ICT Stakeholder Mapping and Policy Analysis for Kenya

REPORT Prepared by the Centre for Intellectual Property and Information Technology Law (CIPIT) at Strathmore Law School

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The ICTs, State-building & Peacebuilding in Eastern Africa Project:

This working paper is part of a larger project run by the Center for Global Communication Studies (CGCS) at the University of Pennsylvania, conducted in partnership with the Programme in Comparative Media Law and Policy (PCMLP) at the University of Oxford, and funded by the Carnegie Corporation of New York (CCNY). This project seeks to bring greater clarity about the expectations and the realities of the use of communication technologies in developing contexts. In media and development theory, policy, and practice, strong normative statements about the transformative power of ICTs have often clouded the understanding of how people and communities actually make sense of, and engage with, the old and new communication technologies that surround them. Under this framework, this two-year project explores the use of ICTs in Eastern Africa.

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INTRODUCTION AND OBJECTIVES

In just over a decade, Kenyans’ access to and uptake of information and communication technologies (ICTs), especially mobile phones, has expanded dramatically. At the close of 1999, less than 1 in 1,000 Kenyans had access to a mobile phone (World Bank, 2010, pp. 8-9). By September 2012, penetration stood at 77.2% (CCK, 2012). The increasing availability of inexpensive smart phones and the spread of mobile broadband networks across the country have also led to greater internet access (CCK, 2012). This transformation has been catalyzed in great part by the public-private sector partnerships that have led to build outs of key information and communication technology (ICT) infrastructure.¹

The widespread availability of internet-ready mobile devices has had a wide-ranging impact on social, political, and economic structures in the country. As an economic sector, ICT outperformed all other sectors of the Kenyan economy over the last decade, growing at an average of about 20% per year (World Bank, 2010). Indeed, in the same period, Kenya’s economy grew at an average rate of 3.7% of GDP (World Bank, 2010). The ICT sector also intersected with various other sectors including agriculture and healthcare.

Kenya is now at a point where ICT policy requires a balance between advancing free speech, maintaining an appropriate level of control over the media, promoting peaceful coexistence, and encouraging Kenya’s economic growth. This report places the current state of balance in historical and cultural context by providing an overview of Kenya’s current ICT policies and identifying the main actors and their influence on ICT debates and policymaking. This paper also seeks to identify the stakeholders that are using ICTs in ways that positively affect participatory governance and peace promotion in Kenya. The ultimate aim and objective of this report is to elucidate the relationship between ICT policy and the use of ICTs in processes of participatory governance, peace promotion, and service delivery in Kenya in an attempt to map the future of Kenyan ICT policy and practice.

This report thus seeks to address the following key research questions:

1. What policies currently impact Kenya’s ICT environment?
2. Which Kenyan entities make, influence, or use ICTs in governance, service delivery and peace promotion? Who are the most influential players in the ICT debate and policymaking process?
3. In what ways does the ICT space affect participatory governance, spur innovation in service delivery, and affect peaceful co-existence in Kenya?

¹The TEAMS cable landed in Mombasa June 12, 2009 and the SEACOM and EASSy cables in July 2009 (African Development Bank Group, 2007).
As this report will show, the formalization and institutionalization process of ICT policies in Kenya have, historically, been largely unstable and incomplete. We attempt to demonstrate herein that the winding road of ICT policymaking in Kenya has closely tracked the democratization of Kenya’s political space, moving from the efficient clientelism of the Jomo Kenyatta administration, to the autocracy of Daniel Arap Moi, and finally, the increasingly democratizing governments of Mwai Kibaki and Uhuru Kenyatta. By reviewing the past, it becomes clear that media policy and government attitudes toward the press are important forerunners to current ICT policy, and that ICT policy has direct implications for the media and for freedom of speech. We endeavor to track the influences, actors, and ideologies related to media and ICT policymaking over time.

METHODOLOGY
Qualitative data for this project was gathered through desktop research and in-depth interviews with experts in ICTs, media policy, or governance in Kenya. These interviews provide an insider’s perspective into Kenya’s ICT policymaking and emerging trends in Kenya’s ICT policy. Their insights have been used to corroborate information from desktop research amounting to the conclusions in this report. The list of interviewees included academics, as well as people in the corporate sector, the media sector, the government, and civil society.2

These interviews sought to: 1) provide a representative picture of the ICT policy-making process from a governmental, academic, civil society, and private sector perspective, illuminating key stakeholders, their influences, and their motivations; 2) provide insight on the historical relationship between the government, ICTs, and the media in order to shed light on the formative processes surrounding Kenya’s ICT policies; and 3) in the case of bloggers, share their perspectives on de facto ICT policy in the media – illuminating the seeming dialectic between the government’s liberal rhetoric around ICT policy and its practical actions on the ground.

In total, we conducted seventeen interviews, lasting approximately forty minutes each. These were face-to-face interviews, with the exception of Dennis Itumbi and Moses Kemimbaro who were interviewed over the telephone, and Chacha Mwita, who shared his views on media freedom at a brief lunchtime meeting at Strathmore Business School. An interview questionnaire contained the primary questions, though follow-up questions were also asked as needed.

2A full list of interviewees can be found in Appendix A.
HISTORY OF ICT POLICYMAKING IN KENYA (1963-2002)

Policymaking incorporates many actors, influences, and courses of action. These actors include private sector organizations and groupings that are interested in policy, insofar as it affects their business outcomes. It also includes civil society organizations that are largely concerned with the capacity of ICTs to enhance civil liberties. Generally, ICT policy impacts three main areas: telecommunications, broadcasting (radio and TV), and the internet. A solid understanding of the process of ICT policy formulation in Kenya requires a keen knowledge of the political contexts in which those processes have historically been located. In Kenya’s post-colonial history, its successive administrations have engaged with civil society and the private sector in policy formulation with varying degrees of openness.

THE KENYATTA YEARS (1963-1978)

Jomo Kenyatta was sworn into Kenya’s presidency at decolonization. At the age of seventy, he was a revered father of the young Kenyan nation, poised to unite Kenya against foreign domination. Despite a patrimonial framework, his policies attracted support from Kenya’s then largely foreign-owned media. By 1968, government control over media was catapulted by the passing of the Official Secrets Act by the Kenya Parliament, a restrictive piece of legislation that sought to protect state secrets and state security. The act spurred problems for the Nation Media Group, culminating in the departures of three editors who refused to temper criticism of the Kenyatta administration (Nyamora, 2007). In several cases, editors were ordered by the State House to kill stories that could hurt the government in general and Kenyatta in particular (Nyamora, 2007). Though there were isolated incidents of journalists writing hard-hitting editorials against the government, especially in the wake of the many political assassinations that took place during this period, the press was, by and large, subdued (Nyamora, 2007).

Furthermore, the Kenyatta regime oversaw important changes in telecommunications infrastructure and ownership. The earliest submarine cables connecting Kenya to the external world were laid by the Eastern and Southern Africa Telegraph Company in 1888 (Aduda & Ohaga, 2004). These primarily connected the British administrators in the colony and the few settler farmers who had telephone connections (Aduda & Ohaga, 2004). After independence, the East African Post and Telecommunications Corporation (EAP&TC), owned by Kenya, Uganda, and Tanzania, served as the main provider of telecommunications and postal services in the region until 1976, when EAP&TC eventually disintegrated, paving the way for Kenya to put in place a home-grown ICT provider and policy.


Having ascended to power in 1978 after the death of Jomo Kenyatta, Daniel Arap Moi exerted even heavier state control in a bid to consolidate his power, legitimize his leadership, and broaden his political
base. To this effect, the Moi government restricted political freedoms, criminalized dissent, and openly clamped down on critical press to an even greater degree than the Kenyatta regime. As a result, some Kenyans began to view the mainstream media as unreliable and sought to express themselves through non-mass forms of expression. This led to the establishment of various underground press outlets such as Pambazuka, Pambana, and the Organ of the December 12th Movement. These outlets called for reforms of government policies concerning, among other things, freedom of the media. The editors of underground publications were often uncovered and subsequently convicted in sedition trials (Nyamora, 2007). Between 1988 and 1990 a total of twenty publications were banned in Kenya (Nyamora, 2007).

The foreign press did not escape the Moi government’s restrictions. Local media were forced to “stop publishing new by foreign wire services” as they were “allegedly misinforming the world about events in Kenya” (Mbeke, 2008, p. 5). The Voice of Kenya (VOK), a public radio broadcast service established in 1928, was renamed Kenya Broadcasting Corporation in 1989 and transformed into a mouthpiece of the government (Mbeke, 2008).

Moi’s grip on the media tightened due to threats to his political power issued on several fronts. Such threats came from his political rivals (e.g., Raila Odiga), popular agitation for political and economic liberalism that undergirded the IMF Structural Adjustment Programs (which the Moi government was forced to adopt in the face of 1980’s economic recession), and an attempted military coup in 1982. As a result of pressure from within and outside the country, the government was forced to change its governance policies, and a multi-party political system was introduced in 1991. This eventually led to greater political and press freedom, and the proliferation of independent newspapers and magazines such as Economic Review and Finance. These changes precipitated the liberalization of the media and communication sectors that would occur under President Kibaki.

Moi’s regime also witnessed the advent of new technologies, in particular the computer and the internet. Throughout the 1990s, the Moi administration viewed ICTs with great suspicion. Officially, this reaction was influenced by the anxiety that computers might cause a loss of state secrets or pose a threat to national security (Bowman, 2010). President Moi was also on record stating that he believed that computers would take away jobs (Aduda & Ohaga, 2004). Internally however, the anxiety seemed to stem from the growing ability of the opposition to mobilize and assert itself through these new technologies.

However, the liberalization of the airwaves progressed slowly. An increase in the number of media houses, economic demands, and pressure from donors and civil society forced the government to review
the laws governing the media. The Attorney General set up a Task Force on Press Law in 1993, led by Hillary Ngweno, to review and make recommendations on a comprehensive legal framework for the exercise of freedom of the press and the development of a dynamic and responsible print and electronic media. Although the taskforce collaborated closely with the media, their reports, published as The Kenya Mass Media Commission Bill (1995) and The Press Council Kenya Bill (1995), attracted mass criticism (Mbeke, 2008). The media, civil society, and opposition parties all rejected the bills, who argued that they were “draconian, failed to protect the right to information, failed to protect journalists, publishers, and broadcasters, and gave government unfair representation in the proposed regulatory body” (Mbeke, 2008, p. 8).

In a testament to the developing power of the media and of civil society, the Moi government was eventually pressured to do away with the two bills. It reconstituted another Task Force under Horrace Awori in 1996. The report from the new task force, presented to the government in May 1998, recommended the establishment of the Independent Broadcasting Authority (IBA), tasked with the responsibility of regulating the allocation of frequencies in the broadcasting and telecommunications sector. However, the government instead established the Communication Commission of Kenya (CCK). Although the CCK was created as an independent regulatory agency as the Awori Task Force recommended, it did not remain independent. The CCK epitomizes the nexus between political interference and ICT control, access, and exclusion.


