A Clampdown on a Public Sphere:
The Impacts of Al-Shabaab Terror
Attacks on the Kenyan Media Freedom

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Declaration

I, Brenda Jimris-Rekve, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature………………………………….

The free press is a cornerstone of democracy.

People have a need to know.

Journalists have a right to tell.

Finding the facts can be difficult.

Reporting the story can be dangerous.

Freedom includes the right to be outrageous.

Responsibility includes the duty to be fair.

News is history in the making.

Journalists provide the first draft of history.

A free press, at its best, reveals the truth.

-Newseum, Washington DC.

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ABSTRACT

In October 2011, the Kenya Defence Forces entered Southern Somalia for organized military operations with a Swahili codenamed "Operation Linda Nchi", with the aim of capturing the port city Kismayu and weakening the Al-Shabaab militia group. This was as a result of kidnappings of foreign tourists in the Coastal Kenya and aid workers. The military operation however, prompted a domino effect of retaliatory attacks in Kenya by these insurgents. These terror attacks have resulted into severe impacts in Kenya that have also had an effect on the Kenyan media, which is characterized as one among the most vibrant and respected medias in Africa. This thesis aims at exploring the impacts of these terror attacks on the Kenyan media freedom. It focuses on the three major terror attacks; Westgate Mall, Mpeketoni and Garissa University attack, which took place in Kenya. It will then look further into the attack that took place in the Kenya Defence Forces' camp in El-Adde Somalia. In order to address this study, a qualitative case study research method was incorporated to gather data regarding these attacks and how they have had an impact on the media freedom in Kenya. The study reveals that the Kenyan media is in fact facing a clamp-down in that the impacts of the Al-Shabaab attacks have had an implication on the media freedom albeit, indirectly. This has been through the string of anti-terrorism measures stipulated in the Security Law Amendment Act, which was passed into law by the parliament in 2014. President Kenyatta backed-up these laws as a measure to improve the country's security scope in detecting, deterring and disrupting threats to the national security. The new laws have ignited major debates on the spirit of the Kenyan constitution regarding freedom of expression due to the significant influence it has on what the media intends to disseminate and how it disseminates it to the public. The study shows that the Kenyan media is a principal institution of the public sphere because it has provided an arena for two-way communication between the citizenry and polity resulting into the building of public opinion. The thesis further adds that the media in Kenya is an interface between the people and the state as an instrument in the flow of public information to the people. Thus, the study argues that the independence of the media and its free access is paramount as a beneficial factor in representing individuals and gauging democracy within the polity. Therefore, the thesis contends that the government is required to devise new strategies and measures to wage war on terror without antagonizing the media operations as it is a key sphere in Kenya.

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List of Abbreviations

AMISOM	African Union in Somalia
ATPU	Anti-Terror Police Unit
BBC	British Broadcasting Corporation
CBD	Central Business District
CCTV	Closed-Circuit Television
DOD	Department of Defence
GOK	Government of Kenya
HAKI	Humanity Activism Knowledge Integrity
KDF	Kenya Defence Forces
KICA	Kenya Information and Communication Act
KTN	Kenya Television Network
MCK	Media Council of Kenya
NGO	Non-Governmental Organization
NTV	Nation Television
OLN	Operation Linda Nchi
POTA	Protection of Terrorism Act
POW	Prisoner of War
SLAA	Security Law Amendment Act

Chapter 1: INTRODUCTION

The Kenyan media has been viewed as one of the most vibrant, respected, sophisticated and thriving medias in Africa (Ismail & Deane 2008). In the new Kenyan constitution which was promulgated in 2010, the Freedom of the Media is enshrined in Chapter 4 of the Bill of Rights under Article 34. These rights include:

> *34. (1) Freedom and independence of electronic, print and all other types of media is guaranteed [...] (2) The State shall not— (a) exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium; or (b) penalise any person for any opinion or view or the content of any broadcast, publication or dissemination. (3) Broadcasting and other electronic media have freedom of establishment, subject only to licensing procedures that— (a) are necessary to regulate the airwaves and other forms of signal distribution; and (b) are independent of control by government, political interests or commercial interests. (4) All State-owned media shall— (a) be free to determine independently the editorial content of their broadcasts or other communications; (b) be impartial; and (c) afford fair opportunity for the presentation of divergent views and dissenting opinions. (5) Parliament shall enact legislation that provides for the establishment of a body, which shall— (a) be independent of control by government, political interests or commercial interests; (b) reflect the interests of all sections of the society; and (c) set media standards and regulate and monitor compliance with those standards (National Council for Law Reporting 2010 p 26-27).*

However, over the last five years, the Kenyan Defence Forces (KDF) invaded southern Somalia in the midst of a severe drought and regional famine with the aim of capturing the port City Kismayu and crushing the Al-Shabaab Islamist militant group operating in both Kenya and Somalia (Anderson & McKnight 2015). However, the capturing of Kismayu became a bitter-sweet victory. Anderson and McKnight (2015), indicate that the Al-Shabaab reacted with bombs and grenades against its targets in Nairobi, Garissa, Lamu and other Kenyan towns in subsequent retaliatory attacks.

This domino effect has resulted into adverse impacts on the Kenyan media. This paper will mainly focus on the three major terror attacks that took place in Kenya and one attack, which

took place in the KDF camp in El-Adde Somalia in January 2016. The three major Shabaab attacks in Kenya were the Nairobi Westgate Mall attack on September 2013, the Lamu's Mpeketoni attack on June 2014 and The Garissa University attack on April 2015.

These four terror attacks were chosen first, because they have been the most immense attacks Kenya has faced since the August 7th 1998 Al-Qaeda bombing of the American Embassy in Nairobi. The El-Adde attack, despite its location in Somalia, was selected due to the results that accrued from it. It led into the imprisonment of one among the most controversial Kenyan journalist and blogger, Yassin Juma, which aroused a lot of questions and scrutiny regarding the spirit of the constitution on the freedom of expression (Madowo 2016). The process of conveying terror on various medias is characterised as challenging and may lead to overstepping different boundaries. Examining terror-media relationship transcends to the core objectives of the media whereby, the media build realities that are consumed by mass number of people as true, because the way in which the reality is conveyed, leads to objectivity and persuasiveness (Ben-Yehuda 2005).

