friendship with rich people and bring development to the area (1989: 119). The reciprocity of kith and kins brings expectation that one individual's (illegal) enrichment benefits all, and is hardly sanctioned in communal contexts, as Getecha held. The educated middle class are on the other hand more likely to expect meritocracy and the rule of law to be observed, and might rather judge politicians on their ability to deliver according to universal norms and expectations as opposed to communal ones.

Whereas political parties in Kenya by and large are based on ethnicity rather than ideological differences, alliances are frequently undergoing changes. There are also attempts to build stronger party structures in Kenya making principal politics a future possibility. Political leaders and the President traditionally value loyal politicians that are able to drum up support for the President and the ruling party/coalition. The study of the relation between politicians and the media is therefore an interesting one to undertake, and maybe especially so in election periods as it highlights conflicting demands of political leaders. The study of how politicians articulate their messages is an interesting object of analysis and how their message is framed might be a relevant case in this respect. One could explore how politicians value and use the media to communicate to different audiences. On the other hand new research could explore strategies media use to gain an independent stance when reporting elections in an ethnically and political divided country as Kenya.

Abbreviations and acronyms

BBC	British Broadcasting Corporation
CID	Criminal Investigations Department
CJ	Chief Justice
DN	Daily Nation
EAS	East African Standard
ICJ	International Commission of Jurists
IPI	International Press Institute
Kanu	Kenya African National Union
KACC	Kenya Anti-Corruption Commission
KBC	Kenya Broadcasting Corporation
KNA	Kenya News Agency
KNCHR	Kenya National Commission on Human Rights
Ksh	Kenyan Shilling
KUJ	Kenyan Union of Journalists
LDP	Liberal Democratic Party
LSK	Law Society of Kenya
MCK	Media Council of Kenya
MP	Member of Parliament
NAK	National Alliance of Kenya
Narc	National Rainbow Coalition
NMG	Nation Media Group Limited
OP	Office of the President
OSA	Official Secrets Act
PAC	Parliament Accounts Committee
PIC	Parliament Investment Committee
PS	Permanent Secretary
STG	Standard Group
TI	Transparency International
UNODC	United Nations Office on Drugs and Crime

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Appendix

Appendix 1 – List of informants

Media practitioners

Clifford Derrick, Freelance Investigative Journalist, KTN, STG
Mwenda Njoka, Associate Editor (Investigations), *the Nation*, NMG
David Okwemba, Investigative Journalist, *the Nation*, NMG
Dominic Wabala, Investigative Journalist, *the Nation*, NMG
Stephen Muiruri, Crime Editor, *the Nation*, NMG
Frank Oijambo, Editor, *the Nation*, NMG
Joseph Odindo, Group Manager Editor, Nation Newspaper divisions, NMG
Mugo Njeru, Staff Reporter, *the Nation*, NMG
Owino Opondo, Parliamentary Editor, *the Nation*, NMG
Jaindi Kiseru, Managing Editor, the East African, NMG
Otsieno Namwaya, Investigative Reporter, *the Standard*, STG
Douglas Okwatch, News Editor, *the Standard*, STG
Kwamchetsi Makokha, former Deputy Managing Editor, *the Standard*, STG
Kwendo Opanga, Group Managing Editor, *the Standard*, STG
Chaacha Mwita, Managing Editor, the Sunday Standard, STG
David Makali, Former Managing Editor, the Sunday Standard, STG

Non-media practitioners

Esther Kamweru, Executive Director, Media Council of Kenya
Ciru Getecha, Professor, United States International University of Nairobi
Koigi wa Wamwere, MP, Narc
Maoka Maore, MP, Kanu
Salaton Njau, Executive Assistant, Kenya Union of Journalists
Ezekiel Mutua, Secretary General, Kenya Union of Journalists
Owino Seko, Legal Officer, NMG
Martha Wangethi, Librarian, NMG
A Former Government civil servant who want to stay anonymous

The interviews were conducted in the period from 27 September to 29 November 2005

Appendix 2 – Transcription codes

In quotes the following symbols are used:

...	pause (mine or informant's) often following a sentence not completed.
(...)	words/sentences/repetitions/stumbling deleted for the purpose of clarity and succinctness
(word)	words added for the purpose of clarity
[name]	name deleted for the purpose of protecting informants
(hehe)	laughter
A:	informant speech
Q:	my speech

Appendix 3 – Selected correspondence

Hello.