At first, the government did not adopt the recommendations, however, Moi eventually succumbed to surmounting pressure to review media laws. In 1997, the government repealed sections of the State Law that “hindered freedom of expression and freedom of assembly and which criminalized the free flow of published or documented information in Kenya” (Mbeke, 2008, p. 6). The regime slowly implemented

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3 Legal Notice No. 6889, December 24, 1993.
5 These include Articles 52, 53, 54, 57, 58, 66, 67, and 121.
these new policies until it left power in 2002. As the 1990s drew to a close, the Kenyan private sector also pushed increasingly for policy changes that would open the sector for domestic companies, but these efforts failed to reach the Moi’s cabinet (Bowman, 2010).

By the late 1990s, the Moi regime was both politically and economically weak and greatly susceptible to external donor pressure for democratization and liberalization, including with respect to ICTs. For instance, “the privatization of Telkom was made a pre-condition of the resumption of talks with the International Monetary Fund and the World Bank” (Bowman, 2010, p. 95). The Moi administration was increasingly encountering a dynamic and vociferous civil society comprising religious leaders and opposition politicians.

In response to donor pressure, the government issued two policy statements that liberalized the telecommunications sector: first the Sessional Paper No. 2 of 1996 and then the 1998 Kenya Communications Act. The 1998 Act (which repealed the Kenya Posts and Telecommunications Act) also unbundled Kenya Post and Telecommunication into five separate entities, including a fixed-line operator (Telkom), a regulator (the Communications Commission of Kenya (CCK)), and an in-house policy-making organ (the National Communications Secretariat (NCS)) (Bowman, 2010, p. 95).

The ICT policy agenda was again forced on a reluctant government “by multilateral donors through the Kenyan Poverty Reduction Strategy Process” (Bowman, 2010, p. 96). The Poverty Reduction Strategy Paper – published in June of 2001 and developed with coordination from the United Nations Development Program, the International Monetary Fund, and the World Bank – placed ICT as one of eight sectors needing prioritization to help reduce poverty and spur economic growth (Bowman, 2010, pp. 96-97).

**CURRENT ICT POLICY AND PRACTICE: THE ROUTE TO KENYA’S 2006 ICT POLICY**

**The Kibaki Years (2002-2013)**

Mwai Kibaki came to power in 2002, under the National Rainbow Coalition (NARC), in the context of increasing democratization and free media. In March 2003, the National Communications Secretariat (NCS) convened a stakeholders’ forum and publicly released the first draft of the government’s ICT policy, which was modelled on the Common Market for Eastern and Southern Africa (COMESA) ICT Framework (MFP, 2001). Although this was a commendable attempt to formalize Kenya’s first ICT
policy and a high water mark distinguishing Kibaki’s administration from the Moi regime, the move was largely criticized for emulating former Kenyan governments whose policies were not on par with wider private ICT stakeholder involvement or input (COMESA, 2003). Apart from being a forum mainly for government institutions dealing with ICT, these institutions did not coordinate closely. For instance, policy formulation for media, computing, and telecommunications was distributed between the Ministry of Transport & Communication and the Ministry of Information & Tourism. The policy recommendations of this forum were, as a result, not endorsed by the NCS.

One core challenge for the Kibaki government with respect to developing an ICT policy was the chaotic dispersal of institutions making ICT policy in government. For example, “the Ministry of Transport & Communication was responsible for telecommunications and postal matters, whereas the Ministry of Information & Tourism was in charge of the electronic media and broadcasting” (Bowman, 2010, p. 98). In June 2004, “President Kibaki eliminated the Ministry of Information & Transportation and merged broadcasting and telecommunications into the newly created Ministry of Information & Communication, directed by Minister Raphael Tuju” (Bowman, 2010, p. 99). The resulting structure yielded five organizations that coordinated the Kenyan government’s actions in the ICT sector: 1) the Ministry of Information & Communication; 2) the Communications Commission of Kenya (CCK) (the regulator); 3) the Government Information Technology Service (GITS) (which provides computer and technology support for ministries); 4) NCS, which advises the government on Communications policy and 5) the Directorate of E-government (Bowman, 2010, p. 99).

The newly elected NARC government also convened an Economic Recovery workshop in 2003 “in an effort to promote economic growth” (Bowman, 2010, p. 98). In the workshop, the government proposed an inter-ministerial committee to incorporate ICT into government operations; invest in adequate ICT education and training; implement tax reductions and tax incentives on both computer software and hardware (allegedly to make them affordable to micro-enterprises and low income earners); and review the legal framework to remove impediments that had discouraged the adoption and use of e-commerce” (Bowman, 2010, 98). The government also disclosed its plans to “develop a ‘master plan’ for e-government by the end of June 2004 “(Bowman, 2010, p. 98).

The 2004 E-Government Strategy was developed under the guidance of ICT Secretary Dr. Juma Okech. Its stated aims were to, among others, increase the efficiency, effectiveness, transparency, and accountability in the delivery of government services through the use of information technologies. However, a lack of organization within the administration made the strategy difficult to execute. Kenyan
scholar Tim Waema argues that although the release of the e-government directive was a welcome initiative, the government’s recidivism into ad hoc approaches to ICT policy and strategy development worked against it (Waema, 2005). The e-government strategy was developed before an ICT policy could be formed. It was therefore not clear how the e-government Directorate in the Office of the President would work with the new Ministry of Information & Communication or with GITS in implementing the strategy.

Dennis Itumbi, a former journalist and the current Digital, New Media & Diaspora Director in the Office of The President, opines that the Kibaki government’s approach to ICT policy was progressive but uncoordinated (Itumbi, personal communication, July 2013). He offers as examples the haphazard development of websites by government departments, which were rarely updated. As such, it seemed to be a government consumed with the image of progress in the use of ICTs without sufficiently engaging with technology as an essential tool for delivering services and information.

**INCREASED ENGAGEMENT WITH THE PRIVATE SECTOR**

The government’s challenges in implementing an effective ICT policy underscored the need for increased engagement with private sector stakeholders. Kibaki had initiated work with the private sector in 2003 to promote economic growth in Kenya. His administration’s general willingness to work with the private sector represented a radical shift in Kenya’s approach to ICT policymaking. In addition, there was a marked insistence on employing qualified technocrats to run ICT policy formulation and operations in government. Dr. Juma Okech, who had served as Director of the Rwandese Information Technology Authority, was nominated ICT Secretary in the Office of the President (Bowman, 2010, p. 97). The new Minister of Information & Communication, Raphael Tuju, held a postgraduate degree in Mass Communications from the University of Leicester in England, and the first and second permanent secretaries James Rege and Dr. Bitange Ndemo were accomplished technocrats (Bowman, 2010, p. 97).

These policy entrepreneurs working within government made it possible for civil society and the private sector to have open conversations about the direction of Kenya’s ICT policy (Waragia, 2010). The “enya ICT Federation (KIF), a group of private sector ICT organizations, also initiated frequent meetings with the two permanent secretaries and Juma Oketch. Such meetings continued through the Kibaki Administration, after Dr. Bitange Ndemo became the sole Permanent Secretary for Information & Communication (Bowman, 2010, p. 100).

On November 18, 2004, the second draft of the National ICT Policy put together by KIF, the civil society organization KICTAnet, the International Development Research Centre (IDRC), and the Ministry of
Information & Communication was issued in a “National ICT Visioning Workshop” (Bowman, 2010). The provisions focused mainly on ICT education and training; tax reductions and tax incentives on both computer hardware and software; and impediments that discouraged the growth of e-commerce (Bowman, 2010).

The new draft differed from older ICT policies in some key ways. Most importantly, the 2004 draft included many private stakeholders (Bowman, 2010). The previous draft, in 2003, had failed in its objective “to collect and collate view of stakeholders drawn from the public and private sectors as a basis for preparing Kenya’s National ICT policy” (Waema, 2005).

The Ministry of Information & Communication called for public input on the draft National ICT Policy. An electronic communication forum was developed, and the compilation of public comments was led by Alice Munyua, director of KICTAnet. A website was also developed by the CCK management, which issued its own report based on the comments. The reports of Alice Munyua and the CCK addressed environmental sustainability of ICT, the use of ICT for poverty eradication, universal access, promotion of local content on ICTs, and protection of the CCK from undue political interference. These reports were handed over to the Ministry in April 2005 (Bowman, 2010). The Kenya National ICT Policy was finally adopted by the cabinet in January 2006.

Kenya’s National ICT Policy (2006) has as its mission to “improve the livelihood of Kenyans by ensuring the availability of accessible, efficient, reliable, and affordable ICT services” (Ministry of Information & Communications, 2006). Section Two of the policy addresses ICT challenges with a focus on ICT infrastructure, electronic learning, universal access, public-private partnerships, e-government, e-commerce, electronic security, and electronic content development. Section Three of the policy deals with strategies guiding the development and use of ICTs. Section Four focuses on licensing of broadcast services, signal distribution, equity participation, control of digital broadcasting, cross media ownership, and social responsibility. Section Five espouses general principles for telecommunications liberation, specifically dealing with broadband services, regional telecom infrastructure, rights of way, multimedia services, standardization, and telecom research. Section Six covers postal services and Section Seven covers guidelines on the radio frequency spectrum in Kenya. Section Eight covers guidelines relating to financing universal access to ICT and the establishment of an ICT Centre of Excellence. Lastly, Section Nine creates an institutional framework for policy implementation, addressing the role of government (through an ICT Policy Advisory Secretariat, an ICT Sector Regulator, and an ICT Appellate Tribunal) as well as the roles of investors, operators, consumers, development partners, and civil society.
The 2006 National ICT Policy therefore offers the broadest recommendations on stakeholder involvement in Kenya’s ICT sector, designating roles to various categories of ICT stakeholders: the government to enable policies conducive to private sector investment in ICT; development partners to support ICT capacity building in collaboration with the government of Kenya; consumers to inform the development of consumer protection standards; civil society to inform ICT policy making, specifically concentrating on ICT access, ICT for education, poverty reduction, and good governance; regulators to issue licenses, tariffs, interconnections guidelines, standards, and frequencies, and to manage the ‘.ke’ domain; and investors, operators, and service providers to develop an efficient ICT sector, commercial integrity, strong corporate governance, high quality standards, and provision of universal access.