Therefore, limiting what the media is entitled to disseminate have adverse impacts on the public sphere, which in this case is the Kenyan media. The audience has no capacity to retrieve information that they would like to access. For this reason, censorship of crucial information by the media may result into lack of a public sphere and a minimal influence on it. However, the Al-Shabaab terror attacks may have an indirect impact on the Kenyan media.

This is portrayed through the government's rules and regulations. Since the Security Law Amendment Act (SLAA), which was passed into law by the parliament on December 2013, the media in Kenya has been obligated to censor a lot of information that it airs regarding terror. The government through the National Assembly has a major impact on decision-making processes that have an impact on the various stakeholders within the country.

The outlook on the Kenyan media as one of the most vibrant medias in Africa is thought to be among the most spectacular outlooks that a country's media can withhold, giving it the opportunity to freely disseminate information to its various publics. This is because the independent Kenyan media history is extensive. It is not until 1992 when the Kenyan media was liberated in the first multi-party elections where it witnessed an unprecedented explosion of the press freedom to become a thriving industry that it is today (Kadhi & Rutten 2001). The Kenyan constitution which was promulgated in 2010 was highly and extensively complemented for expanding the freedoms of expressions and that of the press.

This mainly included prohibiting the state from interfering with both the editorial independence of the individual journalists, state-owned and private media outlets[1] (House 2015). Since the beginning of the retaliatory attacks in Kenya, various journalists have come out through different interviews in the various medias and forums giving their frustrations on how they are threatened and labelled as Al-Shabaab sympathisers by the government.

In fact, after the arrest of one of my interviewees on the 23rd of January 2016, the Cabinet Secretary, Nkaissery warned the journalists airing information on Shebaab. In the public statement he said that these journalists would be arrested for being "sympathetic to Al-Shabaab" (Guardian Africa Network 2016). One of my interviewees did not fail to highlight this predicament during my interview with him.

Throughout the recent years precisely from 2015 to-date, the authorities have intimidated the press in order to stifle reporting on the terror attacks by the Al-Shabaab (House 2015). Despite the resilient constitutional protection for the freedom of expression, Kenyan legislators threatened to curtail media operations and coverage of the terrorist attacks and operations in Kenya. This was seen by passing a Security Law Amendment Act on the 18th of December 2014 that was backed by President Uhuru Kenyatta as a reaction, after the attacks since OLN.

This included a string of anti-terrorism measures, some of which potentially have a significant impact on the media's ability to collect and disseminate information regarding the security situation in Kenya, conducted by Al-Shabaab militant. Section 75 of the bill introduces a new section 30A into the Prevention of Terrorism Act (POTA) dealing with prohibition of offending material, clearly expanded restrictions to freedom of expression to new areas and permitted state's interference with the media in various circumstances. In relation to the actions of publication of offending materials, s. 30A of the Prevention of Terror Act 2014 states that:

> (1) *A person who publishes or utters a statement that is likely to be understood as directly or indirectly encouraging another person to commit or prepare to commit an act of terrorism commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years. (2) [...] a statement is likely to be understood as directly or indirectly encouraging or inducing another person to commit suicide or prepare to commit an act of terrorism if- (a) the*

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[1] The constitution of Kenya binds Kenya to a series of international and regional legal instruments that govern free press(House 2015). This include the International Covenant on Civil and Political Rights (ICCPR) and the Africa Charter on Human and People's Rights (ACHPR).

circumstances and manner of publication are such that it can be reasonably be inferred that it was intended or (b) the intention is apparent from the contents of the statement. (3)For the purposes of this section, it is irrelevant whether any person is in fact encouraged or induced to commit an act of terrorism (Kenya Law 2012).

In addition to this, s. 30F of this act on prohibition from broadcasting provides that:

(1) Any person who, without authorization from the National Police Service broadcasts any information which undermines investigation or security operations relating to terrorism commits an offence and is liable on conviction to a term of imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings, or both. (2) A person who publishes or broadcasts photographs of victims of a terrorist attack without the consent of the National Police Service and of the victim commits an offence and is liable on conviction to a term of imprisonment for a period not exceeding three years or to a fine of five million shillings, or both. […] (Kenya Law 2012).

These punishments are also stipulated for both the mainstream and online media that publish or broadcast materials likely to cause fear and panic to the public. This means that the Kenyan media is not able to disseminate information concerning any terrorist attacks in Kenya without the government's knowledge, acceptance and even censorship. Through further amendments to the already existing laws, the legislators came up with various entities. This is whereby the Kenya Information and Communication Act (KICA) and Media Council Act (MCA) created a government-appointed communication and multimedia appeals tribunals. These tribunals have the powers and mandate to listen to appeals on complaints initially handled by the statutory body, Media Council of Kenya (MCK)[2] (House 2015).

This case is not just interesting for Kenyans but also for non-Kenyans due to different dimensions that it highlights and portrays. First, it is evident that OLN was a very maiden war for Kenya as it had never been to war before and that the Kenyan media was a very

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[2] This tribunal is authorized to withdraw media accreditation and seize property or other assets to cover fiscal penalties (House 2015). Individual journalists face fines of up-to 500,000 million Kenya shillings and media companies up-to 20 million Kenya Shillings if they breach government-dictated code of conduct drafted by the legislators (Ibid).

inexperienced media with regards to covering terror news. The Kenyan government and the media can learn different strategies in handling war and media-war coverage respectively. However, despite the gravity and intensity of the terror attacks, they tried not mentioning the use of religion as a driving force for terror acts as we have seen it happening during the various attacks happening around the globe.

Nonetheless, they mainly portrayed the insurgents as per the group they are associated with, which is Al-Shabaab. In addition, the Kenyan media is seen trying to correct their media coverage faults from the Westgate terror attack when covering the Garissa University attack. This is in terms of showing more aid and cooperation in times of terror rather than exposing the victims' sorry-state during and aftermath of the terror attacks. Thus, other young and upcoming medias in other states can learn from this mistake in the event that they have to cover terror - related stories.

Secondly, this case is yet to help Kenyans know what measures the government is putting in maintaining the freedom of the press in the midst of these terror attacks. It is thus important for the other states to learn from the Kenyan government mistakes on terror wars on how in their pursuit for fighting the insurgents has led to media-gagging. Therefore, Kenya, as well as the states still fighting for the media's independence can learn on how to put in better measures to tackle not just terror, but any kind of eventuality without antagonizing their media freedom.

