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March 2021

Media Viability in East Africa: Kenya



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In the context of:

The Media Futures EA Project

Implemented through:

Aga Khan University - Graduate School of Media & Communication (AKU GSMC)

DW Akademie

Supported by:

Kreditanstalt für Wiederaufbau (KfW)

Bundesministerium für wirtschaftliche Zusammenarbeit & Entwicklung (BMZ)

Recommended citation:

Media Innovation Centre. (2021). Media Viability in Kenya. Graduate School of Media and Communications, Aga Khan University and DW Akademie.

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Executive Summary

The media in Kenya mirrors the social, political and legal transformation that has taken place in the last half a century. Since independence, the media have been affected by the government's oscillation between more authoritarian and more liberal regimes. Over the past two decades, however, the arc has been towards enhancements of freedom of expression, access to information, and economic growth that has supported the nation's technological development and the viability of national and local news media. The media landscape is diverse and, with one news producing company for every 320,500 people, very competitive. Ownership of the nation's news media is, however, highly concentrated, with six major media corporations controlling 95 percent of both the audience and advertising market share. As of the beginning of 2021, there were approximately 173 radio stations, 72 TV channels and 19 newspapers and 13 online news sites serving Kenya.

This national level media viability analysis of the Kenyan media is guided by the DW Akademie Media Viability Indicators (MVIs) covering the broad topics of politics, economics, community, technology, and content (Deselaers, James, Mikhael, & Schneider, 2019). Politics deals with the rule of law, freedom of expression, access to information, legal equality, and media within society. On the economic aspect, national economy, financial stability of news media organisations (NMOs), financial independence of NMOs, competition, and audience demand for quality journalism are analysed. The

community indicators include: citizen education, social cohesion, trust and credibility, participation and audience data. The technological indicators are: production and distribution of resources, NMOs' access to technology, audience's access to technology, digital expertise and citizens' digital rights. Lastly, content indicators include: content quality, journalism expertise, NMOs' ownership, business structures, competencies and business expertise.

Experts argue that the media sector in Kenya has developed and defined itself along successive political phases characterised by complex political and economic structures. The World Justice Project's Rule of Law Index (2020) documented inherent challenges in the areas of corruption, order, security and the rule of law in the Kenyan media that they point out undermines the constitutionally guaranteed freedom of expression and freedom of the media. Similarly, the constitution, legislative acts and the attendant regulatory institutions have been established to ensure that both the citizens and the media have the right to access information. However, access to information is still problematic and Kenyan journalists have no special legal protections in their work and some laws criminalise specific journalistic acts. There are instances in which journalists are discredited, assaulted, harassed or intimidated, sometimes by government officials. While the Kenyan law treats the media, as an industry, comparably the same to other industries, experts observe that the relationship

between the media in Kenya and the government is often adversarial. On a positive note, professional associations and independent statutory institutions like the Kenya Editors Guild (KEG), Kenya Union of Journalists (KUJ) and the Media Council of Kenya (MCK) continue to play a critical role in protecting journalists and the media industry.

Economic indicators for Kenya present an ambivalent picture. The Kenyan economy has steadily grown in the last two decades, supporting one of the most vibrant media landscapes in the region. Unfortunately, the high level of competition has resulted in repeated downsizing and cost-cutting in many news media houses in recent years, and ownership is highly concentrated. Additionally, the financial independence of news media organisations is fairly tenuous, and this affects editorial independence. With a small pool of advertisers mainly from the private sector and the government through the Government Advertising Agency (GAA), there is potential influence on news content from both key economic players and the political establishment. The advertising market is further fragmented by the growth of social media, international digital platforms and digital-native platforms. Despite Kenya's sustained economic growth, and the highest GDP in East Africa, a significant percentage of the population has relatively low purchasing power and the NMOs are struggling to generate revenue when serving this demographic. The Covid-19 pandemic in 2020 appears to have further exacerbated the Kenyan news media's financial challenges.

Community as a media viability indicator focuses on the structure of society and the extent to which social conditions support the audience consumption of news. Kenyans are comparatively well educated when measured against other countries in the region and have a high literacy rate of 82 percent for the demographic group of 15 years and above. Social cohesion remains a big issue in Kenya and both political parties and the media have contributed to ethnic and cultural differentiation. Radio, especially vernacular broadcasts, has been accused of distributing news and information that threatens social cohesion – a situation that is exacerbated during election campaigns. Consequently, there has been a steady decline in the level of confidence in the media among Kenyans because of content issues, instances of misleading advertisements and culturally insensitive content. These issues have compounded the lack of community support to news media in Kenya.

Kenya has invested heavily in digital infrastructure. Since 2016, its annual growth rate in the information technology sector of 10.8 percent has caused the country to be named the “Silicon Savannah.” The Internet World Stats (2020) indicated that Kenya, with a population of 47,564,296 (KNBS, 2019) had an internet penetration of 85.2 percent, while ITU (2019) indicated smartphone usage had grown by 84 percent in the previous two years. However, internet penetration in most rural areas remains relatively low and data rates in Africa relative to

average monthly income remain higher than in most other regions of the world. Therefore, although technologies play an important role in a changing Kenyan media environment, the real benefits of the mobile platform as a news distribution platform is limited to urban and affluent audiences and large media companies. Even then, media houses face the ongoing challenge of monetising their digital content. Thanks to technology and internet access, Kenyans are increasingly participating in content production. This is a welcome development as scholars have decried the media’s dismal performance in providing opportunities for citizens to express their opinions (Nyabuga, 2017a). There are concerns about citizens’ digital rights in terms of privacy, surveillance, and data security, particularly in the wake of the Data Protection Act of 2019 – an issue Kenya’s media has proactively engaged in. In terms of the media’s use of audience data, Kenya has a number of market research companies that provide data on audience consumption habits, media brands and media market share to media organisations and advertisers alike. Concerns have been raised about data quality, and small media organisations have been found to often lack access to audience and in-house research capabilities.

Experts agree that Kenya’s NMOs generally produce high quality and credible content. Journalists in Kenya are highly qualified and educated in their profession. However, there are emergent trends that threaten to undercut the quality of news

reaching Kenyan citizens. Financial difficulties in Kenyan media houses have resulted in layoffs and restructurings that have caused an outflow of journalists from media houses. The big media houses are concentrated in Nairobi, with news media in outlying areas facing greater financial challenges and less access to skilled labour. Direct and indirect government pressure on media houses and individual journalists has been increasing.

Legacy media organizations are increasingly building capacity as information curators as opposed to focusing on traditional forms of breaking news. Kenya’s NMOs are also diversifying their revenue streams and exploring non-media business ventures like courier services, gaming and advertising agencies. They are experimenting with different types of content and delivery like video on demand subscription based platforms and competing media houses are now leveraging on co-opetition, that is, cooperating on capital investments in infrastructure while competing on content production and delivery at the same time.

In summary, while it is evident that Kenya’s media institutions have the business expertise to mitigate both the digital disruption and the COVID-19 pandemic, significant challenges to long-term viability remain. Increasing government pressure on news media houses, changing audience consumption habits, and the need for new monetisation strategies are among the biggest strategic obstacles facing Kenya’s news organizations.

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List of Abbreviations

| | | | |
|-------------|--|-----------------|--|
| A4AI | Alliance for Affordable Internet | KCOMNET | Kenya Community Media Network |
| ADRR | Average Daily Radio Reach | KICA | Kenya Information Communications Act |
| AMB | Africa Media Barometer | KNBS | Kenya National Bureau of Statistics |
| AMI | Africa Media Initiative | KTN | Kenya Television Network |
| BAKE | Bloggers Association of Kenya | KUJ | Kenya Union of Journalists |
| CA | Communication Authority of Kenya | MCK | Media Council of Kenya |
| CAGR | Compound Annual Growth Rate | MOA | Media Owners Association |
| CIA | Central Intelligence Agency | NGO | Non-Governmental Organization |
| CNN | Cable News Network | NMG | Nation Media Group |
| CoK | Constitution of Kenya | NMOs | News Media Organisations |
| CPJ | Committee to Protect Journalists | NTV | Nation Television |
| GAA | Government Advertising Agency | PWC | PricewaterhouseCoopers |
| GDP | Gross Domestic Product | RMS | Royal Media Services |
| GNI | Gross National Income | RSF | Reporters sans Frontières (Reporters without Borders) |
| ICT | Information and Communication Technologies | UNESCO | United Nations Scientific, Educational and Cultural Organization |
| IT | Information Technology | WAN-IFRA | World Association of News Publishers |
| ITU | International Telecommunications Union | WJP | World Justice Project |
| KARF | Kenya Audience Research Foundation | WPFI | World Press Freedom Index |
| KBC | Kenya Broadcasting Corporation | | |

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Overview: The Media Industry In Kenya



In the wake of the COVID-19 outbreak, the distribution of digital newspapers at a reduced cover price has gained traction on mobile phones, tablets, and personal computers and there are indications that this traction is opening up monetisation opportunities as mobile telecommunication giant Safaricom has partnered with “Radio Africa Group and Mediamax to enable customers purchase The Star and People Daily e-Papers for KES 10 per issue” (Koigi, 2020, para 1).

Kenya is a country of 47,564,296 million people on the coast of the Indian Ocean in East Africa (KNBS, 2019). With a landmass of 569,140 square kilometres, it ranks as the 50th largest country in the world. It is bordered by Somalia, Tanzania, South Sudan, Ethiopia and Uganda.

More than 40 percent of the Kenyan population is under the age of 15 and approximately 29 percent live in the nation’s urban areas, with a high rate of urbanization (CIA Factbook, 2020). There are at least 42 different ethnic groups in the country. The two national languages are English and Kiswahili, although many other local languages are used in different regions across the nation. The adult literacy rate is fairly high and has been increasing steadily (Country Economy, 2020) and UNESCO (2020) indicates that it currently stands at about 82 percent for 15 year olds and above.

The country’s media industry is dominated by six major media groups, which control more than 95 percent of both the audience and advertising market. The six main players in Kenya’s media industry are Royal Media Services (RMS); the Nation Media Group (NMG); the Standard Group, Radio Africa Group; Mediamax, and the national broadcaster, the Kenya Broadcasting Corporation (KBC). Each of these six owns a combination of media across the print, broadcast and the digital sectors and all are for-profit, commercial media organisations. KBC is funded by both the government and advertisers, but as a national broadcaster profits are not its main preoccupation.

Much of the consolidation of Kenya’s media sector occurred under President Mwai Kibaki, who assumed power after the 2002 elections. The economic reforms that Kibaki spearheaded, especially during

his first term, created an ideal environment for private media to thrive. As the economy improved during Kibaki’s first term, a number of major media companies were able to expand and extend their influence across the country, with investments in radio, television, print and the digital platforms. For instance, NMG expanded beyond the Kenyan borders to the East African region, setting up a radio, television station and newspaper in Uganda, a radio station in Rwanda and a newspaper in Tanzania.