**Donor influence and ICT policy**

It has been observed that the slow speed of ICT policymaking and implementation is linked to the weaker influence of the international donor community on Kenya. Kenya’s 2006 National ICT Policy came six years after Rwanda’s, and four years behind the policy enactments from Uganda and Tanzania (Bowman, 2010). This is, in part, because Kenya has a much lower level of donor dependency than its neighbors in East Africa (Mwega, 2009; Fengler, 2011). Indeed, before lending financial assistance during Kenya’s economic stagnation in 1990s, the IMF demanded that the Moi regime reform Kenya’s media policy, freeing the media from restrictive and exclusive government control and promoting a free, liberalized enterprise. This liberalism laid the foundation for the 2006 National ICT Policy for Kenya.

Today, Kenya’s ICT sector is considered one of the most advanced in the region. The hallmark of the multiple initiatives toward investment in ICT infrastructure was the public-private partnership that brought three undersea fiber optic cables to the Kenyan coast in September 2009. The fiber optic cables catalyzed an ICT revolution marked by cheap access to GSM feature phones through easy access to broadband internet. By September 2009, Kenyans could finally join other netizens on the World Wide Web via broadband connections. The Open Data Project, launched on July 8, 2011, aimed to make key government data freely available to the public through a single online portal. Kenya was lauded as the first country in sub-Saharan Africa to have an open government data portal.

However, by November of the following year, then Permanent Secretary for the Ministry of Information & Communication, Dr. Bitange Ndemo, went to press stating that the process was failing to properly take

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6 The Data Portal is available at [https://opendata.go.ke/](https://opendata.go.ke/).
off because various government organizations each claimed to own their information, an indication of the enduring difficulty of ICT policy coordination within the administration (Wokabi, 2012).

**ICTs, media policy, and politics in Kenya: Liberal rhetoric, illiberal practice**

Kenya’s socio-economic blueprint, ‘Vision 2030,’ pushes for the realization of a middle-income, knowledge-driven Kenya by 2030. This vision is modeled on a Euro-American typology of press freedom characterized by the capacity of the press to be liberal-pluralist, market-oriented, espouse social responsibility and public interest causes, and run professionally (McQuail, 2010). While Kenya is clearly moving forward with ICT liberalization and innovation, new technologies and easier access to information have presented the government with particular challenges regarding its willingness to fully open itself up to the media. Given restriction on the media sector, media outlets turned increasingly to ICTs to amplify citizen voice and hold government accountable. The government, in turn, sought measures to maintain control. The government’s relationship with the media in light of changes in ICT policy and practice has since proceeded in ebbs and flows, and is the subject of the following section.

**Crackdowns under Kibaki**

Under the Kibaki administration there was an initial commitment to widen the democratic space and ensure freedom of expression and freedom of media (Ngugi, 2007). Before the 2007 presidential polls, Ngugi, the Kenyan novelist and playwright, recounts a meeting in 1977 in which the young Kibaki, then Finance Minister, had personally impressed on him the need for press freedom to safeguard democracy. Ngugi’s fiction, *Petals of Blood*, written in 1977, was very critical of conditions in post-colonial Kenya, the close dependent economic ties between Kenya and the West, and the chauvinism and greed of the rising African middle class, most of who were colleagues of Kibaki in cabinet. Kibaki attended the book launch and noted that even though he did not agree with the entirety of the novel’s critique, the publication was a manifestation of the democratic space afforded in Kenya (Ngugi, 2007).

Much later, at his inauguration in 2002 as the President of Kenya, Kibaki promised to bring “back the culture of due process, accountability, and transparency in public office” stressing that the era of ‘anything goes politics’ was gone forever (BBC Monitoring, 2002). However, Henry Maina, Director of ARTICLE 19, East & Horn of Africa, noted in an interview that the euphoric wave that brought the NARC party and Kibaki to power in the general elections of 2002 meant that citizen demands on the state were amplified (personal communication, February 2013). A free media, catalyzed by liberalization in the ICT industry, grew robustly. Kibaki’s first term of office was characterized by unparalleled citizen and media freedom to dissent openly from government without fear of reprisal (Itumbi, personal
communication, July 2013). This dynamic shift towards participatory decision making also played out in the policymaking arena for ICT, as shown in the previous section.

This liberalized media continued more or less unabated until 2005, when Kibaki’s administration lost a referendum vote on the new constitution to a well-coordinated opposition led by then Cabinet Minister for Roads, Raila Odinga. This was a devastating loss for the Kibaki government and caused the government to regress openly on its much-touted respect for the media. The government invoked draconian powers granted by Section 88 of the Communications Act (1998), which gave the government powers to raid media houses and seize broadcasting equipment. Among other provisions, Section 88 authorizes the government to, under certain circumstances, “take temporary possession of any telecommunication apparatus…” and suspend radio and broadcast communication (Communications Act, 1998).

The first incident occurred in a midnight raid on the offices of the Standard Group on March 2, 2006. In the incident, about 30 heavily armed and hooded police from the elite Kanga squad⁷ descended on the Standard Group’s offices at midnight, beating up employees, breaking doors, stealing employees’ mobile phones, unplugging CCTV cameras, and confiscating twenty computers. The commando squad also disabled KTN TV, keeping the channel off air for about thirteen hours (Maina, personal communication, February 2013). The squad then proceeded to The Standard’s printing press, blasted the gates open, disabled the plant, and set on fire thousands of copies of the day’s edition that were just rolling off the press (Adan, 2010).

A report prepared in July 2007 by the parliamentary Committee on Administration, National Security, and Local Authorities, together with the Committee on Administration of Justice and Legal Affairs, suggested that President Kibaki had constructive knowledge of the raid (Adan, 2010). The report identified the leaders of Kanga Squad as Artur Margaryan and Artur Sargasyan, Armenian gun toting thugs-for-hire who then operated in Nairobi. Then powerful Internal Security Minister John Njoroge Michuki, while addressing journalists on the morning following the raid, issued his now infamous “rattle a snake” comment,⁸ implicitly defending the raid and indicating that the media could not hope to continually attack government without expecting pushback. Wide-ranging condemnation followed.

⁷ Kanga Squad is a sub-department of the Kenya Police Criminal Investigation Department, commonly referred to in Kenya as the CID.

⁸While addressing journalists, he stated that “if you rattle a snake, you must be prepared to be bitten by it” (Adan, 2010).
In a press conference gathered soon after the raid, more than twenty-seven envoys, including British, American, and EU ambassadors, expressed concern that the raid was a step backward from all the positive gains on freedom of expression the government had made since coming to power in 2002. The parliamentary report indicated that a story that was to be published by the newspaper about a political strategy meeting between Kibaki and vice president Kalonzo Musyoka in 2006 was the likely trigger of the raid. Internal Security Minister John Njoroge Michuki further claimed that the raid was a governmental operation aimed at stopping the planned publishing of articles that could instigate ethnic animosity. He continued by stating that then Commissioner of Police, Major-General Hussein Ali, knew about the plans to raid the Standard Group’s offices and printing press (Makokha, personal communication, June 2013). At the time of the raid, however, the Commissioner of Police was out of the country and therefore, never responded to the allegations.

The second defining moment of the Kibaki tenure, with regard to control of the media, was the suspension of live broadcasts during the post-election pogroms of 2007. The Kenyan Presidential Election of 2007 was hotly contested. The two leading contenders – Mwai Kibaki and Raila Odinga – were in a neck and neck tie at the opinion polls up until the eve of the December election. Kibaki won the election, but Odinga contested the results, claiming they were manipulated. Violence erupted in several parts of Kenya. The directive to suspend live broadcasts was issued by the Ministry of Internal Security, which instructed the Ministry of Information and Communication to carry out the shutdown under powers conferred by Section 88 of the 1998 Kenyan Communications Act which, as described above, allows the government to shut down media broadcasting during an emergency.9

The government argued at the time that the order to suspend live television and radio broadcasts was not intended to curtail media freedom but was a necessary measure undertaken to prevent further incitement of violence. The administration found consonant backing from some sections of the citizenry whose moral panics about social media hate speech made them amenable to increased government control of media.

A signed statement by Information and Communication Permanent Secretary Bitange Ndemo appearing in the December 31st edition of The Standard in 2007 stated that “Pursuant to Section 88 of the Kenya Communications Act, 1988, I am directed by the Minister of Internal Security, Hon. John Michuki, that in

9Section 88 of the Act gives the Minister of Communication powers to unilaterally, without recourse to parliament or the courts, enter and search broadcasting stations, and seize, dismantle, and dispose of equipment. The minister is also given powers to intercept and disclose communications between persons, and to intercept, disclose, and dispose of postal articles.
the interest of public safety and tranquility, that I order the immediate suspension of live broadcast until further notice.” The government further rationalized the delay in live broadcasts by arguing that it was meant to give editors time to preview content emerging from members of the public and politicians before airing it, and that the material could be aired as soon as the editors were comfortable with it.

However, the Kriegler Commission, an international commission assigned to investigate the post-election violence, reported that the use of Section 88 of the 1998 Kenya Communications Act during the 2007 post-election violence was unconstitutional, illegal, and improper (“Kriegler and Waki Report,” 2009). As a consequence, it recommended that Section 88 of the Act be repealed. This came to fruition under the Kenya Communications (Amendment) Act of 2008, which came into force on January 2, 2009. The Kriegler commission cited the difficult balance required for future attempts to regulate and monitor media during elections, noting:

…with the full recognition of how close to the edge Kenya came during the 2007 post-election violence, the Commission would not recommend a free-for-all-monitoring of the press and other media. This would have the negative potential of taking the country back to the draconian days of a state controlled media, from which it has so recently just barely escaped. However, the Commission does believe that speech in the media, including in vernacular FM radio stations, aiming to foment ethnic hatred and/or incite, organize, or plan for violence should be investigated thoroughly in a timely fashion when it occurs. (“Kriegler and Waki Report,” 2009, p. 303)

To date, opinion remains divided on the roles played by print and broadcast media in the 2007 post-election violence (Abdi & Deane, 2008). Most observers, however, cite the negative contributions of vernacular used by some FM stations that contributed to the ensuing climate of intolerance, hate, and negativity.

Critique has also been leveled at the Kenya Broadcasting Corporation (KBC), required by law to provide equal and balanced coverage to all political parties participating in the elections. The European Union election observation mission found the KBC to be demonstrating open bias in favor of Kibaki’s Party for National Unity (PNU), a party formed by Kibaki for which he ran as its presidential candidate in 2007.

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10 The Kriegler Commission, officially known as The Independent Review Commission (IREC), was an international commission of inquiry established by the Kenyan Government in February 2008 to inquire into all aspects of the 2007 general elections with special emphasis on the presidential elections.
after he had parted ways with his former party coalition, NARC (“Kriegler and Waki report,” 2009). Even more controversial, however, was its live relay of the contested official results of the presidential election while live broadcasts on all other stations had been suspended.