1.1 Research Objectives

The main objectives of this research is to observe whether the Al-Shabaab terror attacks have had an impact on the media in Kenya. It also aims at imparting an understanding towards the impacts of the Al-Shabaab terror attacks since the year 2011 on the freedom of the Kenyan media. This offers help in giving an outlook on terror and media's freedom of speech collectively with the government as a common denominator. That is, how the government is gagging the media in abid to combat terror. It is therefore, the impetus of this thesis to investigate the freedom of the Kenyan media, its credibility and trustworthiness, and the effects of the Al-Shabaab terror attacks on media using qualitative research method as a basis for conducting this case study research.

With respect to conveying the objectives of this case study research, this dissertation focuses on addressing the following main research question and the five subsequent sub-research questions in line with the prerequisite conditions for public sphere and the public opinion in public sphere stipulated by Habermas (1989). He asserts that the Public Sphere thrives where

there is public opinion, access for all individuals, freedom of expression and where there is ability to discuss issues of general interest.

1.2 Research Question

The main underlying research question is:

How does the Al-Shabaab attacks affect the freedom of expression in the Kenyan media?

The sub-research questions are:

1. *Does the Kenyan government censor information to be disseminated by the media in Kenya?*
2. *Is the Al-Shabaab militia using the Kenyan media as an arena for airing their attacks?*
3. *What is the overall role of the media in Kenya?*
4. *Does the Kenyan media practise self-censorship?*
5. *How is the government's control over the media affecting the public opinion?*

1.3 Outline of the Thesis

The thesis outline is divided into four distinct chapters consisting of various sub-sections. The thesis will begin with giving an overview of what the research aims at finding out. That is, what its objectives are and what led the researcher into carrying out this study. The second section will introduce the methods used to acquire the data, the types of respondents selected and why they were selected. It will also highlight different factors within this research like its validity, reliability, triangulation and finally the limitations during the data collection process. The next chapter will discuss the public sphere theory. This encompasses an outlook on the Herbamasian public sphere, the relevance of public opinion within the public sphere and how the media is portrayed in the public sphere discourse.

Finally, this section will also trans nationalize the public sphere by looking into the critiques by different scholars regarding the public sphere. This entails what better ways Habermas would have represented the public sphere and what led to its downfall and most importantly, the relevance of this theory to the research question. This entails how the Kenyan public sphere may be under a clamp-down due to the Al-Shabaab attacks. The next section will focus into various aspects.

First, it will discuss in details the four eventful Al-Shabaab terror attacks that this paper aims at focusing on. It will then explore the various ways which the media covered these attacks and consecutively discuss the state's relationship with the media in Kenya after the sporadic attacks. This will be by focusing on the measures it has put in to ensure responsible reporting by the Kenyan media. This section will also investigate the position of the Shabaab within the Kenyan media and the role of the Kenyan public sphere on the war on terror in Kenya.

Finally, the last section within this chapter aims at discussing whether or not the Shabaab attacks have had an impact on the media in Kenya whilst drawing the public sphere theory into the discussion. This will necessitate whether the Kenyan public sphere is facing challenges brought about by these insurgents. The last section which is the conclusion will look into how the research question has explicitly been answered and the way forward for the Kenyan government and media in the midst of the terror glare.

Chapter 2: RESEARCH METHODOLOGY

This chapter necessitates the various approaches that were chosen to carry out the research whilst trying to answer the research question. It aims at illuminating different approaches which have been incorporated in the research proceedings to help in completing this thesis. It mainly focuses on addressing the following five aspects of this research as follows: first, it aims at explaining the approach that was used in the research. It secondly focuses on exploring the research design which is the case study research, which was used to collect the data. Thirdly, it also aims at explaining the selection criteria which was used for the different types of respondents in the study. Fourth, it will explore the various data collection methods incorporated within the study and finally, it will examine the limitations of the study.

2.1 Qualitative Research Approach

The main objective of this paper as mentioned in Chapter 1 (introduction) is to investigate that the Al-Shabaab attacks might have had an impact on the freedom of speech in the Kenyan media. The research also aims at exploring what is the stance of the government in the Kenyan media freedom with regards to the Al-Shabaab attacks, the Kenyan media and censorship. Therefore, it was important to find the most legible methodological approach to carry out this study and hence the qualitative research approach was deemed fit for this kind of research.

The essence of using the qualitative research approach lies on its emphasis on the use of words rather than quantification in data collection and analysis (Bryman 2012). The qualitative approach permits the researcher to observe the conduct of self and that of others and understand the mechanisms of social processes , and to comprehend and explain why both actors and processes are the way they are (Denzin & Lincoln 1994, p. 38).

Several features of qualitative research according to Bryman (2012) have popularized it as a good approach to social research. To begin with, its ontological concept that entails its ideas build up as a result of the interaction between individuals rather than phenomena (ibid). Second, its epistemological feature that is understood as interpretivist, meaning that the concept is on understanding the social world by exploring it and interpreting the world by its participants (ibid). The third and last aspect is its predictive view of the relationship between the theory and research whereby the theory is prompted out of the research(ibid).

Among the other reasons of selecting qualitative research for this dissertation is because of its exploratory nature and triangulation capability. Its exploratory nature just as the name suggest

allows the researcher to design questions which later on emerge, improve and evolve as the study unfolds. Lastly, triangulation according to Bryman enables the researcher to cross-check the results of the study in conjunction with the other research strategies employed and which can take place as a result of planned or unplanned strategy (Bryman 2012). It is aimed at validating the same findings conditions when you have triangulated the data and when you have several sources within the same study but which address different findings (Yin 2013).

2.2 Research Design

In this case, the research design[3] which was applied in this study was that of a case study research design. A case study research design attempts to investigate a contemporary case or phenomenon thoroughly within its actual context most importantly when the borders between the phenomenon and the context may not be well evident (Yin 2013). Schramm (1971) indicates that the essence of using a case study research is due to its ability to illuminate a set of decisions for example why the decision was taken, how was it implemented and what the outcome was. A researcher does a case study research because they want to understand a real-world case and the ability of your understanding would involve different contexts and decisions suitable to your case (Yin & Davis 2007). A major strength of using this case study method is due to the opportunity I got as the researcher to use several and different sources of evidence in the study.