Generally, most mainstream media houses in Kenya operate online extensions of their legacy media, either in the form of blogs and/or websites. In the wake of the COVID-19 outbreak, the distribution of digital newspapers at a reduced cover price has gained traction on mobile phones, tablets, and personal computers and there are indications that this traction is opening up monetisation opportunities as mobile telecommunication giant Safaricom has partnered with “Radio Africa Group and Mediamax to enable customers purchase The Star and People Daily e-Papers for KES 10 per issue” (Koigi, 2020, para 1). Media houses have also been operating vibrant social media platforms demonstrating their swift responsiveness in embracing new media technologies and other technologies, such as live streaming through the internet (WAN-IFRA & AMI, 2012). However, as noted by WAN-IFRA and AMI (2012), media organizations have carefully avoided radical moves to dump traditional models and they still consider legacy

platforms as viable alongside the digital platforms. This has remained the case to date. While many of the major news media organizations have moved to diversify their sources of income, television remains the leading source of advertising revenue, followed by radio and print (PWC, 2018).

Broadcasting in local languages increased greatly in Kenya during the first decade of the millennium as media investors recognized that the market for content in specific local languages was an untapped area of commercial potential (Ogolla, 2011). Royal Media Services (RMS) has the largest holdings, with 13 radio stations and two television stations and is one of the biggest investors in local-language specific content, with one television station (Inooro TV) and 11 out of its 13 radio stations broadcasting in local languages.

Television controls the largest share of advertising revenue in Kenya with Statista’s (2020) report indicating that television and radio had projections of \$109 and \$99 million advertising expenditure in 2019. As of early 2020, the Kenyan market had over 34 national and 50 regional television stations. According to CA (2020) data, the top 10 free to air television stations had a market share of 92.70 percent. They are: Citizen TV (38.60%), KTN Home (10.70%), Inooro (10.60%), KTN News (9.50%), NTV (8.70%), K24 TV (5.20%), KBC (2.30%), Ebru TV (3.20%), Kameme TV (2.30%) and Switch TV (1.60%) (CA, 2020), as shown in figure 1 below. These TV stations also lead in audience viewership.

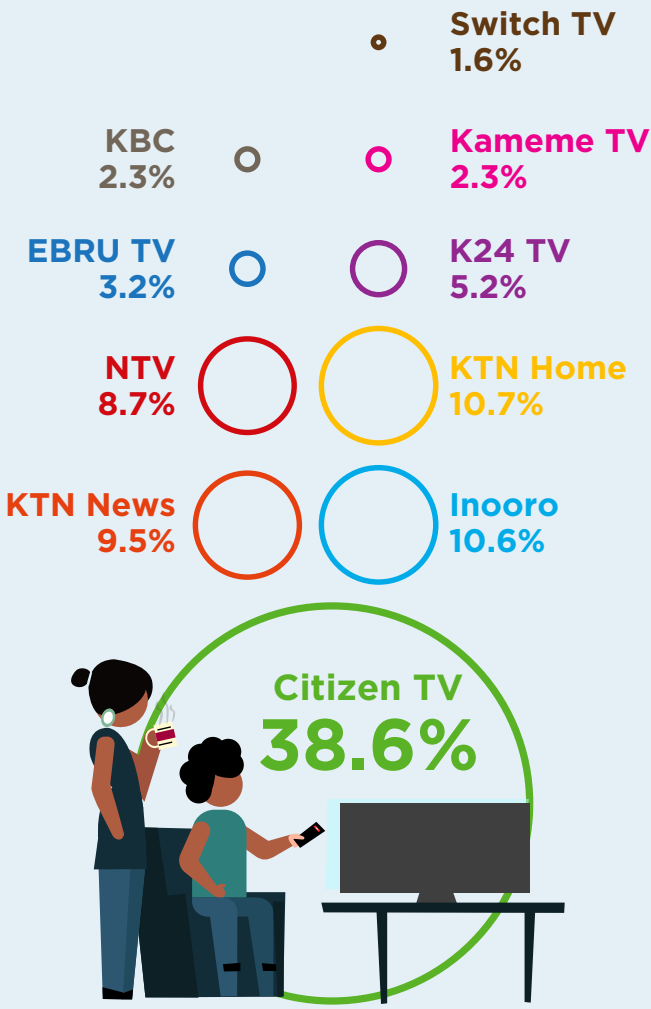


Figure 1: TV audience market share (CA, 2020)

Radio is one of the liveliest and most vibrant media in Kenya, partially because of its ability to interact with niche listeners and its spatial and diverse spread nationally. By 2015, over 30 percent of all radio stations were national and controlled over 97 percent of radio advertising revenue (Mwangi, 2015). As of 2019, there were 173 radio stations on air, of which 131 were commercial and 42 were community (CA, 2019). Radio is an investment with relatively low entry barriers because of minimal equipment and production requirements. Therefore, ownership of radio is more diversified than television in Kenya. However, in Kenya, radio has been viewed more as a political tool or megaphone for amplifying the voices of politicians. This explains why most politicians in Kenya own radio stations albeit through proxies (Wasserman and Benequista, 2017). The top radio stations in terms of Average Daily Radio Reach (ADRR) are owned by the big five media organisations: RMS, Standard Group, Radio Africa Group, Mediamax, and national broadcaster KBC (KARF, 2019). Radio is the second strongest media sector in Kenya after television in terms of advertising revenue spend and it leads in public education programmes.

Print media in Kenya is largely dominated by two publishing houses: The Nation Media Group and the Standard Group Plc. The major newspapers in circulation in the Kenyan market include: Daily Nation, The Standard, The Star, The East African, People Daily, Business Daily, The Nairobiian and Taifa Leo. According to the Kenya National Bureau

of Statistics (KNBS) the circulation of the daily and weekly English and Kiswahili newspapers has continued to decline over the years owing to the growth of online readership of news content (KNBS, 2019). Growth in online consumption of news content can be attributed to growth in smartphone uptake and an increase in the number of internet users. There were approximately 97 mobile phone subscriptions for every 100 Kenyans in 2020 (CIA Factbook, 2020).

In 2016, profits across Kenya's private media dipped significantly. The dip was attributed to the transition to terrestrial digital television broadcasting in 2015, which led to an increase in the number of industry players and competition, especially in the television market, which saw a comparatively high increase in the number of players (Reelforge & TIFA, 2019). The migration to the digital platform greatly expanded the percentage of Kenyans able to receive television (Reelforge & TIFA, 2019). The increased competition in television markets caused by migration to terrestrial digital broadcasting, combined with the government's policy of reducing taxes and allowing market forces to determine the supply of set top

boxes, significantly drove down set-top box prices. As a result, the number of Kenyans subscribed to digital television services has steadily increased and recorded a total of 5,878,520 million subscribers by March 2019 (CA, 2019).

Despite the digital revolution, the Kenyan audience still relies heavily on traditional media to access information. The 2017 Geopoll audience measurement report indicated that 89 percent of Kenyans rely on radio, with stations that broadcast in Kiswahili having the highest audience share. According to the report 77 percent of Kenyans watched television and 65 percent read newspapers (Okulo & Wangari, 2017). CA (2020) reported that radio listenership has reduced while TV audience has increased, and the number of Kenyans using TV and radio is now tied at 74%. The audience's location also influences media choices, with urban and rural audiences exhibiting different preferences, especially in radio listenership. Urban audiences preferred English language stations, while rural audiences preferred Kiswahili stations (Geopoll Kenya, 2017) and this situation still obtains (CA, 2020).

CA (2020) reported that radio listenership has reduced while TV audience has increased, and the number of Kenyans using TV and radio is now tied at 74%.



The number of independent bloggers on digital platforms has also increased. There are now over 10,000 bloggers registered as members of the Bloggers Association of Kenya (BAKE). The association has a code of conduct for its members and training programmes on various business aspects such as monetizing content, trends in online media business, professional conduct of bloggers and online media regulation.

The vibrant media industry with players both on the legacy and digital media platforms has pushed news media organisations to reimagine media viability and business models and tap on the projected growth in the advertising market. PWC (2018) for instance projected that the advertising market in Kenya would grow from US\$276 million at a 7.0 percent Compound Annual Growth Rate (CAGR) to US\$387 million in 2022. The need to reimagine business models and navigate the challenges occasioned by the COVID-19 pandemic is even more urgent if the media is to tap on the growth in the market.

Methodology

The goal of this report is to provide an overview of the news media landscape and operating environment in Kenya. Such an overview provides a foundation for understanding the institutional and structural context in which Kenyan news media organisations (NMOs) and professionals work. The authors used DW Akademie's Media Viability Indicators (MVIs) index as the framework for gathering relevant data for this report on national-level factors that affect news media performance in Kenya (DW Akademie, 2019).

DW Akademie developed the Media Viability Indicators index over a period of four years,

beginning in 2015. The indicators and sub indicators are based on research on news media economics, management and sustainability, existing national assessment tools published by credible global organisations and NGOs, and in consultation with journalism researchers and professionals around the world. The indicators were field tested in February 2019 before being published.

This report based on the structure and variables outlined in the MVIs and, where applicable, some of the specific measures where those measures in the MVIs use third-party assessments. The researchers used document analysis, a qualitative

research procedure that systematically analyses and examines text, reports and data in order to elicit meaning, gain understanding and develop empirical knowledge (Gross, 2018; Bowe, 2009). The MVIs provided a framework for the systematic analysis of different documents and reports published by different reputable organisations to generate this report. In general, however, the report is not based on the structured interview-based methodology recommended by DW Akademie for a full MVI assessment (DW Akademie, 2020).



1.0 Politics

Media organizations operate within political and regulatory frameworks that have significant impact on their organizational viability. If they are to perform their watchdog role of informing the citizenry, news media organizations are dependent on the existence and enforcement of laws at the national and local levels that protect free expression, and guarantee access to government information. The overall rule of law, when respected and enforced, affords the public the freedom to not only freely express themselves, but to also be informed by independent and free institutions.

The Constitution of Kenya (CoK) 2010 ushered in fundamental changes in Kenya’s socio-political and economic dispensation. The reforms included: a separation of powers between the executive, legislative and judicial arms of government; devolution which introduced two levels of government - national and county; and an enhanced Bill of Rights in Chapter Four. This constitution was seen by many to be progressive and media-friendly compared to the previous independence constitution (Oriare, Okello-Orlale, Ugangu, 2010).

Since 2013, a political partnership between different groups has stabilized the political situation in Kenya. However, some critics questioned the validity of the 2017 elections, and there are concerns about the current relatively stable political situation and whether it will survive through to the 2022 elections (Gilchrist, 2019).