**Control by Remote: Kibaki’s “Velvet Glove” Approach to the Media.**

The 2007 election highlighted the uneasy tension in the Kibaki administration with respect to control of mass media platforms. Control by the administration led to the prominence of alternative ICT communication (e.g., blogs), in many ways paralleling the underground oppositional publications created during Moi’s regime. Increase in broadband access marked a shift in the manner in which news was produced and disseminated. The ever increasing number of Twitter and Facebook users turned the Kenyan social media sphere into a vibrant and rapidly growing community.

Although the main source of news had generally been the mainstream printed press in the years preceding Kibaki’s presidency, the Kenyan citizenry could now share and disseminate news on alternative platforms because of Kibaki’s institutional permissiveness on ICT growth. The result was that unmediated conversation on social media began to include Kenyans in the diaspora, who could access news through the digital editions of the main dailies (Nyambuga & Booker, 2013). Numerous bloggers such as Dennis Itumbi, Robert Alai, Kenyan Pundit, Bankelele, Boniface Mwangi, and BosireBogonko began to command considerable followings online, with many Kenyans relying on them for controversial news that the mainstream media were reluctant to convey.

Increased internet connectivity also led activist platforms to move online. Civil society activists, politicians, and other actors began to use the internet to canvass. In this regard, platforms such as Mzalendo,11 a web-based initiative designed to audit and monitor Kenya’s parliamentarians, and Bunge la Mwananchi, a social movement that mimics parliamentary debates, providing alternative views on social change and democratic liberation in Kenya,12 furthered online discourse about the efficacy of elected officials. Such expressions put the Kibaki administration’s apparent commitment to ICT promotion to the test.

This balancing act saw the Kibaki government fall short by resorting to censorship and authoritarianism when it was under threat, as had been exemplified earlier in the media raids by the Kanga Squad.

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11Mzalendo translates to the Kiswahili for “patriot.”
12Kiswahili expression for “People’s Parliament.”
However, rather than blatant raids on media outlets, the administration now tried a softer, “velvet glove” approach (Maina, personal communication, February 2013). The two key elements of this “velvet glove” approach included 1) alliances between political powers and an increasingly consolidated ownership of media, and 2) bribery of journalists by commercial or political entities. In chronicling these two strategies we aim to demonstrate that even the ICT platforms that mainstream media are increasingly adopting, such as blogs run by the editors of the major outlets and breaking news profiles run on Twitter and Facebook, are implicated and affected by government practices that favor commercial interests.


Kenyan media is owned by a very small clique of individuals (Nyanjom, 2013). Royal Media Services (RMS), for example, is the largest private media conglomerate in Kenya, and owns eleven radio stations, which broadcast in a variety of indigenous Kenyan languages including Ramogi FM (Dholuo), Chamgie (Kalenjin), Mulembe (Luhyia), Egesa (Ekegusì), Muuga (Kimeru) and Innoro (Kikuyu). It also owns Citizen TV network and the print newspaper Citizen. It is widely popular and has the furthest reach of any privately owned media network.

RMS is owned by S.K. Macharia and his wife. The couple overtly supported the NARC campaign’s candidate, Mwai Kibaki, in the 2002 general election, and RMS became the official mouthpiece of the opposition outfit (Nyanjom, 2013). This served as a counterweight to the obvious partiality of the state broadcaster, KBC, toward the Kenya African Union party (KANU) and its candidate, Uhuru Kenyatta (Nyanjom, 2013). President Kibaki proceeded to win the election in 2002, and RMS offered increased media support to Kibaki during his campaign against the referendum in 2005 and to his re-election campaign in 2007 under the PNU (Nyanjom, 2013). Consequently, over the ten years in which Kibaki was in power, RMS rocketed to the top as the most popular media house and acquired numerous electronic media frequencies through government liberalization processes. Such privileges reflected a weak implementation of Kenya’s National ICT Policy (2006) framework and a deviation from principles of a fair, free, and professional media as outlined in the 1998 Kenya Information and Communications Act (Nyanjom, 2013).

In February of 2013, Vice President Kalonzo Musyoka announced to a packed political rally in Nairobi’s Uhuru Park that Macharia, owner of RMS, would be chair of ‘the Summit:’ a group of well-connected businessmen and private sector personalities in charge of the campaign effort of former Prime Minister and Coalition for Reform and Democracy (CORD) coalition presidential candidate Raila Odinga. In an
about-face of political alignments, Macharia had changed political camps. This was closely followed by the initiation of CCK’s efforts to disable RMS broadcast masts and other equipment for apparent breaches of licensing requirements (Atemi, 2013). The allegations by CCK were that RMS had allocated itself transmitters in 2013, even though the transmitters had been in operation since 2008. Additionally, Henry Maina notes a curious proximity between the announcement of Macharia’s involvement in the CORD campaign and a migration of twenty senior staff members from RMS to Mediamax, possibly on the promise of better pay (Nyanjom, 2013). Nyanjom (2013) describes this interplay as indicative media capture by Kenyans in power.

This trend of consolidated media ownership was also seen at the Nation Media Group (NMG), a publicly listed media company that owns Nation TV, two FM stations, seven newspapers, several magazines, and NTV. In the past, the NMG was perceived to be against Moi and to favor Kibaki because the Agha Khan, who funds NMG, had business interests which were aligned with those of Kikuyu business elites (Nyanjom, 2013). In light of these practices, Kwamchetsi Makokha, former senior editor at both The Nation and The Standard newspapers, is skeptical of the capacity for editors of media companies in Kenya to maintain editorial independence. He notes that editors constantly find themselves placed under the twin pressures of conforming to the commercial interests the media house serves and the political leanings of the media owner or audience base (Makokha, personal communication, June 2013).

2. Corruption as a Bar to Editorial Independence.

According to Chaacha Mwita, a policy and development expert based in Kenya, corruption in the media is not constrained to paying bribes for stories to be killed off (personal communication, September 2013). Corruption includes ethnic and political biases that lead to editorial or managerial choices about what stories are covered. Chaacha recounted in an interview a time when, as editor of a media house in 2006, he could not convince any reporters to cover a particular story on corruption at the Kenya Reinsurance Corporation (Kenya Re). Eventually, Chaacha wrote the story himself, but later learned that the first reporter he had assigned to the story also worked as the PR person for Kenya Re, and that the second reporter Chaacha had assigned to the same cause had allegedly been paid off by the Kenya Re management to drop the story. Moreover, when Kenya Re management became aware of Chaacha’s interest in the story, one of Chaacha’s colleagues told him that senior managers at Kenya Re, who were latter charged in court, were making informal inquiries as to the amount Chaacha would “price” to drop the story.

13 This is a media holding company established in 2009, including K24 TV, Kameme FM, Meru, FM, Mayian FM, and the People Daily newspaper.
But this not the only way in which principles underlying Kenya’s ICT policy is compromised in media practice. Henry Maina also notes the power of large corporate organizations to gain favorable coverage in the Kenyan media. He cites the recent attempt by Kenya Airways to reduce staff, stating “the media was biased, painting those air hostesses and pilots as just people who were not keen on doing their work for the benefit of what they as media stand to benefit from Kenya Airways for doing a one-sided report” (personal communication, February 2013). The reality of Kenyan media practice with regard to press freedom is therefore significantly, different from the liberal and pluralistic policies envisaged by the country’s various ICT and media policies.

Kenya’s 2010 Constitution: A breakthrough for inclusive policymaking and free speech

The 2010 Constitution of the Republic of Kenya recognizes public participation as a positive political right for the people in governmental decision making and institutes a liberal bill of rights that provides that the privacy of individual communications must not be infringed.\(^\text{14}\) Crucially, whereas Kenya’s 2006 ICT policy makes no reference to freedom of expression, freedom of expression is an explicit piece of Kenya’s new constitution (Article 33(1)). The 2010 Constitution requires that citizens are left free to seek, receive, and impart information. The limitations imposed on this right include expressions that are designed to propagate war or violence, hate speech, and any advocacy of hatred (Article 33(2)).

Beyond those limitations, the 2010 Constitution expressly guarantees the freedom and independence of electronic, print, and all other types of media (Article 34(1)). It discourages the state from making any attempts to exert control over or interfere with any person engaged in broadcasting, the production or circulation of any publication, or the dissemination of information by any medium.\(^\text{15}\) Further, no penalties can be passed on “any person(s) for any opinion or view, or on media outlets for the content of any broadcast, publication, or dissemination” (Article 34(2)b). The constitution further requires that broadcast and other electronic media in Kenya enjoy freedom of establishment. This freedom is to be fettered only by the licensing procedures “necessary to regulate the airwaves and other forms of signal distribution” (Article 34 (3) a). The constitution envisages a press unhindered by governmental control or political or commercial interests.

\(^\text{14}\) Article 10(2)(a) holds that the national values and principles of governance include patriotism, national unity, sharing and devolution of power, rule of law, democracy, and participation of the people.

\(^\text{15}\) Subject only to the limitation of Article 33(2) of the constitution.
Furthermore, the 2010 Constitution also requires that all state-owned media be left free to determine editorial content independently. Additionally, such media must be impartial and avail the platform for the presentation of divergent views and dissenting opinions. (Article 34 (4) b and c). These fortifications for state-run media are informed by recent Kenyan history, when the Kenya Broadcasting Corporation was largely used as a conduit for government propaganda.

The constitution goes on to mandate that parliament enact legislation establishing a commission that will set media standards and regulate and monitor compliance with those standards (Article 34(5)). This commission should be free of control by government, political interests, or commercial interests and reflect the interests of all sectors of society.

Finally, Article 35(1) declares that every citizen has the right to “access information held by the State and information held by another person and required for the exercise or protection of any right or fundamental freedom.” The state is also under an obligation to publish and publicize any important information affecting the nation. Indeed, transparency and the provision to the public of timely, accurate information are cornerstone values of public service in the new dispensation ushered in by the 2010 Constitution.

**THE CONSTITUTION AND INTERNATIONAL NORMS**  
Kenya is party to international conventions and regional instruments that acknowledge and guarantee the right to freedom of expression. These include the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, the Banjul Charter, the Windhoek Declaration for the Promotion of an Independent and Pluralistic Press, and the Declaration of Principles of Freedom of Expression in Africa. Today, these international and regional norm-setting instruments have the same character as domestic law, since Article 2(6) of the constitution states that any treaty Kenya enters into forms part of municipal law without the need for formal processes of ratification by parliament.

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16 In *Royal Media Services Ltd v Attorney General, the Minister for Broadcasting & the Communications Commission of Kenya* [2013] eKLR, the court held that CCK was established by legislation which was currently in force and was empowered to license and regulate postal, information, and communication services as contemplated under Article 34 of the Constitution until the body contemplated under Article 34(5) is established.

17 This provision relieves the CCK (the current converged regulator for broadcasting, ICT, radio communications, and postal services) of all of its regulatory powers over the broadcasting industry.