Therefore, aim of this research being to investigate the impacts of the Al-Shabaab attacks in the media in Kenya hence, a case study approach proved to be an appropriate design to conduct this study. The case study hence helps the researcher understand why and how the Al-Shabaab attacks affect the freedom of speech in the Kenyan media. Due to the ability of a researcher focusing on contemporary events in case study, it helped examine the various actors who influence and are influenced by the Kenyan media.

2.3 Case study

The case study in this research is on how the Kenyan media is affected by the Al-Shabaab attacks. The propositions of this case design include the Kenyan media, the Government of Kenya as a law making body and the Al-Shabaab and their attacks. The World Press Freedom

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[3] A research design gives a framework for the data collection and analysis which illuminates the choices and priorities given to a range of dimensions of the whole research process. This also entails explaining the causal relationships between different variables, understanding and relating the importance of your data as it represents a larger group which is a part of your study. It also enables the researcher to comprehend the different ways people act and the meaning of that behaviour in the social concept and lastly, it enables the researcher to appreciate the social phenomena and their interconnections (Bryman 2012).

Day was celebrated on the 3rd of May 2016 as the writing of this dissertation was ongoing. This is of a great significance to this thesis because access to information is crucial in the aspect of individuals making informed decisions regarding matters affecting them which enable them understand and exercise their rights (Norwegian Embassy Nairobi 2016).

In fact, the Minister of Foreign Affairs in Norway, Børge Brende, affirmed on this World Press Freedom day that a broad range of media outlets are vital in order for individuals to have access to a broader variety of information (Norwegian Embassy Nairobi 2016). He added that, "these media outlets can shine a critical spotlight on the exercise of power, authority and promote transparency and accountability" (ibid). The Kenyan media as mentioned in Chapter 1 can be well described as the fourth estate according to Edmund Burke. Its extensiveness attracts a wider audience with a varying user rate throughout the country.

It is a conglomerate of print media which encompasses various newspapers, magazines and tabloids, broadcast media which entail the television and radios stations and internet. 80% of the Kenyan adults keep themselves abreast with what is happening throughout the country and globally via radio on a weekly basis, while the newspaper readership is inconsistent due to their influence on the people's thoughts, as the television ownership in different homes lies approximately at 50% (Allen & Gagliardone 2011). On the other hand, the Kenyan media ownership lies on cross-media ownership where there is dominance on the different medias (television, radio and newspapers). The ownership is mainly based on business moguls, government elites and the state (state-owned media) (Mulupi 2012).

This case is not just interesting for Kenyans but also for non-Kenyans due to different dimensions that it highlights and portrays. First, it is evident that (Operation Linda Nchi) OLN was a very new phenomenon for Kenya as it had never been to war before and the Kenyan media was a very "green media" with regards to covering terror. However, despite the gravity and intensity of the terror attacks, they tried to not mention the use of religion as a driving force for terror acts as we have been seeing it happening during the various attacks happening around the world. In addition, other young and upcoming medias in other states can learn from the Kenyan media flaws during the terror attacks coverage. Secondly, it is important for the other states to learn from the Kenyan government mistakes on terror wars on how their pursuit for fighting the insurgents led to them gagging the media. Therefore, these states can learn on putting in better measures to tackle not just terror, but any kind of eventuality without antagonizing their media's freedom.

However, President Uhuru Kenyatta backed up the new SLAA by regarding it as "a measure that would improve Kenya's capacity and ability to detect, deter and disrupt any threats to national security" (Goitom 2014). The government might have taken action of limiting the media freedom with regards to the Al-Shabaab attacks due to various security reasons. This however, might have adverse effects on the audience trust on the Kenyan media with its inability to channel information to these various publics.

The Kenyan journalists are used to covering terror news and activities for and in other states but not in its own. So having to cover stories on terror on its own soil has been a new experience all together. In fact, one of my journalists' interviewees termed it as "being green in war media coverage". It is therefore not just interesting but also important for a non-Kenyan to know how the government of Kenya is putting in measures to curb the insurgents and how this has as a result antagonized other sectors like the media in carrying out its activities. It helps understand how the insurgents' activities have had adverse indirect impact on the media and how the government is tackling this new formed challenge.

Therefore, what will be seen is that there has been a quick paradigm shift both on the government and media on how to handle the insurgents and news regarding these insurgents' activities respectively. However, the media seems to be on the losing end as a result of this paradigm shift because in a bid to fight terror, the government is stifles the media operations.

2.4 Data Collection Methods

According to Bryman, there are different sources of data that can be used by the researcher and these include either primary or secondary sources or both (Bryman 2012). The primary data is the data collected first hand by the researcher in the field and in this case the research's primary data are in-depth interviews. In cases whereby a case study is used as a methodological approach in a research writing, in-depth interviews are highly used because of their compatibility with this kind of approach in order to get a wider and detailed response from the respondents during the research. Secondary data are data collected from the archives, government documents, policy reports, police records, books, scientifically reviewed articles and internet sources.

These two data sources result into triangulation which helps in capturing different dimensions of the same phenomenon through the variety methods of data collection. This helps to determine whether there's freedom of speech in the Kenyan media or whether the Al-Shabaab attacks affect the Kenyan media freedom from both the primary and secondary sources. Comparing the

different data collected from these different sources is important as they helped shine light on the topic and withdraw my understanding from them in order to answer the research questions.

The sampling method used was the stratified purposive sampling method because of the ability of the researcher to sample typical cases or individuals within sub-groups of interest (Patton 2015). Nevertheless, the reason for selecting semi-structured qualitative interviews as my data collection method was due to its ability and capacity to provide insights onto how the respondents view the notion of the freedom of speech in the Kenyan media. It has the ability to give the research participants an opportunity in giving their perspective of the research, that would help in fulfilling the objectives of the research (Bryman 2012).

It also provides the researcher with the freedom and ability to follow up on important issues that emerge throughout the research process and which can have an important impact on the research as well as giving it some standardization. Semi-structured qualitative interviews are extensively used in contemporary social research because of the ability of the researcher gathering individuals views and experiences on ranging themes (Irvine et al. 2010). Their semi-structured nature enables the researcher to give follow-up questions as the interview is ongoing in order to get answers to the emerging issues in the research process.