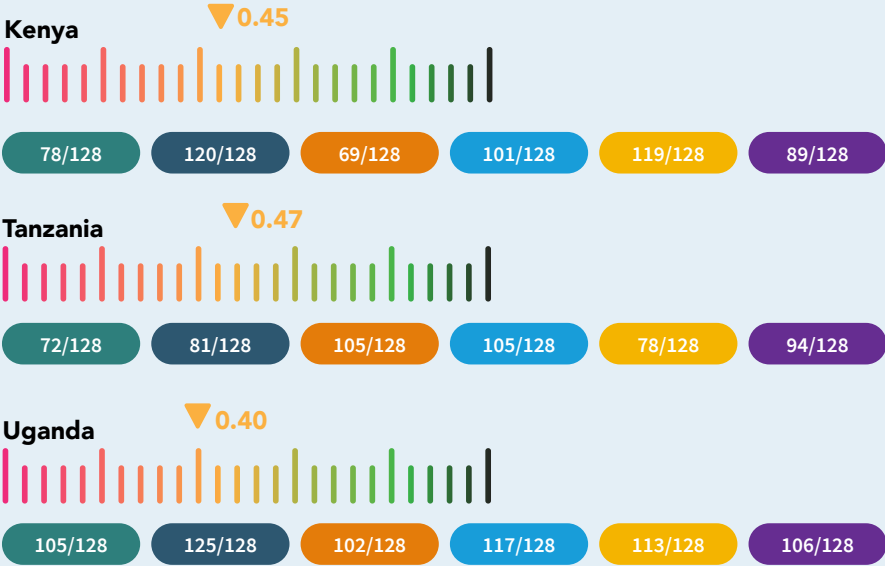
1.1 Rule of Law in Kenya

The World Justice Project (WJP, 2020) gave Kenya a Rule of Law Index rank of 0.45 on its scale of 0 to 1, where 1 indicates the strongest adherence to the rule of law. Other countries with the same score include Iran, Mali, Mexico and Sierra Leone. Kenya’s score did not change from 2018 to 2020. The country ranked 102 out of 128 countries on the Global index, 18 out of 31 on the regional index for countries in Sub-Saharan Africa, and 18 out of 30 for all lower-middle income countries globally.

The WJP index ranked Kenya 78/128 globally on Constraints on Government Power; 122/128 on Absence of Corruption; 72/128 on Open Government; 95/126 on Fundamental Rights; 117/128 on Order and Security; 93/128 on Regulatory Enforcement; 91/128 on Civil Justice; and 80/128 on Criminal Justice (World Justice Project, 2020). The Rule of Law Index in Kenya points to a vibrant media system but with particular issues with sticking to the rule of law. The WJP (2020) index indicated inherent challenges in the areas of corruption which has a score of 0.27/1, regulatory enforcement (0.45/1) and



- Constraints on Government Powers
- Absence of Corruption
- Open Government
- Fundamental Rights
- Order and Security
- Regulatory Enforcement



| Figure 2: Overall World Justice Project (WJP, 2020)

the criminal justice which despite a relatively high ranking has a score of 0.38/1. All these factors seem to suggest inherent challenges with the adherence to the rule of law.

Freedom House rated Kenya as *Partly Free* with a total score of 48/100 and a score of 19/40 for Political Rights and 29/60 for *Civil Liberties* (Freedom House, 2019a). Freedom House argued that “political rights and civil liberties are seriously undermined by pervasive corruption and brutality by security forces,” and that “journalists and human rights defenders remain vulnerable to restrictive laws and intimidation” (Freedom House, 2020). However, Freedom House also notes that even though journalists and human-rights activists are vulnerable to restrictive laws and intimidation, the media and civil society are fairly vibrant.

Libel laws have also been applied to punish media establishments that are seen to be critical of the state. The WAN-IFRA and AMI study (2012), for instance, singled out cases where senior figures in the establishment received hefty sums in libel after suing various media organizations.



1.2 Freedom of Expression

Articles 33, 34 and 35 of the CoK 2010 guarantee freedom of expression, freedom of the media and freedom of access to information respectively. Despite these constitutional protections, the WJP (2019) scored Kenya at a 0.53 out of 1 for protections for freedom of expression. Reporters Without Borders’ (RSF, 2021) World Press Freedom Index (WPFI) ranked Kenya 102 out of 180 countries with a score of 33.65 percent, which is an improvement in ranking by one place and a decrease by score of -0.07 from 2020. The RSF (2021) notes that despite the guarantees in the 2010 Constitution, respect for freedom of the media in Kenya is dependent on the political and economic environment and that with the economic impact of the coronavirus crisis and the attendant media crunch, political influence is likely to continue impacting freedom and independence of the media.

Freedom House scored Kenya 2/4 on the existence of free and independent media and 3/4 on the question, *are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?* (Freedom House, 2019b).

As the basis of their assessments, both Reporters without Borders and Freedom House pointed to laws that limit media freedom in Kenya and the harassment of journalists by government and security forces, especially during elections and

when the government is covered in negative light (Freedom House, 2019b; RSF, 2021). RSF further gave the illustration of the January 2018 action to shut down four television stations by the government after the stations covered the swearing-in ceremony of opposition leader, Raila Odinga (2021). The government ignored, for several days, a court order that ordered the concerned Cabinet Secretaries to allow the stations back on air. Other critical factors include the enactment of the Computer Misuse and Cybercrimes Act of 2018 that criminalises the vaguely defined ‘publication of false information’. Although a court subsequently voided many of the provisions that freedom of expression advocates considered most problematic, the Act still has a bearing on the freedom of expression and independence of the media.

Libel laws have also been applied to punish media establishments that are seen to be critical of the state. The WAN-IFRA and AMI study (2012), for instance, singled out cases where senior figures in the establishment received hefty sums in libel after suing various media organizations.

Finally, there is a close link between the media and the country’s political establishment. A look at the ownership of the leading media houses in the country reveals this close relationship. Wasserman and Benequista (2017) found that “the three major media holding companies are all aligned, directly or indirectly, with major political dynasties” (p. 6).

The Standard Group has been associated with the retired President Daniel Arap Moi family, Royal Media Services, though owned by the Samwel Macharia family, has over the years been perceived to be attending to the interests of four times presidential candidate Raila Amollo Odinga, while until recently Mediamax and Kass Media Group have been associated with President Uhuru Kenyatta and his Deputy, William Ruto, respectively (Wasserman and Benequista, 2017; Nyanjom, 2012). A report by US-based NGO Reboot (2018) further corroborates this indicating that Kenya's most influential politicians or their close relatives, friends or cronies own the media and many of the major corporate advertisers in the country also have close relations with politicians. Both factors are cited as obstacles to the media functioning freely and independently.

The Kenya Information and Communication Act (KICA) 1998 and the Media Council Act 2013 provide for the formation of media and communication regulatory bodies, namely the Media Council of Kenya (MCK) and the Communication Authority of Kenya (CA). The MCK's mandate is to promote freedom and professionalism in the media while CA regulates the industry and protects consumer rights within the communications industry. Generally, media laws and regulations in Kenya are supportive of the growth of a vibrant and competitive media, promote investment in the media and professional journalism. However, both the KICA (Amendment) Act 2013 and the MCK Act 2013 give more powers to the government in the regulation of the industry.



In conclusion it is instructive to note that while personal freedom of expression has generally been reasonably protected in Kenya, government security forces and ethnically affiliated groups have increasingly engaged in harassment of journalists especially during elections, while the government has increased its surveillance of personal communications (Freedom House, 2019b). There have also been increased incidences of abuses to journalists and physical attacks on the media, the confiscation of equipment and direct and indirect censorship during elections campaigns (RSF, 2021) and all these have denied not just the media, but also the citizens their rights to freely express themselves on critical issues including electoral injustices.

The Standard Group has been associated with the retired President Daniel Arap Moi family, Royal Media Services, though owned by the Samwel Macharia family, has over the years been perceived to be attending to the interests of four times presidential candidate Raila Amollo Odinga, while until recently Mediamax and Kass Media Group have been associated with President Uhuru Kenyatta and his Deputy, William Ruto, respectively (Wasserman and Benequista, 2017; Nyanjom, 2012).

1.3 Access to Information

Article 35 of CoK (2010) gives citizens the right to access information held by the state and information held by any other entity or person and required for the exercise or protection of any right or fundamental freedom. The Article also provides that the state shall publish and publicise any important information affecting the nation while section 96 of the County Government Act gives all Kenyan citizens the right to access information held by any county government. The actualisation of these rights has been problematic, and instances of information being withheld from the public still manifest. The WJP (2019) scored Kenya 0.40 out of 1 for the *Right to Information* and 0.28 for *Publicized Laws and Government Data*. Freedom House scored Kenya 2/4 on the measure of *how the government operates with openness and transparency*, saying the government

of Kenya has been particularly lax about providing information on government finances, but there have been some signs of improvement in recent years (Freedom House, 2019b).

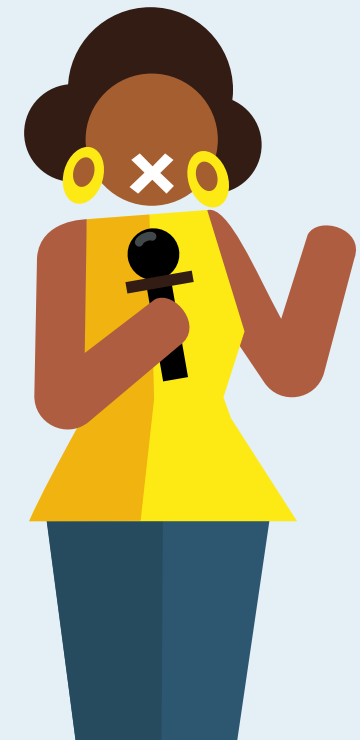
Additionally, observers have noted instances of reluctance among Kenyans to exercise their right to access information despite having the Access to Information Act in place, either because they are not aware or lack understanding of its significance in addressing their concerns (Kakah, 2019). Other laws such as the Official Secrets Act, Service Commission Act, Evidence Act, Films and Stage Plays Act, Preservation of Public Service Act, and the National Assembly Powers and Privileges Act also curtail the rights to access information as these laws touch on national security, public policy, and public interest (Warui, 2015).

1.4 Legal Equality

Legal equality refers to the question of whether news organizations are treated differently in laws, regulations, taxes and other instruments of political control in comparison to organisations in other industries. No international or national organization of repute specifically scores Kenya on the issue of legal equality. There is little evidence indicating problems with legal equality in Kenya. News organizations appear to operate under the same laws, policies and regulations as comparable organisations in other industries. However, some critics argue that Kenya's media are adversely affected by provisions in a number of laws such as the Preservation of Public Security Act and the Defamation Act, among others, that suppress freedom of information (Morusi, 2016).

1.5 Media within Society

Transparency regarding government and corporate actions in a society is recognized by governments and economic experts globally as necessary for the existence of a corruption-free society, respect for human rights and economic prosperity (Cauhapé-Cazaux & Kalathil, 2015; Islam, 2002; Priest, 1994). The news media are the vehicle through which government and business transparency is achieved and the interests of citizens served.



RSF also reported direct and indirect censorship of Kenyan journalists noting that due to political influence, both state owned and private media houses significantly avoid subjects that could jeopardise revenue sources (2021). Freedom House notes that “harassment” by government actors is sufficient to encourage many journalists to self-censor (Freedom House, 2019).