18 In the recently decided *Nairobi Law Monthly Company Limited v. Kenya Electricity Generating Company (Kengen) & 6 others* [2013] eKLR, Justice Mumbi Ngugi held that a company was not a ‘citizen’ capable of enforcing a right to information held by the State within the meaning of Article 35 of the Constitution of Kenya, 2010.

19 See Article 19 of the 2010 Constitution of Kenya.

20 See Article 9 of the 2010 Constitution of Kenya.

21 See Article 2(6) of the 2010 Constitution of Kenya.
Moreover, Article 2(5) of the 2010 Constitution provides that the general rules of international law form part of the law of Kenya. It has been argued that the committee of experts drafting the constitution conceived the shift to monism as a failsafe to enjoin the Kenyan State to obligations emanating from progressive human rights instruments without the ceremony of domestication (Ambani, 2010). Prior to the enactment of the 2010 Constitution, entitlements stemming from international human rights instruments “remained in abeyance simply because they had not been domesticated” (Ambani, 2010, p.25).

THE CURRENT KENYAN ADMINISTRATION

The 2013 general elections were a watershed moment for Kenya in many respects. The elections were the first after the violence in 2007, the first under the new constitution, and the first election in which a leading coalition ticket was held by people facing trial at the International Criminal Court. The memory of the violence that followed the disputed presidential election in 2007 haunted Kenya’s 2013 elections, with the overarching message on ICT platforms being: “peace at all costs.”

The election period was marked by calls for peace during and after the elections (popularly referred to as the “Peace Mafia”). This was achieved amidst a difficult balancing act by the media in trying to play its informative and watchdog roles. Conscious of the accusations leveled against them in the coverage of the 2007 elections, the radio stations that were broadcasting in local Kenyan languages largely focused on factual blow-by-blow reporting of accounts at the political rallies (Makokha, personal communication, June 2013).

Although the election was peaceful, the media have been roundly criticized for playing into a “peaceocracy” narrative, which led to self-censorship. Some observers (including interviewees Makokha and Maina) feel that the narrative around peace prevented the airing of legitimate grievances, and indeed, that the narrative to maintain peace at all costs may have been inimical by helping to strengthen the hands of power-holders. A prime example was the media silence of the failure of the electronic systems of the newly constituted electoral body, the Independent Electoral and Boundaries Commission (IEBC).

The IEBC switched from manual to electronic voting in a bid to effectively and efficiently guarantee voter identification and transmit results to an electronic system in order to prevent delays in announcing

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22 For their alleged role in the 2007-2008 post-election violence.
results. Voters were registered through Biometric Voter Registration (BVR).\textsuperscript{23} On voting day, March 4\textsuperscript{th} 2013, the BVR systems in many polling stations failed.\textsuperscript{24}

During this entire period local media remained silent. Journalists felt their desire to avoid politically sensitive discourse was justified under the circumstances (Masai, personal communication, June 2013). Mark Masai holds that the Kenyan public was decided that the central role of the media during the 2013 election should be advocating peace. Indeed, Kenyans online were engaged in pushback against foreign journalists who dared go against the grain of peace reporting. The Twitter hashtags #someonetellCNN was an example of pushback directed at a news item by CNN that anticipated an outbreak of violence. The media willingly conformed to this new norm. There seemed to be an implicit agreement between the media and the public that peace trumped truth seeking. As Michela Wrong observed:

> The local media swiftly fell into the habit of brushing off CORD’s declarations. Television broadcasts of Odinga’s announcement that he would challenge the outcome of the election before the Supreme Court cut to Uhuru Kenyatta’s acceptance speech before the Q. and A. with Odinga had even begun. …Kenya’s largest newspaper devoted more space to the selection of a new pope than to the lawsuits being prepared by CORD and civil society groups. (Wrong, 2013)

The emergence of the peace movement has highlighted the competing objectives that the media have to reconcile. Admittedly, after the violence in 2007, the peace narrative may have been necessary to prevent a repeat of violence. It has, however, limited the space for a critical assessment and audit of the electoral process in Kenya.

The newly elected President Uhuru Kenyatta has consistently asserted his government’s commitment to respecting press freedom and has pushed for the media’s help in pursuing the government’s development agenda. In his first hundred days in office, he has courted the press in a curiously open rapprochement that is a radical departure from his predecessor, Kibaki, who shunned the media when it did not favor his administration. In an unprecedented breakfast meeting hosted at State House Nairobi with members of the

\textsuperscript{23} This system involved the use of a mobile device that relayed data from each presiding officer to the central tallying station in Nairobi. Presiding officers entered the data from those electoral record forms into a specially developed mobile phone application. This device would securely transmit these provisional results over mobile data network to IEBC headquarters for consolidation and publication.

\textsuperscript{24} The IEBC’s chair explained this resort to a manual system as occasioned by a glitch in the system that was multiplying rejected votes by eight. Electronic Vote Transmission from the polling stations to the main counting center in Nairobi also collapsed repeatedly. Eventually the IEBC resorted to manual vote tallying.
Editors’ Guild, President Kenyatta fielded questions on the challenges facing his close to 100-day-old administration. He addressed national concerns including the then ongoing teachers strike and issues on foreign policy and insecurity in the country. He called upon the media to consider themselves “partners” in delivering on the government’s campaign manifesto. To this end, President Kenyatta said: “we are not interested in government control and propaganda. Our commitment is to better ensure how the media can more effectively support our democracy. What we want is openness and transparency that offers benefits to Kenyans” (Aggrey, 2013).

At the State House meeting, the Editors’ Guild expressed concern over the proposed 2013 Media Council Act. Section 6(E) of the Act still allowed the Communications Commission of Kenya or its proposed successor (the Communications Authority of Kenya) to administer broadcast content, formulate media standards, and regulate compliance with such standards. Dr. Haroun Mwangi, Media Council of Kenya (MCK) CEO, reiterated that these roles remain the purview of the MCK (Mwangi, personal communication, August 2013). Similarly, Section 5 of the act allowed for censorship of the press during emergencies, echoing Section 88 of the 1998 Kenya Communications Act utilized by the Kibaki administration to justify undue censorship from 2005 to 2007. In this context, questions have been raised whether the President’s warm welcome to the media is not a “charm offensive.”

Veteran journalist Kwamchetsi Makokha views this “charm offensive” from State House as a change of tack from previous administrations, and one which seeks novel mechanisms to control the press. “Where Kenyatta and Moi bossed the media, Kibaki was aloof; Uhuru now seems to want to charm the media to sleep or acquiescence” (Makokha, personal communication, June 2013).

**The End of the Honeymoon: The Media Act Passes**

On December 5, 2013, Kenya's National Assembly passed the 2013 Media Council Act. President Uhuru Kenyatta had temporarily held back assent to the legislation amidst great public and media pressure. The final version, which parliament approved with President Kenyatta’s recommended changes, designed to appease the public, failed to assuage the substantial concerns of the press. Press reports indicated that prior to the passage of the act, compromises had been reached between the Parliamentary Committee on Energy, Communication, and Information and press organizations including the Kenya Editors' Guild and the Kenya Correspondents Association. These included the elimination of hefty fines against the press and the continuation of self-regulation through the MCK.
The enactment of the new media law came amid measures to reinforce government control over the Kenyan media in the wake of the September 2013 attack by Al-Shabaab militants on the Westgate shopping mall in Nairobi. Kenyan citizens grew increasingly wary of the media relaying unclear information, which was obtained mainly from the Cabinet Secretary for Kenya’s Ministry of Interior Affairs, concerning the number of terrorists, the number of persons who perished in the attack, and much more. After the attack, the Kenyan media aired footage of Kenyan troops looting and, as such, caused the government to rethink broadcasting guidelines.

CONCLUSION

In Kenya’s history, ICT features as both the target and the means for consolidating regime power as well as an innovative tool for participatory governance, efficacious public service delivery, and promotion of peace. The preceding analysis suggests that Kenya’s ICT Policy (2006) is still in a flux and incomplete.

This report puts the current state of balance in historical and cultural context by providing an overview of Kenya’s current ICT policies and identifying the main actors and their influence on ICT debates and policymaking. It finds that the winding road of ICT policymaking in Kenya has closely tracked the democratization of Kenya’s political space, moving from the efficient clientelism of the Jomo Kenyatta administration, to the autocracy of Daniel Arap Moi, and finally, the increasingly democratizing governments of Mwai Kibaki and Uhuru Kenyatta.

The report concludes that the 2006 National ICT Policy offers the broadest reach on stakeholder involvement in Kenya’s ICT sector. The policy creates an appropriate framework for the government’s non-interference with independent regulators mandated with issuance of ICT licenses, tariffs, interconnections guidelines, standards, and frequencies, and management of the ‘.ke’ domain. The policy empowers investors, operators, and service providers to participate in the development of an efficient ICT sector with values of commercial integrity, strong corporate governance, high quality standards, and universal access. It is important however, to note that this ICT policy was conceived as very separate from media policy.

Increasingly, Kenya’s liberal ICT Policy (2006) attracts new stakeholders in ICT use or ICT-based activities for economic development, humanitarian aid, financial flows, agribusiness, and citizen participation in governance and peace promotion. However, the formalization and institutionalization process of ICT policies in Kenya have historically been largely unstable and incomplete. Since ICT policy
and media policy were not harmonized, the media sector turned increasingly to ICTs to amplify citizen voice and hold government accountable. The government, in turn, sought measures to maintain control, as reflected in the 2013 Media Council Act.

**CASE STUDIES OF ICT USE AND STAKEHOLDERS POST-2006 NATIONAL ICT POLICY OF KENYA**

The mission of the National ICT Policy is to improve the livelihood of Kenyans by ensuring the availability of accessible, efficient, reliable, and affordable ICT services, with a vision of using ICT to create a prosperous Kenya. The following case studies are indicative of the impact of Kenya’s 2006 ICT policy and the range of ICT stakeholders, and provide a roadmap to the future of ICT policy in Kenya. In the context of increasing democratization, Kenya’s National ICT policies increasingly attract new stakeholders who use ICT for economic development, humanitarian aid, financial flows, agribusiness, and citizen participation in governance and peace promotion.

**ICTs AND ECONOMIC DEVELOPMENT IN KENYA: M-PESA**

The manner in which ICT is influencing the dynamics of statebuilding in Kenya is perhaps most visible through the effect of Safaricom’s M-Pesa mobile technology product. Launched commercially in March 2007, M-Pesa “is an electronic payment and store of value system that is accessible through mobile phones” (Mas & Radcliffe, 2010). To access the service, customers register for free at an authorized M-Pesa retail outlet that assigns them an individual electronic account that is linked to their phone number and accessible through a SIM card-resident application on the mobile phone. Thereafter, for a fee, the customer can use M-Pesa to access a wide array of services. Since 2007, M-Pesa has become an indispensable part of daily Kenyan life. Within its first month, M-Pesa had more than 20,000 registered users; in 2012, 70% of Kenyans had used M-Pesa and approximately 20% of the country’s GDP had moved through the platform (Mwangi, 2012). Daily usage is estimated at two million transactions daily, worth approximately 2 billion KShs.