The in-depth interviews were divided into two: face-face interviews and telephone interviews due to the security seasons and the availability of the respondents. These in-depth interviews allow a researcher to navigate through the respondents' background, ideologies, social preferences and even language such that the researcher can tailor the interview questions to suit both his needs those of the interviewee without abdicating his or her cardinal role.

In-depth interviews in qualitative research are less structured hence it give a huge focus on the interviewee's viewpoint allowing him to wander and get wordy during interviews as it is encouraged giving them insight of what they deem relevant (Bryman 2012). Another reason as to why in-depth interviews was selected as a form of data collection is due to the possibility of the interviewer to depart from any guide used and the flexibility enabling the adjustment throughout important issues that arise during the course of the interview.

2.5 Selection of Respondents

As previously mentioned in section 2.4, stratified purposeful sampling method was used to pick the various respondents in different categories. The total number of respondents selected were eight. However, due to the few number of respondents, it was important to incorporate the

secondary sources for more data in order to capture the different dimensions of this research. The secondary sources in this case included the government documents for example the Kenyan constitution, the Kenya Gazette where laws amended and to be amended are registered and law-related documents which includes the various Law and Acts of parliament. Further on, various electronic articles were used including scholarly articles and online digital and media related articles.

First, putting in mind that the thesis is focusing on the media, it was important to have the media personnel incorporated in the interviews as the immediate individuals whom are affected by the laws imposed on the media. Due to the huge number of journalists in the different Kenya media houses, this sample is significantly large so, one journalist was picked from all the different mainstream media outlets to represent those independent media houses and one blogger to represent the bloggers. The journalists picked were from KTN, NTV, The Star Newspaper and Citizen TV. These four are the biggest and major media groups in Kenya. The two NGOs officials were important as a sample case in two different ways.

The first NGO official was from HAKI Africa which is an organization dealing with enhancing the realization of Human Rights in Kenya and beyond. For this reason, its outlook on the Kenyan media with regards to their pro human rights agenda was the major reason for their selection. The second NGO official was from the Nataraji Youth Organization in Mombasa which deals with the Youths in that area. The reason for selecting him was because of his views on human rights putting into consideration that the youths in Kenya makes a huge percentage of the population and have been affected by the Al-Shabaab in the cases of radicalization and recruitment.

The last respondent was a government official in the Ministry of Interior and Coordination of National Government. The reason as to why he was chosen was because of the Ministry's influence and responsibility within the country which include the internal security in the country. Beside other important responsibilities, the Ministry is charged with the responsibility of public administration, international security and promotion of National Unity. For this reason, the ministry's role on the international security is relevant to the topic of this thesis, whereby its security forces have been engaged in the fight against Al-Shabaab since OLN and they have a clearer understanding on their impact in Kenya.

2.6 Data Collection

The first interviews took place from the 6th of January 2016 to 11th of February 2016 with the actual interview jump-starting on the 13th of January 2016. This was to help answer the emerging issues in the course of the writing and to get deeper insights on the study from a wider range of respondents. Hence, the variety of sample cases during the period of 29th April to 18th May 2016 broadened. NGO officials were thus incorporated in the interviews within this period together with 3 more journalists from 3 different media houses as indicated in section 2.5. In the first week of the fieldwork from 6th of January 2016, with the help of my supervisor and my contacts in the media houses in Kenya, was spent organizing, planning and contacting the various respondents that were needed for the research interviews. It was however difficult to get all the required respondents ready during the first week. Hence the search for the respondents that we could not get hold of within the first week continued throughout the research period. The interviews took place in the following weeks.

2.6.1 In-depth Face-Face Interviews

Patton (2015) says that in-depth interviews are usually long ranging from a couple of hours to full days and for an extended period of time. Longer interviews tend to offer the respondents risks for example security risks as was with one of my respondents. However, in my interview process, something was interesting that kept replenishing the respondents energy and zeal to giving more information (McCracken 1988). For the first phase of the data collection which took place in Kenya, in-depth face-face interviews was used. In the interviews, different actors influencing the research were identified and of whom were found to be legible for the interviews. They were a total of two respondents. As earlier mentioned, they included the one investigative television journalist while the other was a government official government.

Given to this selection, they were found to be a special group of respondents that would give valuable intuitions and perspectives on a wider level for the research topic. As already mentioned in section 2.3 above, the in-depth interviews were semi-structured and thus they gave me as the interviewer, the ability to navigate through the minds of the interviewees. This as a result enabled me to tailor the interviews in a manner that was suitable to the needs of the interviewees. In-depth interviews are very compatible for case studies approach giving the researcher a wider response from the respondents (Bryman 2012). Most of these respondents were situated in various location but within Nairobi Central Business District (Central Business District) while others were in close proximity to the CBD.

In order to calibrate the interview guides, various aspects had to be put into place given that the topic to be discussed and the participants to be addressed were quite sensitive. Order within the areas of topic were put into consideration to ensure flow of the questions and the questions were tailored in such a manner that they could easily be altered depending on the various respondents and their comfort in answering the questions. The interview questions were formulated in a way that they would be able to answer the research questions but it was ensured that it did not get too specific in the process.

The language used for the interviews was ensured to be very understandable while ensuring that no leading questions were asked in the process (Bryman 2012). The importance of using the semi-structured interviews is due to its ability to allow the researcher to gain the data they require for the research without categorizing the feedbacks he or she gets from interviewees and their flexibility thus the interest of the interviewee in understanding the issue is put at fore-hand so that they can understand what the interviewer is driving at.

The first face-face interview with the first respondent was with an investigative news reporter in one of the popular Kenyan media stations. Due to the location which the interview took place, it was a less formal interview and voice-recording was impossible due to the noise that was made by the clients who came in and out of the restaurant and the mall. Therefore, there was too much over-reliance on notes and in the process of note-keeping. There was loss of track in focusing on the non-verbal cues of the interviewee up-to some extent.

This is because, as a renowned Kenyan journalist, there were some interruptions during the interview when various fans wanted to greet the journalist and congratulate him for his work. One of the things that was identified during the interview was how articulate and detailed the respondent was during the interview. He was more vocalized and talked longer giving an insight to his comprehension of the topic. Thereafter, I moved forward to the next interview. The second interview with the government official in the Ministry of Interior took place on 10th February 2016 at 9.00 a.m. in the morning after a very long struggle to secure this interview with him.