I'm sorry I don't wish to engage at such a level because it takes up time I could spend doing something of value to me.

I don't think an interview from you for your thesis would benefit me in any way.

You may try out the media libraries or other contacts.

All the best.

[NAME]

```
> From: Helge Kvandal
> Sent: Wednesday, November 2, 2005 14:05 PM
> To: [ NAME]
> Subject: RE: Hi [NAME]
>
> Hi [ NAME]
> Sorry about the late answer. Have been out of town.
> For clarification: I am not asking you to be my research assistant. I ask
> for an interview. I am bound by and will keep to ethical standards and
> principles that applies to researchers. That means informants partisipate
> voluntarily and get no financial benefits.
>
> I hope you are still interrested in partisipating. If so, please let me
> know.
>
> Helge
>
> Quoting [ NAME]<[ NAME]@nation.co.ke>:
>
> > Hello Helge.
> > Sorry for the dealy in replying. I've been out of the office covering
> > referendum campaigns. Now, to do what you want me to, I suppose there
> > Is a financial consideration. Since I would be working as your research
> > assistant.
> >
> > Once tha is settled, we shall proceed.
> >
> > [ NAME]
> >
> > > -----
> > > From: Helge Kvandal
> > > Sent: Thursday, October 13, 2005 13:28 PM
> > > To: [ NAME]
> > > Subject: Hi [ NAME]
> > >
> > > Hi [ NAME]
> > > Promised som keywords prior to our talk. Been very busy this week
> > > but here are some words.
> > > - routines for information gathering
> > > - routines for source contact
> > > - investigating techniques
> > > - how to overcome lack of freedom of information act
> > > - Goldenberg Judicial reporting
> > > - and you mentioned some perspectives yourself that could be
> > > interesting to explore.
> > >
```

> > > I will be out of Nairobi next week. Is it possible to set a time
> > > for a meeting in week 43 or 44?
> > >
> > > Have a nice week end,
> > >
> > > Best regards,
> > >
> > > Helge Kvandal
> > > tel: 0725737228

Appendix 4 – Corruption coverage data sheets

The tables below corruption coverage in *the Daily/Sunday Nation* by months and genre. It also account for the number of front page references each month. The category ‘all opinion’ is the aggregated data of ‘commentaries’, ‘letters’ and ‘editorials’. Only the first 10 months of the year 2005 are measured.

2001	News	Commen- taries	Editorials	Letters	All opinion	Front pages
January	12	4	0	4	8	5
February	20	1	1	0	2	2
March	6	1	0	2	3	0
April	20	1	1	2	4	0
May	9	0	1	1	2	0
June	5	2	1	0	3	1
July	18	7	1	1	9	7
August	49	11	5	10	26	11
September	14	2	0	0	2	1
October	6	0	0	1	1	0
November	14	0	1	1	2	3
December	2	1	0	1	2	0
<i>Sum 2001</i>	<i>175</i>	<i>30</i>	<i>11</i>	<i>23</i>	<i>64</i>	<i>30</i>
2002	News	Commen- taries	Editorials	Letters	All opinon articles	Front pages
January	21	11	6	2	19	4
February	14	1	1	0	2	3
March	11	1	1	0	2	2
April	16	1	1	1	3	2
May	22	3	1	2	6	0
June	16	0	0	0	0	0
July	2	0	0	3	3	1
August	2	3	1	0	4	1
September	9	0	1	0	1	2
October	6	1	0	0	1	0
November	1	1	0	0	1	0
December	17	3	2	0	5	3
Sum	137	25	14	8	47	18