By 2012, M-Pesa had over 35,000 agents countrywide, and handled about 70% of the country’s financial transactions, including “utility bill payment, water purchases, farm equipment purchases, payroll, goods and services, and international money transfers” (Mwangi, 2012).

The M-Pesa network is now used in a variety of statebuilding activities via mobile phones, smart phones,
and tablets to enhance both public and private statebuilding initiatives. A number of case studies are showcased below to illustrate how the M-Pesa mobile money system has been used.

**ICTs in Kenya’s Financial Economy: M-Shwari and M-Kesho.**

The designers of M-Pesa asserted that they were specifically targeting the “unbanked” (Hughes & Lonie, 2007). Jack and Suri (2011) explain that though M-Pesa has been wary of regulation by the Central Bank of Kenya and hence at pains to stress that it is not a bank, “the ubiquity of the cell phone across both urban and rural parts of the country, and the lack of penetration of regular banking services, led to hopes that M-PESA accounts could substitute for bank accounts, and reach the unbanked population” (pp. 4-5).²⁵

Morawczynski and Pickens (2009) argued that M-Pesa’s accessibility and safety for those in rural and informal settlements who had no access to the formal banking system complemented its money transfer function. However, because M-Pesa was not designed as a savings mechanism, and money stored garnered no interest, the authors found that this discouraged many bank users from keeping larger amounts of money in M-Pesa.²⁶ Further, some users were concerned that money would be difficult to access because of recurring cash float shortages at M-Pesa agents (Morawczynski & Pickens, 2009).²⁷ They concluded that M-Pesa had nevertheless significantly influenced saving behavior amongst its users and the system had revealed “a latent demand for appropriate savings products” (p. 4). The authors concluded that “by partnering with financial service providers, mobile operators can play as significant a role in mobilizing savings as they did in releasing money flows across the country” (Morawczynski & Pickens, 2009, p. 4).²⁸ Based on such findings, Safaricom has expanded the M-Pesa platform to provide two banking products, M-Shwari and M-Kesho.

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²⁶ According to Jack and Suri (2011), “although M-PESA does not pay interest on deposits, and does not make loans, it can usefully be thought of as providing financial transaction services and that has operated, until recently, in parallel with the formal banking system” (p. 6).

²⁷ A study conducted by Mbiti and Weil (2007) found that “M-Pesa use increases frequency of sending transfers, decreases the use of informal saving mechanisms…and increases the probability of being banked. This suggests that M-Pesa is complementary to banks, whereby the adoption of M-Pesa has increased the demand for banking products” (pp. 27-28).

²⁸ In contrast, Mbiti and Weil (2007) found that “although a significant number of survey respondents indicate that they use their M-Pesa accounts as a vehicle for saving, our analysis of aggregate data suggests that the overwhelming use of M-Pesa is for transferring money from individual to individual, with extremely little storage of value” (p. 28).
M-Kesho
In 2010, in partnership with Equity Bank, Safaricom launched M-Kesho, a financial service that linked M-Pesa to an Equity Bank account. Targeting the one third of M-Pesa accounts which were held by customers that were otherwise unbanked (FAI, 2010), it allows customers to “transfer money to and from their M-Pesa accounts via their mobile handsets while enjoying other benefits that come with the bank account” (TechMtaa, 2013). The accounts are issued by Equity Bank but marketed as “M-Pesa Equity” accounts (FAI, 2010). To open an account, customers with relevant identification documents must either go to the Equity Bank branch or one of the M-pesa agents at which an Equity Bank representative is present. While M-Pesa is connected to services offered by other Kenyan banks, Equity Bank has an exclusive short-term agreement on M-Kesho “relating to product co-branding, use of select M-PESA agents to promote the bank’s products, and user interface integration” (FAI, 2010).

M-Kesho allows customers to have micro-savings at rates ranging from 0.5 to 3%. There are no minimum balances, ledger fees, monthly charges, and notice period or penalties on withdrawal. Deposits into the M-Kesho account are free and can be made through M-Pesa or through the customer’s normal Equity Bank account. Withdrawals are charged from both the M-Pesa and M-Kesho accounts and there are also charges for balance enquiries and mini-statement provision. M-Kesho is fully integrated into the M-Pesa mobile interface and is also accessible through Equity’s Easy 24x7 phone menu.

Deposits into the M-Kesho account are free and can be made through M-Pesa or through the customer’s normal Equity Bank account, which can be linked to the M-Kesho account. Withdrawals are charged from both the M-Pesa and M-Kesho accounts and there are also charges for balance enquiries and mini-statement provision. M-Kesho customers can also apply, at a fee, for credit (TechMtaa, 2013), and use the platform’s micro-insurance product.

M-Shwari
M-Shwari is a paperless banking service offered through M-Pesa in partnership with the Commercial Bank of Africa. With no bank branches to visit and no forms to fill out, M-Shwari allows M-Pesa customers to save, earn interest on savings, and borrow money through their mobile phone (Safaricom, 2013).

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29 Equity Bank’s Chief Executive Officer, Dr James Mwangi said “We want to ensure that no Kenyan is locked out of accessing basic banking services...This is in line with our mission to offer inclusive, customer-focused financial services that socially and economically empower our clients and other stakeholders.” (TechMtaa, 2013).
30 Credit between 100 and 5,000 KShs is available with overdue interest charged at 3% of the outstanding balance.
31 M-Kesho’s micro-insurance product offers varying premium fees covering accident, disability, medical, and funeral expenses, which, after a year, can be upgraded to full life insurance.
n.d). Customers can also move money between the M-Shwari and M-Pesa accounts at no cost, and access a micro credit loan received directly into the customers M-Pesa account (Safaricom n.d.). Safaricom aims to target the twelve million “unbanked” Kenyans with M-Shwari (Gauchie, 2013).

M-Shwari allows customers to earn interest rates between 2-5% (Gauchie, 2013), which is far higher than the 0-1.6% interest most banks offer on low-cost deposits (Juma, 2012).

M-Shwari borrowers can qualify for loans ranging between Sh100 and Sh20,000 payable within thirty days, and attract an interest rate of 7.5% - a far lower rate than the exorbitant rates charged by informal money-lenders and bank overdraft fees. As M-Shwari shares users’ credit history with credit reference bureaus, analysts say that the M-Shwari is competitive amongst individuals and small business owners as they often have “difficulty accessing credit from banks due to lack of collateral and documents like cash flow statements and payslips” (Juman 2012,).

In a month after its launch, “M-Shwari had received more than 976 million shillings ($11.3 million) in deposits, and its customers had borrowed 123 million shillings ($1.4 million)...” with the people between twenty-five and thirty years of age showing the greatest confidence in the service (Ramah, 2013).

**ICTs in Kenya’s Humanitarian Aid**

In early 2011, the most severe drought in sixty years hit the Horn of Africa, precipitating a wave of hunger and starvation across Kenya’s arid northern frontier. By May 2011, President Kibaki had declared the drought and its attendant famine a national disaster, with almost four million Kenyans at risk of starvation. Images of the unfolding disaster galvanized the nation. On the 23rd of July 2011, a Nairobi-based media consultant, Ahmed Salim, tweeted urging Kenyans to donate towards the famine relief efforts by the Kenya Red Cross. As the donations began to increase, Mr. Salim “contacted [the Kenya Red Cross] asking them to set up a financial platform to absorb the donations...[the Kenya Red Cross] saw the potential of the campaign and partnered with mobile network provider Safaricom, mobile money transfer system M-Pesa, and the Kenyan bank KCB, to launch the Kenyans for Kenya initiative” (Kenya Red Cross, n.d.).

Extensive use of social media resulted in donations of 677 million KShs. (approximately $8 million US) in three months. Most of the individual donations were made through mobile money transfer platforms
such as M-Pesa, Zap, Orange Money, and Yu-Cash. By October 2011, donations via M-Pesa totaled KShs 168 million, approximately 25% of the total raised to that point (Deloitte & Touche, 2011).

Because of the initiative, malnutrition rates dropped, life-saving provisions were distributed to schools and affected communities across the country, drought-resistant seeds were distributed, and school food, hygiene promotion, and emergency water trucking programs were undertaken. Kenyans for Kenya was cited by the African Union “as a foundation to build on for a possible Africans for Africa to encourage African people to take responsibility for the development of their own countries and not look to the West for aid” (Kenya Red Cross, n.d.).

One key contribution of M-Pesa was that it gave ordinary Kenyans an avenue through which they could contribute to the welfare of the less fortunate in their society. With donation as little as KShs. 10, Kenyans could contribute to the cause conveniently and securely (Kenya Red Cross, n.d.2).

**ICTs AND AGRIBUSINESS IN KENYA**

Agriculture is of immense significance to Kenya’s economy; the sector employs nearly 75% of the country’s population with more than half of the sector’s output in small-scale and subsistence production (Library of Congress, 2007). Three platforms in particular, M-Farm, iCow, and Kilimo Salama, exemplify how ICTs, especially mobile applications and SMS messaging, have impacted Kenyan agriculture.

**M-FARM**

The primary product of M-Farm Limited, a software solution and agribusiness company, M-Farm seeks to empower small-scale farmers who had been taken advantage of due to lack of market information as well as an inability to market their produce. Since 2011, the M-Farm application has allowed farmers to: access information on the current retail price of different crops from different regions and/or specific markets; buy seeds, fertilizers and other farm inputs collectively as well as directly from manufacturers at favorable prices; find buyers for their produce; and sell their produce collectively for better returns (Solon, 2013; Ekiru, 2011). Information on prices is updated daily and collected “through independent data collectors using geocoding” (M-Farm, n.d.).

The M-Farm application is accessible through three ways: SMS messaging, a downloadable Android App, and by going to M-Farm website. To use M-Farm via SMS, a farmer must first subscribe to the program by sending an SMS to M-Farm containing his or her name and location. Once registered, in order to get crop prices, the farmer simply sends an SMS to the M-Farm short code in a format beginning...
with the word ‘price’ followed by the name of the crop and the location. To sell, the farmer sends an SMS to the same short code in a format containing the word ‘sell’ followed by the crop name, weight of produce, and the price the farmer wishes to sell at.

According to M-Farm, reports show that farmers who sold collectively more than doubled their receipts for a variety of produce (Macharia, 2013; Ekiru, 2011). M-Farm intends to extend their network by disseminating information about international regulations as well as focusing on the external market by dealing with large foreign retailers. In relation to foreign retailers, M-Farm aims to speak to their corporate social responsibility targets (Solon, 2013). To generate profit, M-Farm takes a transaction fee for every deal brokered through the program and sells the data it possesses and gathers to research organizations looking at consumer behavior and food scarcity (Solon, 2013).