The government official holds a busy office in the ministry therefore, it was difficult to locate him outside his office hours thus we opted to have the interview in the Ministerial premises (Harambee House). The interview was very formal compared to the other interviews especially due to the location which was within his office and which lasted for about an hour. The interviewee was quite detailed in his response to the questions and at some point ended up

wandering around the topic before getting to the topic. But because of his consent on the voice-recorder, I had a chance to follow his answers keenly and ask follow-up questions which turned out very helpful. The language used was entirely English.

2.6.2 Telephone-Interviews

In the first and second phase of the interviews, telephone interview was incorporated. In the first phase, one respondent could not be reached in person due to security constraints hence a telephone interview was also carried out with him. In the second phase of the interview which took place from the 29th of April to the 18th of May, I used telephone interviews. In total, there was 1 telephone interview in the first phase and 5 telephone interviews in the second phase. This totalled up to 6 telephone interviews in both phases. Telephone interviews are quite common in qualitative research especially due to their cost effectiveness.

Telephone interview became a last minute decision for this research after one of our respondents went through a security-scare from the government and distance constraints in the second phase of the interviews. Telephone interviews according to Bryman can be used on dispersed respondents and when safety both on the interviewer and interviewee side becomes a great consideration (Bryman 2012). The media informant that was selected for this telephone interview is quite a controversial journalist just as his counterpart in section 2.4.1. He got arrested 24 hours after the first interview between him and my supervisor that had been organized through my help, with reasons that he was misusing a communication gadget.

Hence finding him for the second interview was quite complicated because the Anti-Terror Police Unit (ATPU) had been following him and his telephone was confiscated for investigations regarding the case. However, a couple days after his release with the help of his director, I managed to find his new contact and planned to meet when everything had died down. In this process of waiting for the situation to calm down, he lost a family member over 12 hours' drive from Nairobi and he had to travel for the burial. Given the time constraints for the research, we both ended up settling for a phone interview due to this and security constraints, through his secure telephone line.

Nonetheless, there are a few factors that can accrue from a phone interview that the researcher need to be aware of. It is not easy to observe the non-verbal cues of the respondent and their physical responses to a particular question and body language can be quite important for the interviewer. This is because of the ability of the interviewer to discern factors like discomfort and confusion in the interviewee (Bryman 2012). On the other hand, asking sensitive questions

via telephone can be more effective because the interviewee feels less pressurised when the interviewer is not physically present. I felt the discomfort of my respondent during the interview as he went even further to elaborate his points in the course of the interview. Unlike in face-face interviews, in telephone interviews, the interviewee tends to talk less long and gives less vocalized responses on the topic. The reason for this during my interview could have been due to the fact that the interviewee was trying to be extra vigilant in case the government was tapping that call. The interviewee was quite vague to some degree in answering the questions concerning the Al-Shabaab given that the reasons for his arrest was due to him mediatising pictures from an Al-Shabaab attack on the Kenyan solders in El-Adde that had freshly taken place.

After a constant search and phone calls to create time for the interview with the interviewee, we settled for 10.00pm in the night on 9th February 2016, on a Tuesday. In the beginning of the phone-calls, I asked for his consent on whether it was ok with recording the telephone interview. I was in a quiet and secluded environment and I could place him on loud-speaker and he was comfortable with that. The reason for using the audio-recording device was to ensure that no track was lost of the most important points during the interview hence, less time was used in note-keeping.

The telephone interview took approximately 20 minutes giving the interviewee the opportunity to give his thoughts on the research question. The interview was less formal because of the location of the interviewee at the time. I re-tailored his interview questions before the interview. This was to conform to his prior arrest on the miss-use of communication gadget because this was the vital part of the research as the media freedom. The language used in this case was English.

In the second phase of the telephone interviews which were from the 29th of April to the 18th of May 2016, the phone calls were made from my supervisor's office located inside our study department (NORAGRIC) within the university. Each session for these telephone interviews lasted approximately 15-30 minutes.

2.7 Reliability and validity

Reliability and validity are different forms of measuring the quality and a wider potential of research which are attained with accordance to particular methodological approaches and principles (Mason 1996). This is associated with the concept of a good quality research when both reliability and validity are concepts which are to evaluate the quality of a study with the

aim of elaborating and generating understanding (Stenbacka 2001). Reliability and validity are factors which any qualitative researcher should be concerned about during the process of designing the study, analysing the results of it and judging the quality of the data that accrues from it (Patton 1990).

Testing if seen as a way of eliciting information, then within qualitative study it is mainly its quality (Golafshani 2003). However, within these two concepts arises triangulation, which is typically a test for improving these two entities (validity and reliability) within a research and evaluating the findings from it. Triangulation is an important methodological approach in qualitative approach within evaluation, which helps control biasness by establishing valid propositions in the study and capturing different dimensions of the same phenomenon (Mathison 1988). It strengthens a study through the various methods it entails.

Reliability as mentioned above is a concept of evaluating qualitative research. According to (Kerlinger 1973), reliability can also be synonymous with words like dependable, stable, consistency, predictable and accurate. They basically describe how your research should turn out to be. It is mainly concerned with whether the results that will be gathered from the study are repeatable and whether the measures put in social sciences are consistent throughout the study (Kirk & Miller 1986). This is because researchers at times choose to replicate others data when they feel that the results from the original data do not match other evidences that are relevant to the domain under discussion.

Lincoln and Guba (1985) argue that in order to ensure the trustworthiness of a research, it will rely on the issues discussed by the researcher as validity and reliability. For this reason, reliability, validity and triangulation from the qualitative point of view have been redefined in order to reflect the multiple ways of establishing what is regarded as true. In this study, the key aspects of reliability that is focused on is its trustworthiness, quality, predictability and consistency.

Despite the fact that this research was cumbersome, trying to understand concretely how the Al-Shabaab attacks have had an impact on the Kenyan media freedom, the government's role in all of this and their effects on the public sphere, the main idea was to conceptualize on the specific propositions to make it reliable and valid. The government's interference with the media freedom will enhance the understanding of the impact of the Al-Shabaab attacks to the media. A close discussion with the media personalities imparted a wider understanding of this study.