While most NGOs do not specifically score the quality of the relationship between government and media, Reporters Without Borders have noted that journalists in Kenya have routinely suffered physical attacks and the confiscation of equipment by security forces, as well as by other groups, particularly around coverage of national elections (RSF, 2021). RSF also reported direct and indirect censorship of Kenyan journalists noting that due to political influence, both state owned and private media houses significantly avoid subjects that could jeopardise revenue sources (2021). Freedom House notes that “harassment” by government actors is sufficient to encourage many journalists to self-censor (Freedom House, 2019). However, these organisations probably overlooked the good work by professional organisations and statutory bodies that mitigate the adverse effects on the media by advocating for independence and protection of journalists.

The Committee to Protect Journalists (CPJ, 2019) has documented at least two murders of Kenyan journalists since 1992, when the CPJ began tracking

violence against journalists worldwide, as well as several assaults since 2018. In neither case was anyone convicted of the crime but records also indicate that no journalists have been listed as being imprisoned in Kenya.

Professional associations that advocate for journalists’ rights and safety have played an important role in professionalising the relationship between the government and NMOs. The main players include the Media Council of Kenya (MCK), an independent national institution established by the Media Council Act, 2013, which seeks to safeguard media freedom and enhance professionalism through setting media standards and ensuring compliance. Others are: The Kenya Union of Journalists (KUJ), Kenya Education Writers Association, Media Owners Association (MOA), Kenya Professional Journalists Association, Association of Media Women in Kenya, Association of Food and Agriculture Journalists, Kenya Community Media Network, Kenya Correspondents Association, and the Kenya Editors Guild, among others.

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2.0 Economics

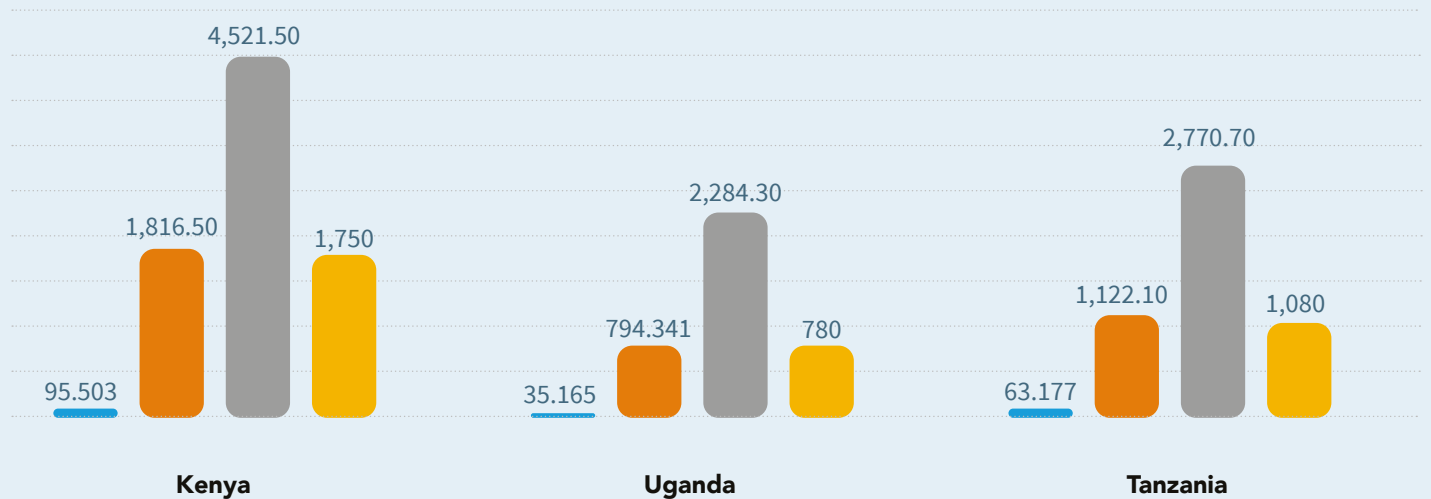
The economic health of the nation is a critical factor in news media viability. The strength of the local economy and the distribution of wealth across the population affects citizens' ability to buy news media products and the devices through which news content is distributed. A thriving consumer economy is necessary for a thriving advertising market, which makes access to news affordable for consumers at all socioeconomic levels. News media organizations

need diverse, stable, and sustainable revenue streams, not only to fund high quality journalism, but also to protect public interest journalism from forces that seek to influence editorial decisions. There must be enough competition among news organisations to encourage journalistic excellence, but not so much that audiences for individual media houses become too small to be financially sustainable.

Kenya has a market-based economy with some state enterprises. It is the largest economy in East Africa. The World Bank (2020) credits the political reforms as enshrined in the CoK 2010 for liberalizing the economy and setting off a period of sustained economic growth, which, at 5.7 percent in 2019, marked Kenya as one of the fastest growing economies in Sub-Saharan Africa.



- GDP
- GDP per capita
- GDP per capita, PPP
- GNI per capita



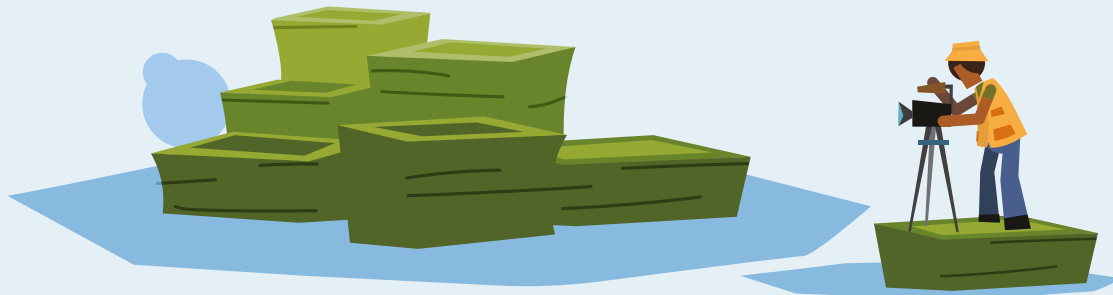
| Figure 3: National economy (World Bank, 2019)

2.1 National Economy

The World Bank classifies Kenya as a lower middle-income country (World Bank, 2019). The GDP is estimated at \$95.503 billion and the GDP per capita is \$1,816.50. The country's GNI per capita is \$1,750

while the GDP per capita, Purchasing Power Parity (PPP, current international \$) is \$ 4,521.50 as per the World Bank report for 2019 data (World Bank, 2020). Kenya's GDP per capita (\$1816.50) is relatively high compared to Uganda and Tanzania and this indicates

that citizens in Kenya draw slightly more from their economy. These figures further indicate that Kenya has a comparatively higher economic output and compared to Ugandans and Tanzanians, Kenyans also have relatively higher disposable income.



Other factors affecting the finances of Kenya's news media in recent years include the government's move to centralize its advertising buying decisions, and advertising competition from global digital platforms, especially tech giants, which has affected the advertising revenue that traditionally flowed to legacy media.

2.2 Financial Stability of News Media Organizations

With a GDP of \$ 95.503 billion, Kenya compared to the other East African countries has the largest advertisement spending at \$1.0 billion which was projected to grow to \$1.5 billion by the close of 2020 to bring the total entertainment and advertisement market to \$3.1 billion (Ipsos Synovate, 2019). However, the digital revolution has impacted the news media in Kenya, just like it has around the world and as Hollifield (2019) notes, this revolution has created hyper competition for news audiences and advertisers.

In 2016, profits across Kenya's private media dipped significantly (Bonuke, 2016), a situation that was attributed to the transition to terrestrial digital broadcasting in 2015, which increased the number of players and the attendant competition, especially

in the television market. Other factors affecting the finances of Kenya's news media in recent years include the government's move to centralize its advertising buying decisions, and advertising competition from global digital platforms, especially tech giants, which has affected the advertising revenue that traditionally flowed to legacy media. In 2020, Kenya's advertising market experienced another sharp decline, probably due to the Covid-19 pandemic. Ipsos (2020) reported a 33 percent decline in the Kenyan advertising market during the first half of the year 2020.

Local and regional news media in Kenya are particularly financially vulnerable. Media that broadcast to specific regions in the country primarily rebroadcast content from national media, and there is little difference between national and regional television or national and community radio stations with respect to content.

2.3 Financial Independence of News Media Organizations

According to an Ipsos Kenya Survey report (2018), advertising spending in Kenya largely comes from the private sector. Some of the leading advertisers in the private sector are financial services firms, telecommunications, tourism and entertainment, publishing, food and beverage manufacturing firms, education, and the transport sector. Studies also indicate that many of the leading corporations that buy advertising have close ties with politicians and sometimes try to influence media content (Reboot, 2018; Wasserman and Benequista, 2017). The Kenyan government also remains a critical player in the media landscape both through its ownership of state media and as a leading spender on advertising.

The government established the Government Advertisement Agency (GAA) in 2015. The purpose

is to create a central pool for all government-related expenditures on advertising. All government departments are today required to work through the GAA to advertise in the local media. Further, state departments are under instructions to only advertise through the government's MyGov publication, a weekly pamphlet inserted in the daily newspapers. The establishment of the GAA has given the government greater control in the placement of government advertisements. However, the agency has been used to reward news media organizations that are supportive of the government agenda and punish those critical of the government by denying some media houses a share of the state's advertising spend (Reboot, 2018). There have also been many instances where the government has delayed payments for the ad time and space purchased. On December 5, 2020, for instance, GAA and the Media Owners Association (MOA), in a meeting with the Media Council of Kenya, agreed that the Ksh1.5 billion pending advertising bills owed to media houses be settled without delay (Obiero, 2020). Inevitably, such accumulated debts over time have weakened

the financial position of media establishments and compromises their independence as the state leverages favourable coverage for expedited payment. Media stakeholders have accused the GAA of being the biggest threat to independence and sustainability of the media in Kenya (Mathenge, 2019).

The Kenyan state also exercises indirect influence over media revenues in some important cases. For example, the government owns a stake in Safaricom, Kenya's leading telecommunications company, which also happens to be the leading advertiser on radio, television and print media. In 2019, Safaricom spent Ksh9.71 billion on advertising, followed by the Kenya government, and other corporate companies such as Coca-Cola, Multichoice, and East Africa Breweries. There have been perceptions that the government influences the telecommunications company's placement of advertisements (Reelforge & TIFA, 2019) and because the telecommunication giant is one of the leading advertisers, such perceptions are also looked at within the prism of the independence and freedom of the media.