**iCow**

iCow is an agricultural platform developed for small scale farmers, accessible through both mobile phones and web. Developed by Green Dreams Tech Limited in 2010, it “allows herders to register each individual cow, and to receive individualized text messages on their mobile phones, including advice for veterinary care and feeding schedules, a database of experts, and updated market rates on cattle prices” (Baldauf, 2011). Like the M-Farm, iCow was established in response to a lack of information amongst small-scale dairy farmers in Kenya, particularly in the rural areas. The app sought to fill the information gap that farmers faced that left most farmers resorting to trial and error rather than structured and scientific farming methods (iCow, n.d.; Mfonobong, 2011). iCow seeks to target 1.6 million small scale dairy farmers with the application. Use of the application by farmers has grown from 300 in 2011 to 45,000 in 2013 (Mbuvi, 2013).

iCow’s initial objective was to provide small-farmers with a mobile-based platform through which they could access and monitor a gestation calendar for each of their cows as well as obtain expert advice in order to improve productivity and profits. The calendar solution would enable farmers to track a cow from insemination, through development of the calf to delivery (Mbuvi, 2013). The application has expanded to, in addition, provide advice, other information provided include contacts for veterinary officers and insemination officers in the farmers locality (Mbuvi, 2013).

Registering on iCow also provides farmers with access to agricultural extension service experts. iCow “utilizes voice-based software application in mobile phones to enable the farmers make automated calls. For example, they can ask the app when their cow is due to give birth, or how to identify the symptoms of mastitis” (Kyama, 2010). iCow services can also be accessed through SMS and the internet. It has an
online crowd map resource through which farmers can locate agro dealers and iCow agri-service providers. iCow’s iCow Soko feature even enables farmers to trade livestock on the platform (Macharia, 2013).

After formally partnering with Safaricom in 2013, it was announced that iCow would be available as a USSD based application, and that the cost of the application would reduce from KSh 5 to KSh 3 per SMS. Additionally iCow would become available in both Kiswahili and English with plans to extend it to other ethnic languages (Mbuvi, 2013).

An iCow impact study survey found that all registered iCow users claimed to have benefitted from being on the platform. 42% farmers reported an increase in income with 56% of those with increased incomes due to increased milk yield ranging from 1.5 to 3 liters per lactating animal. Additional benefits mentioned included reduced spending on commercial feed; increased markets and income for livestock and livestock by-products; increased customers reported by artificial insemination providers; reduced animal illness and mortality; and increased storage of feed in preparation for drought and dry conditions (iCow, n.d.; Ostrowski, 2013).

**KilimoSalama**

KilimoSalama is an agricultural insurance initiative set up in December 2008 that seeks to promote “safe farming” by providing weather index insurance for small-scale farmers in Kenya. It is the largest agricultural insurance program in Africa and the first program worldwide to reach small-farmers using mobile phone technology (UAP, 2012). KilimoSalama partners include UAP Insurance, Syngenta Foundation for Sustainable Agriculture, MEA Limited (a fertilizer distributor), Syngenta EA Limited (a pesticide distributor) and Safaricom Limited.

The aim of the insurance program is to help small-scale farmers deal with weather risks exacerbated by the effects of climate change such as extreme or erratic rains, floods and drought that threaten their livelihoods. The KilimoSalama initiative believes that “the use of technology is the key to the micro insurance product’s affordability and the model’s scalability” (UAP, 2012).

Currently insuring over 70,000 farmers scattered throughout rural Kenya, the initiative works as follows: a farmer can by insurance at a 5% premium at an input shop when purchasing farm supplies. The insurance covers adverse weather, which is monitored through solar powered weather stations. Owners of farm supply stores are “given a camera phone to record the purchase, which instantly sends a
confirmation text message to the buyer” (Rosenburg, 2011). Farmers registering with KilimoSalama select their nearest weather station, the produce or product to be insured, the purchase summary, and the premium paid. The insurance policy is automatically created on the KilimoSalama server and an SMS confirming the coverage and farmer’s policy number is sent.

With no farm visits, payouts are made based on index triggers from weather data recorded at the weather stations. The automated weather stations collect and automatically transmit measurements to the KilimoSalama server every fifteen minutes. Weather at the end of each growing season is compared to historical weather data. “If the season's rainfall is 15% above or below the average, the insurance payout owed to client farmers is calculated and sent via automated mobile payment. There is no ‘claims’ process” (Syngenta Foundation, 2014).

Payouts are then transferred through the M-Pesa mobile phone payment system, which notifies the farmer that a payout has been made to their M-Pesa account. Crop advisory services are also available to the farmers through a toll free helpline, a partnership between KilimoSalama and mobile operator Safaricom (UAP, 2012).

Conventional insurance cover for farmers is expensive, which limits insurance access to small-scale holders. Furthermore, conventional insurance operates on a claims basis, which necessitates costly farm visits to verify each individual policyholder’s claims. The KilimoSalama initiative overcomes such challenges “dramatically reducing] administrative costs, [and] enabling a premium price that millions of farmers can finally afford” (UAP, 2012). The initiative also provides a service called KilimoSalama Plus through which farmers can further insure their total anticipated harvest value by paying the full premium amount (Macharia, 2013).

ICTs, Citizen Participation in Governance and Peace Promotion in Kenya

ICT platforms have also been developed to impact democratic and peacebuilding processes in Kenya. In addition to Kenya’s most prominent peacebuilding platform Ushahidi, Mzalendo and Amani @ 108 also seek to change how citizens and communities influence democracy and peacebuilding in Kenya.

Mzalendo
Mzalendo is a web-based initiative founded in 2003 to audit and monitor Kenya’s parliamentarians. Relaunched in 2012, the project seeks to “to promote a stronger public voice and to enhance public
participation in politics by providing relevant information about the National Assembly’s activities, MPs and aspirants ahead of the 2012 elections” (Mzalendo, n.d.). The initiative emerged from a lack of transparency and accountability concerning the character and activities of Kenyan parliamentarians, and has expanded to provide an avenue for dialectic engagement between citizens and their elected representatives. Mzalendo seeks to provide a platform through which citizens can demand information and accountability, and develop an obligation amongst Members of Parliament and other public officers to the citizens of Kenya. The website offers Kenyans a wide host of information on current members of parliament and was useful in informing Kenyans about candidates’ backgrounds in the run up to the 2013 general election.

The site also includes ‘Democracy Resources” which provides information about the how democracy operates in Kenya. Resources include materials on: the role citizens should play and their legal rights; ‘the structure of Kenyan democracy under the Constitution of Kenya 2010; the roles of members of government; qualifications and disqualifications for elected officials; and information about the Kenyan Constitution and electoral legislation. The site also provides an overview of Parliament containing overviews of ministries, the committee and bills processes in Parliament, the Hansard, and background information on Kenya’s main political parties.

Mzalendo has developed a scorecard system that aims to provide a mechanism through which citizens can assess the performance of members of parliament. The primary metrics used to measure candidates on the scorecard are the contactability of members, the number of times their names appear in the Hansard, and members’ Constituency Development Fund (CDF) spending performances. These measures were selected as they contain data that is “clear and unambiguous and can be applied across all MPs in a fair manner” (Mzalendo, n.d.).

32 The Hansard is the official record of the Kenyan National Assembly.
33 “Contactability is based upon the different contact and communication means we have on the site for MP...[MP’s] can at any time provide [Mzalendo] with more information to update our records and improve their rating” (Sasaki, 2010). Mzalendo views this as an important metric as MPs must be available to the citizens who they serve.
34 Hansard appearance track every time a MP speaks in Parliament, which is important as it shows how much time an MP actually spends in Parliament actively representing his or her constituents.
35 The CDF is developed fund established to ensure that national funds are more evenly spent in a targeted locally relevant manner. “CDF spending performance is based upon the social audit reports carried out by the National Taxpayers Association. The NTA has not carried out audits for every constituency yet. As more constituencies are completed new data will be added to the site” (Sasaki, 2010). This metric seeks to show how effectively each member of Parliament spends CDF funds.
The initiative faces a number of significant challenges including accessing funds; recruiting volunteers; accessing information; verifying and editing content that is contributed; and maintaining contributions from parliamentarians and the wider public. Securing the site to make sure information is legitimate and that MPs cannot be impersonated is a key obstacle in making sure the initiative is attractive for MPs’ participation. Access to information is a significant challenge as a culture of secrecy still pervades Kenya’s public institutions. For example, Parliament’s attendance records are secret and no one can officially tell how many times an MP has been to Parliament, how long they attended, and in what capacity. The initiative’s future plans include integrating its database with Ushahidi “to allow people to receive mobile updates about their particular member of parliament” (Sasaki, 2010).

**Ushahidi**

During the Kenya’s 2007 General Election cycle, an unprecedented amount of violence was witnessed with more than 1,500 people killed and 250,000 displaced. At the height of the violence, the government banned live media broadcasts, self-censorship within mainstream media was rampant, and there was a general lack of information on what was occurring across the country. Within this environment, Ory Okolloh, a Kenyan blogger and Ushahidi founder, asked people to send her information on what was occurring across the country – information that she would then post on the internet. From this initiative the Ushahidi platform was born (Okolloh, 2009).

The volume of reports necessitated the creation of a dedicated website where people could anonymously report incidents of violence online or via mobile phone text messages (SMS). The information gathered then mapped in order to enable the public to visualize and understand what was occurring (Okolloh, 2009). Despite the risks of misreporting and misinformation, Okolloh felt that “having a vehicle where some information could be shared was better none – and that relying on local resources was a good way to do this…The Ushahidi website was not intended to be wholly accurate…the main focus was the immediate need to get information out” (Okolloh, 2009, p. 65). Ushahidi’s objective was to harness the power of crowd sourcing information to facilitate the sharing of information in an environment where rumors and uncertainty were dominant.

A group of interested volunteers came together to build the Ushahidi website, utilizing open source software, voluntarily donating server space, writing the code, donating the short code for SMS calls, and helping gather the initial data. Information was gathered both from direct inputs on the website and through SMS messages that were manually entered into the system. Inputs created a timeline of events and mapped out riots; deaths; property loss; the activities of security agencies; movements of civilians; cases of looting, rape, and arson; internally displaced people settlements; as well as the location of various
peace efforts. As usage and reporting increased, the platform became an important source of information in a time of crisis and communication challenges. It also formed a platform around which peace interventions could be strategized and implemented.

As with any crowd sourcing social media tool, Ushahidi’s primary challenge was verifying the information received on the platform. When possible, Ushahidi called or emailed reporters to try to verify reports where people reported anonymously. Stories were counter-checked through comparisons with other available sources. Information that appeared credible but could not be verified was posted on Ushahidi with a note stating that it had not been verified (Okolloh, 2009). In addition to preventing the dissemination of inaccurate information, reports were also monitored to avoid publishing inflammatory and propaganda-like materials (Okolloh, 2009).