The documents used while writing this thesis warrants the understanding of how the effects of Al-Shabaab attacks on the freedom of the media in Kenya. It also focuses on the government's role which it plays in this and the audiences' perspectives and thoughts as they are the consumers of what the media disseminates. However, the documents used to complete this research have clearly contributed to a better understanding and sufficient input for this study and they are considered trustworthy. Therefore, validity being one of the most important criteria for quality case studies, is dependent on the case selected and studied (Patton 1990). This is why triangulation is used as a strategy test deployed to improve research validity and reliability and evaluating their findings (Golafshani 2003).

This study is a qualitative method based on both secondary and primary sources of data which strengthens this study. The secondary sources in this case included the government documents for example the Kenyan constitution, the Kenya Gazette where laws amended and to be amended are registered. Also the law-related documents which includes the various Law and Acts of parliament. Whilst the primary data included the interviews which were done on different respondents. The fieldwork enabled a deeper comprehension on how the Al-Shabaab attacks indirectly affect the freedom of the Kenyan media to a deeper extent through the government's decisions and involvement.

Some of the respondents that the researcher interviewed were known to the researcher's previous networks who helped in allocating the most appropriate respondents for this kind of study. The other respondents were through individual trial to get their contacts. These two circumstances helped with building trust so as to enable the researcher acquire a trustworthy and reliable data. Thus if validity or trustworthiness can be tested then a more credible and defensible result into a more reliable data (Johnson 1997). Therefore, in order for reliability, validity and triangulation to be useful and relevant concepts in a qualitative study, they have to be redefined in order to reflect different ways of establishing the truth (Golafshani 2003). Just as any other kind of research, this research had several limitations.

2.8 Limitations of the Data Collection

The first limitation of the data collection for this research was that the informants gave some answers that were too basic and preferably that could be misguided as conspiracy theories. This affected the credibility and applicability of the research. In this case, some respondents' answers were too vague because of the fear that the data collected could get to higher authorities. Thus,

putting into consideration their job jurisdictions, this would lead to hostile repercussion. Therefore, as an ethical consideration, it was assured the that the data the interviewees were giving was mainly for this research and nothing further. This increased their trust towards the interviewer and they even accepted audio-recording during their interviews.

The result of my data given that it was from a qualitative research interview, they were of low credibility and confirmability due to the chance of the respondents changing their story in case a second interview was to be carried out. However, I was startled during one of my interviews with one of the interviewees specifically from the government, when he cornered me seeking information about my other respondents that I had interviewed earlier on. This brought about the question of how he could have been tipped off on my previous interviews, the question of security for my previous respondents and myself and that of trustworthiness which they(respondents) had already bestowed on me in involving them when conducting this research.

Time constraints was a major issue in this fieldwork as the fieldwork started right after the Christmas holiday and the New Year and technically during the first month after these holidays, most offices are quite slow in the beginning hence most of the interview possibilities came through in the last days of the fieldwork. In any case, if some extra time was appointed for this fieldwork, then it could have warranted more interviews especially with the government officials and even the focus group that was scheduled.

The telephone interview was difficult to comprehend its credibility due to the location where my interviewee was situated. The background was noisy because it was at a burial site of his close family member and this happened just days after his release from prison. Hence the inability to read his body language during the interview raised issues of how credible and reliable were his feedbacks to the questions.

Finally, in the research design, there was a plan to use focus group for the last type of respondents but it proved difficult due to the type of respondents that was to be used. Their location was insecure and needed good contact on the ground to ensure that the researcher would be safe. The relatives of the respondents were adamant about accepting interviews hence this data collection method did not work out and let to lose of an opportunity for the researcher to get important data from this group of people.

Chapter 3: LITERATURE REVIEW: THE PUBLIC SPHERE

This section will discuss the public sphere with respect to the media as an institution of the public sphere. It will delve on three factors, first, a brief overview of the Habermasian public sphere, then it will discuss the public opinion within the public sphere, it will later look at how Habermas perceives media in the public sphere domain and finally its critiques. This theory was however chosen because Habermas argues that the public sphere needs a particular medium for transmitting information and influencing the audience who receive this information (Habermas 1989). This as a results aims at answering the research question meaning that the media is of great importance for maintaining and establishing a public sphere. Hence, the media and the public sphere can be viewed as one and important entity in the public sphere theory. The importance of the concept of the public sphere in the Kenyan media is its ability to inform free and fairly and arouse debates without restrictions from the state. This will take us back to what role the media systems play in shaping public opinion. Even (Mak'Ochieng 1996) refers to the Kenyan media as a political public sphere. However, this section will first introduce the most influential work by Jürgen Habermas. According to Sani (2009), he trans-nationalized a Marxist critique of the Western Capitalism and its dissatisfactions and wrote his book *" The Structural Transformation of the Public Sphere"* which was first published in 1962.

3.1 Habermasian Public Sphere

The public Sphere ideology dates back to the 18th century in the historical phases and development in the high Medieval European society where the usage of words like public and public sphere betrayed a myriad of simultaneous meanings. Events and occasions are deemed public if they are open to all in contrast to closed or exclusive affairs. This can be compared with either public places or public houses.

The concept of the "public sphere" is interpreted as the domain which something approaching public opinion can be created. A part of the public sphere is generated during every conversation where private individuals gather as one entity to form a public body (Kunelius & Sparks 2001). This is where the public body are citizens who benefit in an unrestricted manner due to the guaranteed freedom of association, assembly and freedom to express and publish their public opinions on matters of general interest (Habermas et al. 1974).

The first etymological reference to the public sphere is explicit whereby in German, the noun *oeffentlichkei*t (publicity) was formed from the older adjective *oeffentlich* (public) during the 18th century in analogy to "publicite" and "publicity" such that due to minimal use of it, various

individuals considered it objectionable (Habermas 1989: 2). It was a part of the "civil society" which at the time established itself as a realm of commodity exchange and social labour governed by its own law. The whole ideology of what is public and what is private dates back to the very past.

However, the most contemporary approach of the public sphere is based on the ideologies conveyed in Jürgen Habermas's influential book, *"The Structural Transformation of the Public Sphere, an inquiry into a category of bourgeois society"* which included major historical and methodological reflection on the public sphere. The book's aim was to help explore the status of the public opinion in the practise of representative government, precisely in the Western Europe.