2003	News	Commen- taries	Editorials	Letters	All opinion articles	Front pages
January	29	1	1	1	3	6
February	26	5	1	1	7	4
March	19	3	3	1	7	4
April	22	3	2	0	5	3
May	11	4	4	4	12	2
June	21	3	2	2	7	1
July	22	3	2	2	7	1
August	11	2	3	4	9	2
September	16	6	2	1	9	2
October	67	15	3	14	32	18
November	40	6	0	2	8	5
December	30	3	2	2	7	5
<i>Sum 2003</i>	<i>314</i>	<i>54</i>	<i>25</i>	<i>34</i>	<i>113</i>	<i>53</i>

2004	News	Commen- taries	Editorials	Letters	All opinion articles	Front pages
January	20	1	1	1	3	2
February	28	2	1	0	3	5
March	15	1	1	0	2	4
April	20	1	2	2	5	10
May	51	13	4	0	17	13
June	40	2	0	0	2	12
July	79	10	7	3	20	21
August	24	3	0	3	6	4
September	28	7	0	1	8	5
October	33	6	3	0	9	2
November	29	2	4	0	6	2
December	9	1	2	0	3	5
<i>Sum 2004</i>	<i>376</i>	<i>49</i>	<i>25</i>	<i>10</i>	<i>84</i>	<i>85</i>

2005	News	Commen- taries	Editorials	Letters	All opinion articles	Front pages
January	38	4	3	2	9	7
February	96	33	10	11	54	21
March	43	14	4	2	20	7
April	33	3	1	2	6	9
May	26	4	0	1	5	1
June	15	2	1	0	3	0
July	13	6	0	0	6	2
August	15	7	2	0	9	1
September	25	2	3	1	6	3
October	12	1	0	0	1	1
November						
December						
<i>sum 2005</i>	<i>316</i>	<i>76</i>	<i>24</i>	<i>19</i>	<i>119</i>	<i>52</i>

Appendix 5 – Interview Guide (example)

Interview guide, journalists - General questions

General questions

Your media have produced more than a hundred news reports and commentaries on corruption during the last year.

Why are these reports / what makes these stories so important to your paper? (news values)

Could you describe the way your paper work on these issues? (beat/no beat)

Keywords:

- Investigating (checking budgets, public correspondance)
- Investigating after approached by sivil servant/bureaucracy/politician/others
- Reporting press releases/ press conferances/
- Reporting routinely on newsbeats (police/parliament)

Is it different to report on these issues now (during NARC administration) than before (during Mois precidency)? How? Keywords/follow up:

- More sources (anti corruption bureaus have been established, secretary of ethics)?
- Less fear of percecution (libel laws not applied like before)
- Less threats?
- Different view on the role of the press? As Fourth Estate?
- More active donor environment creates space and openness?

Cases not covered

The British envoy Mr. Clay more or less asked the press to investigate two particular cases, Silversonic and Universal Satspace. Have your paper done any investigating on these cases?

- Why not?
- What stops the stories from breaking?

Very few stories seem to break without open sources. Why is it so?

Pressure/(self)-censorship

How would you define cencorship?

How would you define self-cencorship?

As a journalist, do you experience pressure?

From whom (sources? Your boss? From third parties? Identified/unidentified?) How is this pressure communicated? (language used)

How do you/your executives respond to pressure? Do you routinely apply any techniques?

Please exemplify.

Beat characteristics (openness / restrictions (culturally/informal), openness / restrictions pressure (formal), routines)

- Parliament (parliamentary immunity)
- Police
- Judiciary
- Government (secrecy?)

Investigative journalism

Resource allocation for investigative journalism

- Money
- Time
- Beat team or investigative team
- Motivations for investigative journalism

Tools of investigative journalism/methods? (jfr Ericson et al)

- regularized inspection;
- continual or systematic surveillance or observation;
- auditing, that is “aggregate data and match information to detect abuse”;
- investigation, search for evidence of abuse or disorder
-

Sources for journalism

What role do the alternative or gutter press play for your reporting?

Deviance and normality

- What is a newsworthy corruption case, what signifies a newsworthy story
- Small scale bribes?
- criteria of relevance
- How do you measure normality (jfr int. Donorers rolle)?