In addition to providing crowd-sourced information in a time of chaos, Ushahidi also “was intended to be a ‘memorial’ or archive...of the events that happened...a reminder of just how bad things got – so that Kenyans would hopefully avoid repeating history at future elections” (Okolloh, 2009, p. 65). The Ushahidi platform has since been further developed as a crisis-mapping tool. It has been utilized in other humanitarian crisis situations around the world in countries such as the DRC, Haiti, Chile, New Zealand, India, Japan, Armenia, and the Middle East.

**AMANI @ 108**

In 2012, with the aid of the United Nations Development Programme-Kenya the National Steering Committee on Conflict Management and Peacebuilding (NSC) established the Amani Kenya @108 initiative. In line with the 2006 National ICT Policy provisions on e-government, Amani @108 is a government-led public platform that seeks to engage Kenyans in peacebuilding efforts in the country. The platform integrates the use of SMS, incident reports, and media reports to help strengthen peace and conflict prevention efforts in Kenya. Amani @ 108 promotes the use of ICTs to map crisis and promote peace.

The platform was launched as the crowd-sourcing component of the National Early Warning and Early Response System, and used the Uwiano platform to gather information related to conflict during the 2013 electoral cycle (Amani, n.d.). Messages were largely received from the public through the SMS short code, however, information could also be provided on the platform website, by email, and via the social media sites such as Twitter and Facebook.

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36 The NSC is a department within the Ministry of State for Provincial Administration and Internal Security.
Once supplied, information would be verified and then inputted into the Amani 108 system based at the NSC. The website also monitored reports relating to conflict and threats of conflict published in the mainstream media and entered these into the website tool. A mapping tool similar to that used by Ushahidi was utilized to visualize the reports that had been received, creating a picture of conflict hotspots across the country. Information was categorized under various headings including abductions, killings, riots, property loss, theft, sexual assault, demonstrations, hate messages, insecurity, evictions, and gender-based violence. Various security agencies, government departments, and non-state actors dealing with conflict in Kenya utilized the data to frame their responses during the electoral period.

Innovative social media tools and user-generated information can thus be utilized for and translated into localized and participatory preventive multistakeholder action in potential conflict situations. Indeed peacebuilding and conflict prevention interventions will be improved by supporting mechanisms that empower citizens to play a central role in proactively responding to conflict (Khal, 2012). The Amani@108 platform contributed to peacebuilding efforts by providing a path for inclusive and participatory stakeholder engagement, the rapid flow of information, a platform for collaborative prevention of violence, and a new avenue for data that enhances information triangulation, which plays a central role in ensuring that responses are organized on the basis of credible and accountable information.
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APPENDIX A: LIST OF INTERVIEWEES

1. Kwamchetsi Makokha
   Kwamchetsi Makokha is a former senior editor of The Nation and The Standard newspapers. He trains journalists and communication officers on effective communication skills.

2. Henry Maina
   Henry Maina worked in the human rights sector for ten years before moving to Article 19 in 2008. At Article 19, he specializes in criminal justice and human rights education at the Legal Resources Foundation. He also has expertise in advocacy and governance. Maina is skilled in program management and fundraising, and holds a Master’s Degree in international development, law, and human rights from Warwick University in the UK.

3. Dennis Itumbi
   Dennis Itumbi is an accomplished radio, television, online, and print journalist. He has worked with various organizations including Voice of America (VOA), Royal Media Services, The People Daily, The Standard, The Kenyan Spectator, and various online news media sources. Itumbi also owns Title County News, a network of newspapers that aims to address unique issues in the grassroots locations of Kenya. He has also won various international and national awards, including the Governance Journalist of the Year Prize, and is also a pioneer member of the Journalist Association of Kenya (JAK). Itumbi has also taken on various PR, communication, and media consultancies with the Anglican Church, National Rainbow Coalition and UNESCO. Itumbi also runs key websites including www.dennisitumbi.com and www.wikileakskenya.co.ke. He currently works as the Digital, New Media & Diaspora Director in the Office of The President.

4. Dickson Bogonko Bosire
   Dickson Bogonko Bosire is the founder of Jackal News, Kenya’s foremost online tabloid. He is credited with having broken the story of the Kiambaa church fire in Eldoret, a key flashpoint of the post-election violence in 2007.

5. Dr. Joe Sevilla
   Dr. Joseph Sevilla is the founder and Director of @iLabAfrica, a research center at Strathmore University (Nairobi, Kenya). He is also a Senior Lecturer at the Faculty of Information Technology. Dr. Sevilla is a member of the British Computer Society, the Safaricom Innovation Board, Chairman of the Document Description and Processing Languages Technical Committee of the Kenya Bureau of Standards (KBS), and a member of the Council of the Free Software and Open Source Foundation for Africa (FOSSFA). While at Strathmore, he has held the office of
Deputy Vice Chancellor, Dean of the Faculty of Information Technology and member of the University’s Management Board. In 1991, he founded the Information Technology Centre (ICT) at Strathmore and served as its first Director. Dr. Sevilla has participated in a number of committees established by the Ministry of Education, the Ministry of Research, Technical Training and Technology, and the Ministry of Information and Communications; he has advised the Kenyan Government and the ICT Board on the drafting of national policies in ICT education, the national syllabus for Computer Studies in schools, and the adoption of a national ICT strategy. He has also acted as an advisor to the Kenyan Directorate of Industrial Training in issues related to computer training. Dr. Sevilla’s interests cover: ITC in education and development, IT security, mobile computing, e-learning, managerial decision modelling, bioinformatics, and FOSS applications.

6. Juliana Rotich

Juliana Rotich is a co-founder of Ushahidi (Swahili for testimony). Ushahidi is a web-based reporting system that utilizes crowdsourced data to formulate visual map information of a crisis on a real-time basis. As a Program Director for Ushahidi, Rotich manages projects and aids in the development and testing of the Ushahidi platform. She also blogs at 'Afromusing,' typically with a focus on African tech and renewable energy. She is a budding African Futurist and a TED Senior Fellow. She often speaks at international conferences about tech and Africa.

7. Joseph Kihanya

Joseph holds a postgraduate degree in Communications and Information Technology Law, UNSW, Sydney, Australia. He has worked in private law practice, as in-house counsel for Celtel Kenya Ltd., and as an adjunct faculty member in Media Law at United States International University. He is a consultant with the Communications Law Centre and lecturer with the Council of Legal Education. He has also worked with KICTANET, ICJ (Kenya), and the Media Owners’ Association on best media and telecommunications regulatory frameworks and practices for the proposed Kenya Information and Communications Bill 2006, the Media Council of Kenya Bill 2006, and all regulations and codes anticipated thereunder.

8. Alex Gakuru

Alex Gakuru is the Founder and Chair of ICT Consumers Association of Kenya, an ICT consumer rights advocacy group. He is the Executive Director of Content Development and Intellectual Property (CODE-IP) Trust, a non-profit organization focusing on creating an enabling environment for local content development and its intellectual property protection. Gakuru is an assertive advocate of consumer rights, representing consumer interests through various platforms both locally and internationally. He is an Elected Council Member at the Free and Open Source
Software Foundation for Africa and takes part in global Internet Policy formulation as the elected African representative at ICANN’s Non-Commercial Users Constituency Executive Committee. He is also the Regional Coordinator for Africa, Creative Commons. Gakuru appreciates the transformative power of media and therefore continually contributes to various media on technology and consumer-related matters. He is an honorary member of the “Government Relations” department at the Kenya ICT Reporters Association. Prior to his appointment to the BCAC, he served on several government task forces, including the Creative Content Task Force, the ICT Standards Task Force, the IPv6 Task Force, and Kenya Bureau of Standards (SC34) Documents Standards Committee. He holds a B.Sc. in Computer Science, Mathematics, and Physics from the University of Nairobi and has taken several short-courses on communication, ICT and media regulation.

9. Mugo Kibati
Mugo Kibati is the former Director General at the Vision Delivery Secretariat spearheading Vision 2030. Kibati has a wealth of experience in both the private and public economic sectors. He served as the Chairman of Apollo Investments Limited and Apollo Life Assurance Limited. He has been Director of Apollo Investments Limited since July 24, 2009. Mr. Kibati holds a Master of Science, Technology Policy from Massachusetts Institute of Technology.

10. Moses Kemimbaro
Moses is Director of Sales at InMobi for Africa. He is responsible for the functional management and leadership of sales activities for InMobi throughout Africa. He has previously worked at Dealfish, a Pan-African network of online marketplaces owned by MIH Internet Africa and the digital business arm of Naspers.

11. Mark Masai
Mark Masai is a journalist with Nation Television Network. He has previously worked with China Television Africa.

12. Balla Galma
Balla Galma an experienced human rights and humanitarian law defender currently working as a legal assistant at Madan-Handa and Company Advocates, a law firm based in Nairobi. She also volunteers with various humanitarian organizations. She has won accolades locally and internationally for her advocacy in human rights issues.

13. Al Kags
Al Kags is a writer and poet based in Kenya. He is the founder of the Al Kags Trust that publishes The Quarterly Colour poetry series, a series of free poetry ebooks that are distributed
over email, blogs, and other media. Al Kags is a public servant who works with the Kenya ICT Board, the state corporation that markets and develops ICT.

14. **Brian Mwita**
   Brian Mwita is a Nairobi-based software developer with five years’ experience in the industry and has been a volunteer with Ushahidi since 2008, when he set up the FrontlineSMS to relay SMS reports for the November 2008 Ushahidi DRC instance setup to track eastern Congo conflict. Prior to joining Ushahidi, Mwita was responsible for the development, maintenance, and support of the postpaid billing system at a local telecommunications company. He previously worked in the development of systems for managing higher education institutions and in the provision of open-source-managed services to clients around Nairobi.

15. **Phares Kariuki**
   Phares Kariuki has a background in startup incubation and was a Business Manager and Solution Architect for VMware at Westcon. He has worked for DataposIT, which was a startup at the time. In addition to this he has a background in mentorship, having setup and run the mentorship program for the iHub in Nairobi as well as done the same for the Garage 48 brand.

16. **Chaacha Mwita**
   Chaacha Mwita has extensive international work experience in management, policy engagement, journalism and communications, research, and administration, all gained within the public and private sectors for multi-national organizations and institutions. He served as the head of policy engagement and communications for the African Population and Health Research Center (APHRC), Nairobi, Kenya; Group Managing Editor, Standard Newspapers Ltd; and is currently a board member of the Ewaso Nyiro South Development Authority (ENSDA), geographically Kenya's largest development authority.

17. **Dr. Haroun Mwangi**
   He is the Chief Executive Officer and Secretary to the Media Council of Kenya (MCK).