2.4 Competition

The number of news media organizations in the Kenyan market has been relatively stable in the past few years, despite the advent of digital technology that has encouraged news organizations to expand their content production into new formats. But even with stability and little evidence of excessive levels of market entry and exit among news organizations, there is an increase in the level of direct competition across previously distinct industry sectors. In December 2019, the research team working on this study identified 21 newspapers, 35 television stations, 87 radio stations and at least 13 blogs that produce news, to make a total of 156 media organizations that were producing original news content in Kenya at the time. That is approximately one news-producing organization for every 320,500 people. While the number of individual news organizations competing for audiences and advertisers is high, the ownership of those news organizations is concentrated, with five private

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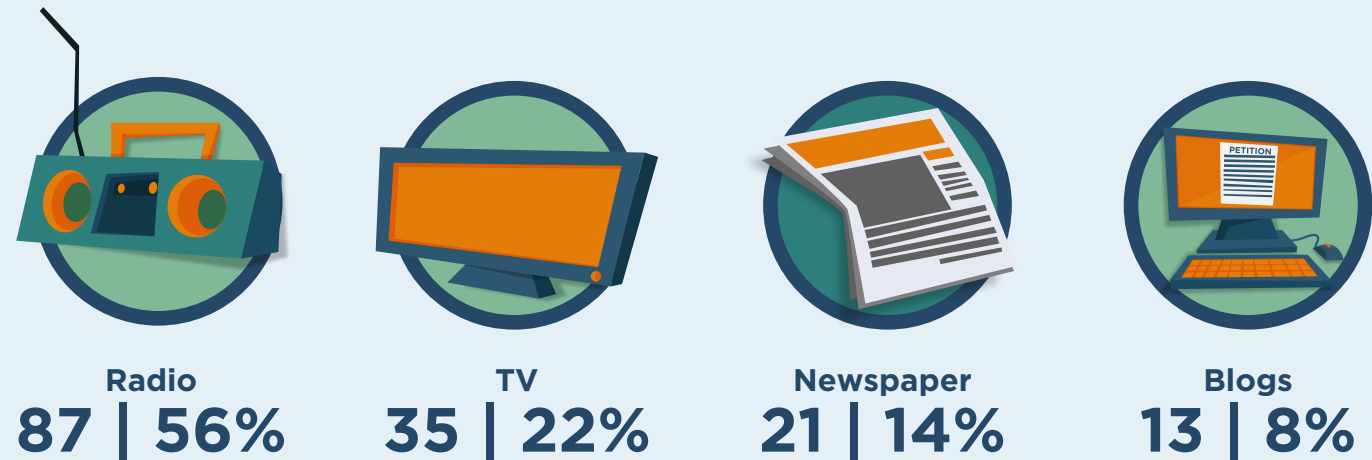


Figure 4: News producing media houses in Kenya (Desktop research conducted by authors between December 2019 - May 2020)

companies and the government owning most of them. The KICA 1998 and the KICA (Amendment) 2013 have no restrictions on media investment, cross media ownership or even ownership concentration.

Most news media in Kenya focus on national news stories, and because of this, the majority of the nation's news organizations are in direct competition with one another for audiences and advertisers. Even where news organizations differentiate their product along linguistic or topical lines, there are conspicuous niche overlaps (CA, 2020).

The hallmark of excessive competition in news markets is when many, if not most, news organizations are repeatedly downsizing and otherwise cutting costs but staying in business (Hollifield, 2019). Layoffs and restructuring seem to have affected all the major players in Kenya's news media industry in recent years, suggesting there is excessive competition in the market. The situation appears to have been exacerbated by the effects of

the COVID-19 pandemic and has raised questions among media stakeholders about the fate of public interest journalism (Kwamboka, 2020).

When Kenyan media are analysed relative to the size and affluence of the audience, the advertising market and the availability of other legitimate sources of revenue, they present a vibrant and competitive environment albeit with decline in revenues. Cohen and McIntyre (2020) note that despite the growth in recent years, there have been challenges, not only because of the decline in revenues that has occasioned layoffs, but also due to a decline in professionalism and sustainability. Instructive to note is that there is little evidence to conclude that the Kenyan media is dependent on financial subsidies from dark sources and, therefore, it does not appear competition among the country's news media organizations has yet reached the level of hyper-competition.

2.5 Audience Demand for Quality Journalism Content

Audience demand for media content is determined by several factors in any news market. First, the demand for news content is affected by the same price-utility relationships that determine demand for any consumer product. Those relationships are determined by the value and usefulness consumers find in a particular product relative to the cost of buying it and, in the case of news content, there is the additional cost of buying the devices through which the content is received. In addition to the price-value relationship, there is also the question of the relative affluence of the potential audience. In other words, what percentage of the population has sufficient disposable income to pay for non-survival, but essential items such as news content, entertainment, advertised consumer goods and services and communication technologies?

Kenya is classified as a Lower-Middle Income country by the World Bank (2020), with a GDP of \$95.503 billion and a GDP per capita, PPP of \$4,521.5. However, despite the country's strong economic growth through the second decade of the 21st Century and economic prowess compared to the other countries in East Africa, the purchasing power of most media consumers, especially the rural and urban poor, is limited. This has had a bearing on monetization of media content.

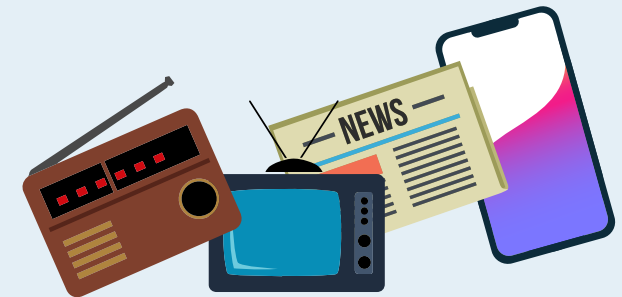
Media content is a language-based product and there are additional language-based factors such as audience fragmentation and literacy that affect audience demand. The size of a news organization's market and its revenue potential are determined by the size of the population of people who speak the language in which the news is produced, and the socioeconomic status of that target audience. Languages are linked to cultural groups, and in most multi-ethnic countries, wealth and opportunity are unequally distributed across ethnic subpopulations (FES, 2012). Thus, news media organizations that produce content for smaller language/ethnic populations that disproportionately control wealth and political power compared to other ethnic groups in a country, may be more viable than news organizations that target numerically larger but

socioeconomically poorer linguistic/cultural groups. In Kenya, the news audience is fragmented across at least 42 linguistically diverse ethnic communities (Kwach, 2018 cited in Cohen & McIntyre, 2020). Both television and radio programming are available in several of Kenya's indigenous languages, catering to a variety of linguistic groups.

Literacy levels also significantly influence market demand for text-based content. The literacy levels of adult audiences in Kenya stands at about 82 percent for the 15-year-olds and older (UNESCO, 2020). Despite the high literacy levels, broadcast still leads in terms of content preference. The 2017 GeoPoll audience measurement report indicated that 89 percent of Kenyans rely on radio, with stations that broadcast in Swahili having the highest audience share (Okulo & Wangari, 2017).

A sizeable portion of the Kenyan population (52%) surveyed in a media landscape study was found to have a keen interest in current affairs (MCK, 2019). The MCK Status of the Media Report (2020) indicated that the number of Kenyans using TV had increased to 74 percent from 73 percent while radio and social media use reduced (from 84% to 74% and 54% to 50% respectively) between 2019 and 2020. Print on the other hand remained the least consumed though consumption increased

marginally to 25 percent in 2020. News is the most watched programme on TV, while at 45 percent it is also the most listened to programme on radio. Daily Nation (47%) and The Standard newspapers (27%) are the most read newspapers and MCK (2020) also found that an impressive 51 percent of those who read newspapers purchased their own copies of newspapers.



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3.0 Community

Democracy requires citizens to be informed if they are to effectively perform their duties as civic citizens. The concept of community focuses on the structure of society and the degree to which social conditions support a population willing and able to consume news content, and a news media industry willing and able to understand and serve their communities. The community factors that are related to news media viability include citizens' general level of education and ability to evaluate the accuracy and credibility of news content; the degree to which the society is peaceful and the majority of the population share a general system of values; the level of trust and credibility the news media have with the general public; and the degree to which news media organizations have both access to quality data about their audiences and the skills required to understand and apply those data to news decisions.



The increasing availability of both mobile and broadband internet has resulted in a corresponding increase in digital access and literacy across the country, especially in urban areas. This has however not necessarily been accompanied by media and information literacy, that is, the critical skills needed to evaluate news and information.

3.1 Citizen Education

Kenya has compulsory education for young people aged 6-17 years (UNESCO, 2020), with an overall literacy rate of 82 percent. There are some disparities in educational completion rates across different regions and ethnic groups in Kenya (UNESCO, 2020). The increasing availability of both mobile and broadband internet has resulted in a corresponding increase in digital access and literacy across the country, especially in urban areas. This has however not necessarily been accompanied by media and information literacy, that is, the critical skills needed to evaluate news and information. In a study carried out in 2019, youth in the 15–25-year bracket scored highly in media analysis, action, reflection and access, but had a deficit mainly in the creation dimension (Reineck, Materna, & Krumm, 2020). Media and Information Literacy (MIL) is not yet incorporated into the education system, although a draft curriculum for teacher training was validated in 2019 (Nyaga, 2019). Several non-governmental organisations, mostly with the support of UNESCO,



Kenya

82.00%

Tanzania

78.00%

2015 data only

Uganda

76.53%

| Figure 5: Literacy Rate (UNESCO, 2020)

carry out targeted training in MIL. As well, government bodies such as the Media Council of Kenya (MCK), the Communications Authority of Kenya and the Kenya Film Classification Board have independently and jointly launched media literacy initiatives (UNESCO, 2020; Bwire, 2019). However, a coherent MIL policy responsive to the current news and information landscape that is characterized by a multiplatform environment and information overload has not yet been developed.

3.2 Social Cohesion

Social cohesion is the bond that keeps societies integrated; the ability of citizens to trust each other due to the belief that they share a moral community (Larsen, 2013). Social cohesion in Kenya remains unstable at least in part because the population of Kenya consists of numerous ethnically, culturally, and linguistically distinct groups. Kenya's political parties tend to differentiate themselves along ethnic lines, which negatively impacts social cohesion. On several occasions, Kenyan media have been accused of producing content that exacerbates ethnic and political divisions in the country, threatening social cohesion. Observers attributed much of the violence that erupted in Kenya following the 2007 general election dispute to inflammatory content produced by Kenya's news media, especially the local-language radio stations (Ismael & Deane, 2008). According to Chebii (2015), radio is the main source of controversial information that threatens social cohesion amongst Kenyans, as the medium reaches the remotest areas. It is affordable and influences attitudes as it appeals to the listeners on the basis of their ethnic identity.

3.3 Trust and Credibility

There is a decline in the level of confidence in the media among Kenyans because of issues such as poor content, misleading advertisements, inappropriate content and insensitivity to audience cultures (Bwire, 2019; MCK, 2019). Additionally, the awareness by Kenyan audiences about the relationship between politics and the media, and how these connections influence coverage of political stories contributes to a decline in trust in media (Reboot, 2018). Nevertheless, in the Reuters Institute's Digital News Report (Newman et al, 2020), Kenyans were found to have relatively high levels of trust in news media in comparison to other countries, with 50 percent of those interviewed saying they trusted most news most of the time. However, that trust varied depending on the medium – commercial television outlets received the highest trust ratings, while the public broadcaster and non-mainstream newspapers were the least trusted.

According to the Reboot (2018) study that examined the state of Kenyan media, many Kenyans relied on more than one source of information because of their concerns about news media credibility. Younger and more affluent groups increasingly

used social media such as Facebook, Twitter and WhatsApp to gather information. The Reboot study reported that this was especially true in breaking news or cases where the public perceived that traditional media had been slow to expose scandals due to self-censorship. Consequently, some stories that have previously been ignored by the legacy media have found traction on social media and sometimes the social media traction has resulted in legacy media picking up the stories. Inevitably, this has put pressure on traditional NMOs to re-evaluate their position in the news and information chain, especially after they lost the news-breaking role to social media.

As social media has provided avenues for increased misinformation and disinformation, the practice of fact checking is gradually being adopted by media houses to build on objectivity and facticity. An increasing number of news organizations have a verification desk or seek verification services. Code for Africa and Africa Check are some of the key independent fact checking organizations with offices in Kenya and their trainings and fact checking services have contributed to dealing with disinformation and misinformation.

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3.4 Participation

Digital technologies have turned audiences into not only consumers of news and information content but also producers of it (MCK, 2015). News media around the world have long struggled to represent fully and fairly the problems and perspectives of the diverse groups that make up every society (Witschge & Nygren, 2009). The advent of digital technologies appeared, in the early years, to offer an opportunity for traditional news organizations to tap into citizen expertise, to diversify the viewpoints represented in coverage, and to embrace a new source of low-cost content.

Problems with malicious submissions, misinformation and disinformation, and trolling almost immediately occurred worldwide. Today, the news media struggle with whether and how they should open their news content to contributions of citizen journalists beyond such things as eyewitness videos shot by bystanders to breaking news. Equally problematic have been decisions about whether and how to publish comments on news stories. However,

The Kenyan media market has a number of market research companies that provide data on audience consumption habits, media brands and media market share to media organisations and advertisers alike.

as audiences around the world increasingly turn to social media, which provides both news content and the opportunity to comment, traditional news organizations wrestle with the question of how to compete.

Nyabuga (2017) noted that the media in Kenya have performed dismally in enhancing public participation and that they offer limited opportunities to audiences and users to express their opinions. In recent years, however, Kenyans have used social media to raise concerns about news coverage, with online campaigns eliciting responses from the media houses in question, including international media houses such as the CNN and the *New York Times* (Al Jazeera, 2019; Tharoor, 2015; Mutiga, 2015).



3.5 Audience Data

The Kenyan media market has a number of market research companies that provide data on audience consumption habits, media brands and media market share to media organisations and advertisers alike. There are issues of data quality and access to research data by small media organisations that lack in-house audience research capabilities, but overall the research organisations have been a critical component supportive of the Kenyan media system.

Audience measurement data by KARF (2019) indicated that radio listenership was highest followed by TV viewership, but between 2019 and 2020 TV usage increased while radio slightly declined (MCK, 2020). Both radio and TV now stand at 74% usage (MCK, 2020) followed by online media and newspaper readership (KARF, 2019; MCK, 2020). Radio stations that broadcast in Kiswahili have the largest audience share, with Radio Citizen, Radio Jambo and Radio Maisha taking the top three slots, while the three television stations that attract the largest audience share in the market are Citizen TV, KTN Home and NTV respectively. Similarly, according to the CA's (2020) *Audience Measurement and Industry Trends Report* for the period between July and September 2019, the top five radios in terms of listenership as at September, 2019 were: Radio Citizen (12.10%), Radio Jambo FM (6.50%), Radio Maisha (5.80%), Inooro FM (4.50%), and Kameme FM (3.30%). The top five television stations in terms of viewership are Citizen TV (43.30%), KTN

News (12.10%), KTN Home (11.90%), NTV (11.50%) and Inooro (10.90%).

The CA publishes quarterly reports on audience measurement and industry trends with granular details of broadcast and ICT-related data and trends, and less granular data on print. The Kenya Audience Research Foundations (KARF) does regular surveys on national 'incidence' of access to media and the Reuters Institute of Journalism included Kenya in its 2020 Digital News Report (DNR). Other market research companies like GeoPoll, Ipsos Kenya, Infotrak Research and Consulting, and TIFA Research, conduct regular surveys on media houses and audiences.

However, most of these market researches are either commissioned research projects, relatively expensive for most small media houses or provide data from representative research that does not necessarily provide granular details that can inform media development decisions. Therefore, reliable audience data are not always easy to get for all media houses, with some accusing research organisations of providing biased data, or, in the case of smaller media houses, data skewed to favour the needs of big media players (Mwere, 2019). Especially for small media houses, there is a lack of specific audience research mechanisms, compounded by insufficient audience research skills. Often, such media houses rely on call-in data to gauge their reach and popularity, but do not always have a clear picture of their audience numbers and preferences. Some media houses are however now expanding to the online space, which provides a clearer picture of their real audience numbers.

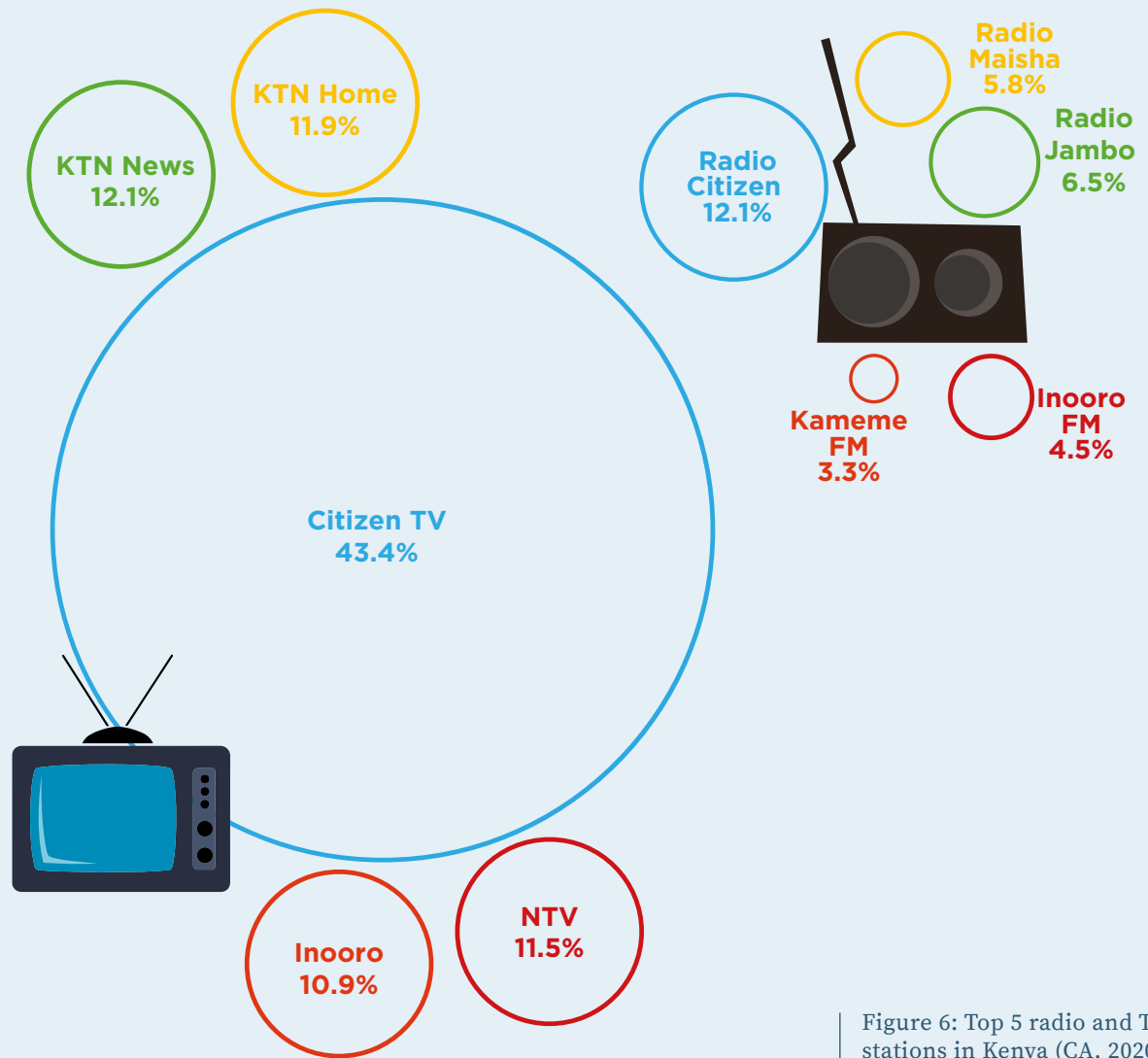


Figure 6: Top 5 radio and TV stations in Kenya (CA, 2020).

4.0 Technology

The viability of news media depends on technology at many different levels. In order to operate and produce news content, news media organizations must have reliable and affordable access to such basic inputs as: electricity; content production technologies like computers, cameras, audio gear, and paper; distribution technologies such as broadcast towers and printing presses; transportation networks for physical delivery, and reliable broadband for internet connection. News organizations also must have access to an affordable labour force of technology experts, who are trained to maintain and optimize the organization's critical equipment. Equally important is that consumers have access to affordable technologies for content reception – television sets, radio receivers, news kiosks or home delivery, computers, internet connection, and mobile digital devices such as phones, with affordable data rates. Audiences also need the assurance that privacy and personal data, as they access digital news content, are protected.

4.1 Production and Distribution Resources

Kenyan news media organizations generally have affordable access to the basic materials, infrastructure, and technologies they need to produce news. Internet penetration rates across the country are relatively high at 85.20 percent, one of the highest in Africa (Internet World Stats, 2020), indicating the country's infrastructure is sufficient to support digital distribution of news content and making it possible for audiences to access news content across all platforms (Belva, 2020; Kemp, 2020). The Kenya National Bureau of Statistics has also recorded a rise in online newspaper readership over the past five years, recording at least 2,857,738 million people reading online newspapers daily (KNBS, 2019).

4.2 News Media Organizations' Access to Production and Distribution Technologies

News organizations in the country have equitable access to the requisite technologies for news production and distribution. They have integrated new media technologies for news gathering, production and distribution with investments in tools such as content creation applications, content management systems, Chartbeat analytics, smartphones and digital recorders (Gitonga, Ong'ondo & Ndavula, 2019). Political considerations generally do not appear to affect individual news organizations' access to technology. Finances are the main constraint for smaller news media organizations wishing to invest in production and distribution technologies.

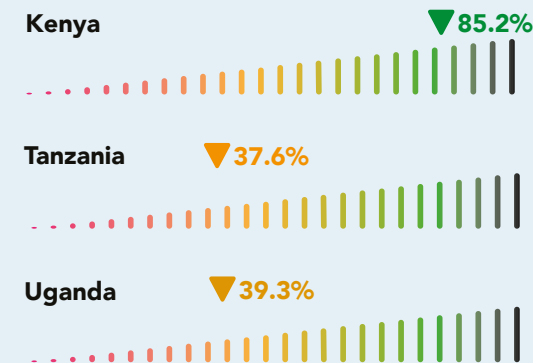


Figure 7: Internet Penetration (World Internet Stats, 2020)

4.3 Audience Access to Technologies

Communication technologies such as radio and television sets are financially accessible to a majority of the Kenyan population at 98 percent and 81 percent respectively (BBC, 2018). The development of digital television platforms combined with changes in government policy made television more affordable in Kenya during the second decade of the 21st century.

Use of mobile telephony is also widespread in Kenya. Recent studies have found that mobile phone subscriptions rates are very high (Reelforge & TIFA, 2019) with the most recent indicating penetration of approximately 97 percent (CIA, 2020). These figures are primarily derived from SIM card subscriptions and in most of the cases, affluent, middle class Kenyans own more than one SIM card. Additionally, many phones, especially in rural Kenya, are not smartphones and have little capacity beyond voice and SMS transmission. Phone-user habits also indicate that most of the rural mobile phone owners and the urban-poor use their phones primarily for voice calls. Other uses of mobile technology, such as surfing the Internet, remain fairly limited (Elliot, 2015).

The emerging picture is that although technologies play an important role in a changing Kenyan media environment, the real benefits of the mobile platform as a means of news distribution for most

of the rural and urban poor in Kenya remain limited. Additionally, data rates in Africa relative to average monthly income remain higher than in most other regions of the world (Alliance for Affordable Internet (A4AI), 2019). A4AI defines “affordable internet” as 1GB of data for a price of no more than 2 percent of a country’s average monthly income. Using that definition, only 10 of the 45 African countries A4AI tracks were considered to have “affordable” data rates, and Kenya was not among them. A4AI ranked Kenya 15th in Africa and 37th globally in 2019.

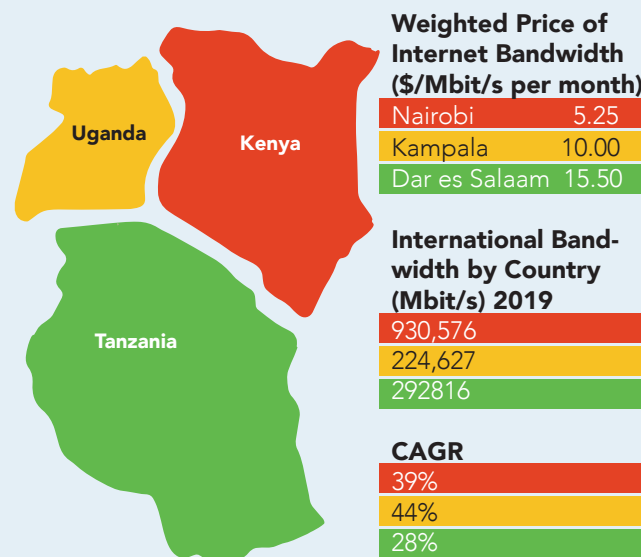


Figure 8: Weighted Prices for internet bandwidth (Telegeography 2019b as cited in Trade and Investment Global Practice, Africa Region, 2020)

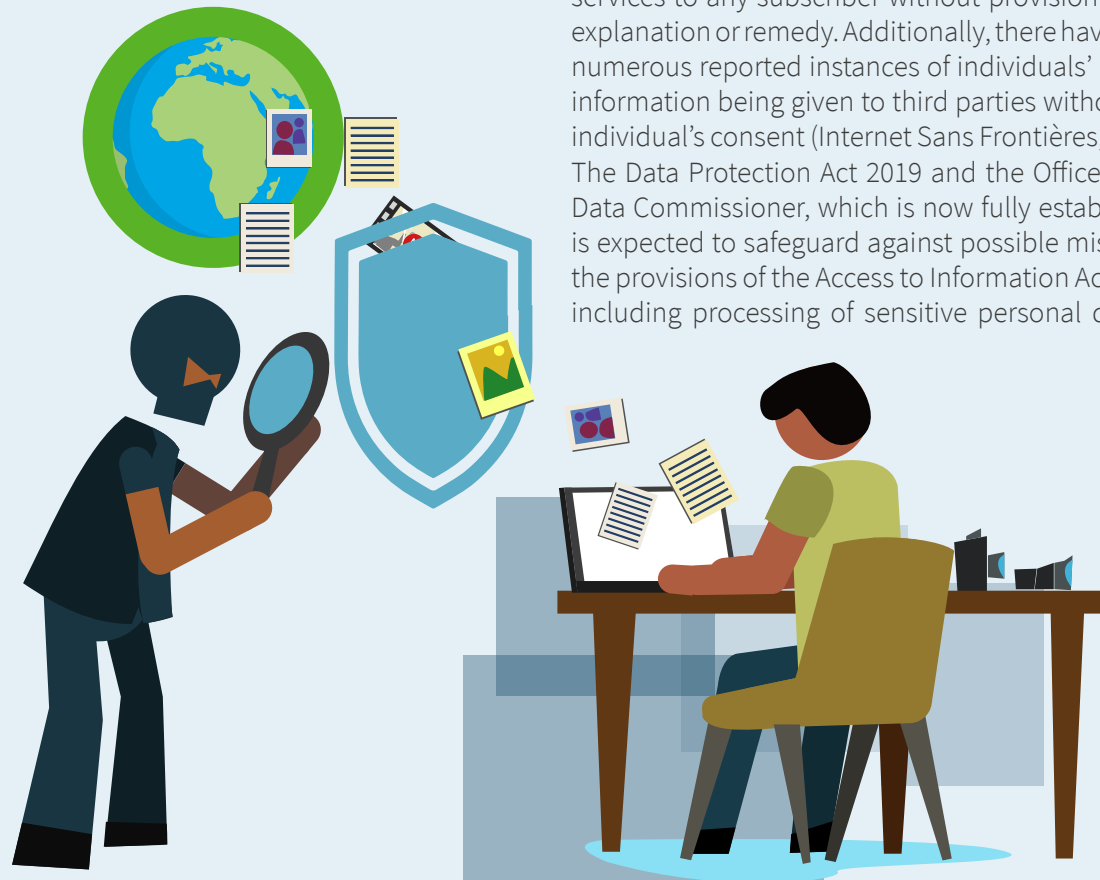
4.4 Digital Expertise

Kenya’s capacity as a technology and innovation hub is well documented (WAN-IFRA & AMI, 2012). Kenya has been referred to as the “Silicon Savannah” with a 10.8 percent annual growth rate in the country’s information and technology (IT) sector since 2016, making IT a critical contributor to job creation and general economic development (World Bank, 2019).

Digital media’s revenue share for some large news media companies has grown in recent years, reaching eight percent for at least one media house (NMG, 2019). However, this cannot be said of smaller media houses, particularly the regional and community-based ones. Smaller media houses are still struggling to embrace digital technology due to resource and workforce limitations (Kimani, 2020). They still rely heavily on traditional advertising revenue.

As is the case for news media organizations around the world, Kenyan media have struggled to find successful ways to charge for online content and to manage online advertising without losing most digital advertising revenue to the large global platforms such as Google and Facebook. This has seen the emergence of video on demand platforms such as the Royal Media Services’ *Viusasa*, on which the subscribed individuals can access information through mobile devices in English, Kiswahili or local languages. Most NMOs in Kenya have among their staff or access to experts in digital technology

and this has been demonstrated in the tech driven applications that have been launched in the recent past. Notable tech ventures include subscription models, news applications, mobile phone distribution models for digital newspapers and video on demand platforms that also provide other TV content on demand.



4.5 Citizen's Digital Rights

In Kenya, as elsewhere in the world, there is cause for increasing concern on issues of online privacy and data security. According to Internet Sans Frontières (2018), Safaricom, for instance, has ambiguous terms of service and exclusive rights to discontinue services to any subscriber without provision of any explanation or remedy. Additionally, there have been numerous reported instances of individuals' private information being given to third parties without the individual's consent (Internet Sans Frontières, 2018). The Data Protection Act 2019 and the Office of the Data Commissioner, which is now fully established, is expected to safeguard against possible misuse of the provisions of the Access to Information Act 2016, including processing of sensitive personal data or

using personal data for commercial purposes. This could impact news media organizations as they would need to review the terms and conditions for audience data collected from digital platforms to avoid risking non-compliance (Ochieng & Mbedi, 2019). The positive side of such a framework is the clarity it provides on personal data protection and the overarching effect such a framework would have in encouraging citizen participation.

The Computer Misuse and Cybercrimes Act 2018, which had been previously suspended by the High Court following a petition by the Bloggers Association of Kenya (BAKE) on concerns that it would curtail press freedom, freedom of expression and right to access information, is now again in force. The Act was designed to prevent unauthorized access or interference to computer systems and unauthorized disclosure of password or access codes. News organizations in Kenya must now ensure implementation of effective cybersecurity measures to prevent unauthorized access of private data and restrict computer systems.

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5.0 Content

The quality of content available to a nation's citizens is a defining element in news media viability because, if a country's media are producing only low-quality, sensational or entertainment content, highly censored information, or disinformation, then the survival of the news media industry ceases to be a matter of much importance to society.

Content quality refers to whether news media in a country are providing audiences with accurate and timely information about important, relevant events and issues at the national, international and local levels. News and information should be available, factual, and uncoloured by partisan political, ethnic or religious considerations. Audiences should have access to information that is provided in their own

languages, and that accurately and fairly covers and represents people who are part of minority and marginalized groups in society.

Multiple conditions in news industries affect the quality of content that reaches the public. Among them are the availability of skilled journalists, coupled with industry pay rates that attract and retain talented professionals and discourage unethical behaviour; media ownership that is transparent, not overly concentrated, and committed to high quality, independent journalism; financial resources sufficient to support the production of quality news content, and a staff that reflects the diversity of society.

5.1 Content Quality

The quality of media content in Kenya is an issue that has been and is still is of interest in the wake of the shift to digital technologies and terrestrial digital broadcasting. A baseline survey of Kenyan citizens' perceptions of the country's media revealed that most respondents viewed the country's media as credible. However, respondents to the study expressed concern about the NMOs preoccupation with current news and entertainment content at the expense of development content that focuses on allocation, utilization and management of public resources (Hivos, 2011). In another study, the Reuters Institute of Journalism (2020) report indicated that Kenyans have a relatively high level of trust in the news media (Newman et al, 2020), while Wasserman and Benequista (2017) found the media system in Kenya is vibrant with quality content.

Media capture is however an issue that impacts the content quality in Kenya. As a result of their political ties, some media houses – both at the national and the regional levels – fail to adhere to the standard of non-partisan reporting. It is not uncommon for specific media houses to be allied to particular viewpoints in the political arena (Wasserman and Benequista, 2017). However, it is instructive to note that Wasserman and Benequista (2017) also noted that media oligopolies with print and broadcast outlets have prospered in the market and essentially become targets for political actors. To some extent therefore, these big media organisations are not



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necessarily subservient to the political class, but because of their prosperity they have become targets of the political actors with a few cases of recent acquisition of media outlets by political actors or their cronies.

In other developments affecting content quality, media are increasingly building capacity as curators of information as they also break news on digital platforms where competition for digital natives is high. This focus on curation and “day two” journalism requires news organizations to innovate new forms of storytelling (MCK, 2016). In other words, news media must increase their focus on how stories are told and the quality of the narrative. Some media establishments like The Elephant have experimented with long form journalism, while others are injecting colour and texture into their writing to appeal to a wider reading audience. An increasing number of online media platforms offer alternative non-traditional narratives, diversifying the content landscape. New entrants and independent NMOs like Debunk Media and Africa Uncensored are also big on incisive, investigative and in-depthly researched multimedia storytelling formats that are a lot more engaging.

5.2 Journalism Expertise

The Kenyan media scene boasts trained and competent journalists; a majority of practicing journalists have completed higher education and training in journalism and related areas (Article19, 2016). According to Ileri (2017), this is a contributing factor to the perception that Kenyan media is one of the most developed on the African continent. Cheeseman (2014) had earlier observed that the media content in Kenya was one of the most engaged, well-produced and widely consumed on the continent. While many Kenyan journalists are highly qualified, however, only a few are specialised in covering technical and specific topical areas such as science, the environment, technology, foreign affairs, conflict, crime, arts, culture, or travel (MCK, 2013). Additionally, corruption - mainly characterized as ‘brown envelope journalism’ culture - is ingrained in Kenyan media, a situation that has compromised objective coverage of issues by journalists (Ileri, 2016; Kinyungu, 2015). Corruption has partly been linked to the low wages paid to journalists, as most of the journalists who work as correspondents and freelancers are not tenured and are paid poorly. Those who work at small media houses are not only poorly paid, but often go without pay for months

because of financial challenges facing these outlets.

The Media Council of Kenya also called for the need to improve journalists’ safety and security (MCK, 2013). The Council pointed out that Kenyan journalists need training on how to work in volatile situations, protect sources of information and sensitive information, and survive captivity. The report also established the need to encourage more journalists to engage in investigative journalism, as a majority only cover news as it happens.

A study of media structure and performance found media houses that make net returns on their investment attract more qualified personnel (Mwangi, 2015). Between 2010 and 2014 for example, there was a marked movement of journalists and leading media personalities from the rival television stations of NTV and KTN to Citizen TV, which arguably gave better salaries and wages, besides having a policy that encouraged creativity and innovation (Mwangi, 2015). Laws passed in Kenya in the past decade that touch on content regulation and conduct, and behaviour of media professionals/journalists have helped enhance media independence and professionalism in the practice of journalism (Mwangi, 2015).

In recent years, however, the news media industry has increasingly had strained financial resources. Although the country's private media sector does not solely depend on the state for its revenue, the constraints placed on state ad spending, combined with the disruption in traditional audience and advertising markets, have resulted in widespread layoffs within news organizations. Some of the main, private media institutions long known for quality journalism have had to lay off some of their most experienced newsroom staff (Reboot, 2018). Many media establishments have started relying more on fresh graduates and interns as a cost-cutting measure. Some news organizations also have increased their reliance on correspondents and freelance journalists after laying off senior reporters and editors. This exodus of experienced staff from newsrooms has resulted in what the Reboot study (2018) characterises as the “juniorisation” of the newsroom. Furthermore, in a bid to attract larger audiences and increase revenues, radio broadcasters have resorted to employing well known comedians as show hosts. This has raised concerns about professionalism, as most of these comedians are not trained media professionals. In 2019 MCK came up with new accreditation guidelines that target non journalist media workers, including comedians, who must go through a mandatory seven-day course on Media Law and Ethics provided by MCK Academy (Ogila, 2019).



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5.3 News Media Ownership

There is a high level of ownership concentration in print, radio, online and television markets in Kenya. Mwangi (2015) found that more than 95 percent of advertisement revenue and 97 percent of the audience market share in the television sector is controlled by five media companies, namely the Royal Media Services (RMS), the Nation Media Group (NMG), the Standard Group, the Kenya Broadcasting Corporation (KBC), and Mediamax Network. The country has over 34 national and 50 regional television stations respectively. Despite the number of television stations in Kenya, there is increased replication and homogeneity of content and more focus on entertainment and upstream content as compared to current affairs (Mwangi, 2015).

The radio market is fairly fragmented compared to the television market. The ownership is also concentrated in the hands of the five media companies, with RMS as the market leader in terms of Average Daily Radio Reach (ADRR). It is instructive to note that RMS, Standard Group, Radio Africa Group and Mediamax Network, as well as KBC not only lead in both the radio audience and advertising market share, but also operate at least three radio stations each with RMS leading with 13, and a company controlling a market share of 43.7 percent in ADRR (KARF, 2019).

The ownership of Kenya's major media is transparent and widely known. However, there is a close link between the media and the country's political establishment at both the national and regional levels (Reboot, 2018). In many cases, Kenya's politicians or their close relatives, friends or cronies own the media. These relationships are believed to affect the editorial independence of the newsroom in some of Kenya's news organizations. Owners reportedly have summarily dismissed journalists who have written articles critical of political leaders or, in other instances, pressured journalists to drop or temper stories to favour political cronies (Gathara, 2017). In some of the cases, the state flags those seen as enemy journalists. The leading corporations that buy advertising also have close relations with politicians, who sometimes use their economic power to influence media content (Reboot, 2018).



5.4 News Media Organizations' Business Structures and Competencies

The biggest news media organisations in Kenya are based in the capital city, Nairobi, although many also have regional offices. Many of the NMOs' business operations are centralized and their location in the capital offers access to the most skilled members of Kenya's labour force. Globalisation has brought major foreign news media organisations to Nairobi, providing opportunities for networking and the exchange of ideas between global news operations and Kenya's national news providers. Additionally, some of Kenya's news organizations are establishing other types of cooperative or networking relationships with erstwhile competitors to advance their common business interests through alliances, partnerships, sharing arrangements and networks (Kung et al., 2008). Such arrangements can help stabilize "competition by differentiation

and niche recognition, by seeking organisational effectiveness through flexibility, adaptation and limiting expenditure, by seeking to improve the positions of co-operators against common threat or exploring a risky opportunity" (Kung, 2008, p. 131). In Kenya business arrangements between media houses have resulted in "synergy, cooperation, and resource maximisation that generate profits and other benefits for parties involved" (Nyabuga, 2015, p. 26)

Kenya's NMOs are also revising their organizational structures by expanding their portfolios (Karimi, 2013). Historically, Kenya has been dominated by single-channel ownership. Today, many media houses are running more than one channel. The channels target different market segments either through topical focus, geographic service area, or linguistic differentiation. The radio market, for instance, is characterised by concentrated ownership, with the large media organisations owning up to 50 different radio stations that target

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different audiences. The newspaper industry is led by the NMG with four major titles in Kenya, and Standard Group which owns two major newspapers. The other players are Radio Africa Group and Mediamax, who own The Star and the People Daily respectively. The People Daily is the only free newspaper in Kenya. Additionally, some media houses have invested in areas not related to media services in a move towards diversifying their business lines and revenue streams through conglomeration. The NMG, for example, has invested in courier services, while the Standard Group has invested in an advertising agency. Similarly, the Standard Group has invested in an all-day news station, KTN News, which focuses on broadcasting Kenyan current affairs.

As regards small and medium-sized media houses, a good number have created mutually beneficial networks with each other. They have formed outfits like the Kenya Community Media Network (KCOMNET), through which members leverage their numbers for training, to create and share content, to conduct fact checking, and to lobby for advertising and additional funding.

5.5 Business Expertise

Kenya's news media institutions have been striving to adapt their business models to the rapidly changing market conditions. Research shows that media houses with multiple platforms are better able to maximise audience numbers and tap into diverse media consumption behaviour and population demographics than those with only a few or one platform (MCK, 2016). News organizations with multiple platforms are leveraging 360-degree advertising with revenue strategies such as ad-funded programming, sponsorship and novel strategies of targeting the different demographics through online distribution of digital content and mobile apps (Broadcast, 2010). Despite having a sophisticated understanding of the changing landscape (Gitonga, Ong'ondo & Ndavula, 2019) Kenya's media managers are finding it difficult to monetise content on digital platforms. Ochieng Rapuro, an experienced Kenyan editor, notes that Kenya's media will have to walk back from the 'original sin' of producing premium content and offering it for free to consumers (Awiti, Chege, & Owilla, 2020).

However, the challenge has been how to monetise content on the digital platform, given that the audience is accustomed to free media content on the digital platform. The big media houses like the NMG and Standard Group are making strides in walking back from the 'original sin' and have already made registration a requirement before consumers can access certain content. And in February 2021, NMG introduced a paywall on the online platform of the country's largest newspaper, the Daily Nation (Nieman Lab, 2021). This is a pathway for additional media houses to test new revenue models such as subscription for access to premium content, membership and crowdfunding.

Reboot (2018) also established that media houses were institutionalising networks of trust and collaboration with subject experts, community-based organisations, civil society and other experts to "help them access the latter's expertise on issues ranging from health to finance and government" (p. 25). They were doing this not only to build audiences but also to increase the ability of the media to cover issues of public importance and elicit and amplify the right public conversations.

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Conclusion

Kenya's media has grown exponentially in the last two decades. It started as a fairly closed and constrained media system in the first two republics and, in the last two decades, grew into a more progressive and liberal media system with comparably high levels of freedom and independence. The country's economic growth and investment in advanced communication technology have contributed to this exponential growth that has made the media in Kenya one of the best in Sub-Saharan Africa.

The socioeconomic and political situation in the country, especially the concentrated ownership of the media, presents challenges to the watchdog and public service roles of the media, and this trend seems to be persistent as the political class exercise a stranglehold on the media. Thus, Kenya's news media organisations (NMOs), though vibrant and plural and operating in a legal framework that supports freedom of expression, are likely to face increased obstacles in producing high-quality journalism. Other challenges include corruption levels in the country and adherence to the rule of law. However, despite these issues, Kenya boasts a vibrant civil society and many professional associations and independent institutions like the Media Council of Kenya (MCK), the Kenya Editors Guild (KEG) and Kenya Union of Journalists (KUJ) amongst others, that continue to play the critical roles of protecting journalists and the profession.

Fragmentation of audiences and advertisers pose a major challenge to the viability of Kenya's media, as

does the dearth of economic policies to incentivise the commercial media, which is concentrated in the hands of six major owners: RMS, NMG, Standard Group, Radio Africa, Mediamax Network and KBC. Moreover, despite growth in the advertising market, legacy news media face increasing competition for audiences and advertising dollars from digital platforms and content producers. The government's changed approach to distributing government advertising among news media has further threatened the news media's financial stability and editorial independence. Finally, as in many other countries, the global economic disruption caused by the Covid-19 pandemic has placed additional pressures on Kenya's news media, and the media has not only suffered reduced revenues, but also restructured and downsized by laying off staff.

Other issues that undercut the news media's viability include the relatively high cost of the internet, especially for poorer and rural residents, and the

growing revenue competition from tech giants like Google and Facebook.

With the highest GDP in East Africa, a fairly advanced media technology infrastructure and some of the biggest media conglomerates in the region, there are a number of positive trends in Kenya where the news media are concerned. The top NMOs are instituting monetisation strategies for their online content and leveraging the government's ongoing investment in digital infrastructure. Moreover, the country progressive legal framework and a fairly well-educated public with high literacy levels bodes well for media development going forward. Kenya's news professionals also have the potential to overcome the recent decline in public confidence in the news media and build out the country's diverse media ecosystem. The primary challenge in Kenya as elsewhere will be to overcome the effects of digital disruption and achieve media viability.



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