Habermas defined the public sphere as an imaginary community which does not exist in any concrete place but rather comprised of a group of a group of private individuals converged together to discuss issues affecting the society. His work can be classified into two sections: in the first part, Habermas's optimistic thoughts of the development of the bourgeois public sphere will be reconstructed and the second part where he presents an outlook on the fall of the public sphere (Duvenage 2005).

Therefore, throughout his work, he gave a historical-sociological account of the rise, brief-proliferation and later the collapse of a bourgeois public sphere basing it on multi-disciplinary and rational-critical debates and discussions. He explains that due to various historical changes, a new civic society emerged in the 18th century that allowed individuals to freely participate in public discussions. This civic society was moved by the desire to open commercial arenas where news and matters of concern would freely be exchanged and discussed. This was accompanied by the growing literacy rates, accessibility to literature and a new kind of journalism which was different from the ruling authorities (Prince, Lords, monarchies, courtly).

Habermas illustrates in his work that in the 18th century, the following three different institutional criteria were the reason as to why the new public sphere emerged. They included the arenas for discussions which were located in coffee shops for Britain, salons in France and *Tischgesellschaften* (table community) in Germany (Habermas 1989). Though these arenas may have been different in what type of publics they were comprised of, their sizes, their proceedings styles, the nature of their debate and their topics, they all ensured that the discussions were among the people that were continuous. Hence, they had a criterion for their discussion.

They based it on disregarded status, domain of interest which was an areas of major concern that took the public's attentions, inclusivity which entailed a public that was totally immersed in the issue of discussion, that individuals could all participate by having access to the particular realm. For this reason, the public sphere thrived in areas where people could meet and discuss issues of common interest. He thus defined the public sphere as a virtual or imaginary community which do not exist in a concrete location. Its ideal nature as earlier mentioned is comprised of private individuals gathered as a public expressing the societal needs to the state (Habermas 1989).

In fact Arnold (2008), explains that in abid to understand the public sphere, it is important to know that public is not tangible or locatable and neither is it manifestible. She explains that public is an imaginary group of people whilst public sphere is an imaginary place (ibid). He later on broadens this perspective to the participation ideal which is in the public sphere today.

As mentioned in first part of this chapter, the success of the public sphere according to Habermas thrives on approximately five different prerequisite conditions. First is universality which entails the extent of access, second the degree of autonomy which indicates the extent of its access. Third, is inclusivity, meaning that there should not be an hierarchy hence the ability of all to participate regardless of their status, on equal ground. Fourth, the rule of law which means that the state should be able to be submissive and last factor that is explained by (Rutherford 2000) as quality participation in which individuals must be committed.

The public sphere hence started to emerge through the growth of the press. This was a major way to capture the state's, parliament's and other agencies of representative government's attention and regulate them in order to manage the public sphere. The public sphere triumph was based on rational-critical discourses in which each citizen was seen as an equal participant in the debate and the chief communication skill was the power of argument (Sani 2009).

Therefore, through conversations and conventions, the public sphere trigger opinions and perceptions which help in challenging and guiding the state affairs. In absolute terms, public sphere is the origin of the public opinion required to legitimize and validate authority in any operating democracy (Rutherford 2000). Sani (2009) explains that later in Habermas's other work *"Further Reflections on the Public Sphere",* he made a distinction between "lifeworld" and "system" and identifies public as a segment of the lifeworld, while system indicates the market economy and the state apparatus. He assert that lifeworld is the intermediate context of the individual social actor and thus he was against any analysis that disconnected the mutual

reliance of the lifeworld and the system in political power negotiations (Habermas 1992). It is unacceptable to see that the system dominates the whole society. Sani (2009) and Soules (2001) explain that the major goal of a democratic government and society is mainly to construct a democratic barrier against the colonising territories of system imperatives on the areas of the lifeworld.

He identifies a simultaneous distortion of the public sphere via the growth of social welfare system, cultural industries and the development of large private corporations. For example, he indicates that massive press instead of conveying information resulted into an agent of manipulation and became the gate through which privileged private interests seized the public sphere (Habermas 1992). This is where feudalization of power came in and the vision of the public sphere only became sanctioning the leaders and their decisions.

It is important to note that within the framework of the feudal era (feudalism), the "private" included those who had special rights which included privileges and immunities, thus, what stood apart was the core of the feudal regime and thus of the "public" realm. Habermas (1989) indicates in the book that something that was worthless at the time was not suitable for elevation into the public for representation status. Words like your highness, your lordship, your majesty and so on were good enough for representation. The representation of the lordship was not for but "before" the people.

However, a new form of representative publicness source was the culture of the nobility that first emerged in Florence Italy, then Paris and finally London which demonstrated a stamina. This stamina was illuminated by assimilating the bourgeois culture whose initial aim was humanism and thus this culture of humanism became a basic component of the courtly life (Habermas 1989). The feudal powers, that is, the church, the nobility and the prince who were the conveyors of the representative publicness separated in a process called polarization thus leading to them splitting up into private elements and public elements. Everything was thus open to criticism and in this way, philosophical and literary works were no longer represented by neither the church nor the court (Duvenage 2005).

Habermas (1989), continue to explain that the status of the church changed due to the reform and religion became privatized as the freedom of religion took the first sphere of private freedom and it continued with its operation as a body among others under the public law. The first explicit evidence of the similar polarization of the monarchical authority was the separation of public budget from the territorial ruler's and private holdings whereby the bureaucracy,

military and administration of justice all became independent institutions separated from the court and private sphere (Habermas 1989).

In order therefore for the state to keep in touch with the needs of its people, a new world order, which was capitalism and trade had to take shape. The bourgeois society. This led to a rational group of citizens challenging the political norms of the state and its monopoly on interpretations and institutions (Habermas 1989: 36). This was identified as a symbolic historical milestone seen as validity triumphing over forceful public discourse. Hence, public discussions became the pillar and the go-between of debate via the press, political parties and parliament. The modern state apparatus became predominantly independent from the monarchical system of public sphere, separating itself from the court and becoming its equilibrium in the town. This town was the epicentre of the civil society as it was not only economically important but it also delegated the early public sphere in the world of letters whose institutions were coffee houses, the salons and the table societies (Habermas 1989).

Therefore, the public sphere didn't become a platform of a clique of powered individuals. It was viewed as more inclusive and accommodating kind of public, which accommodated all types of citizens including the private citizens who could be part of an independent discussion due to their education levels. However, the public sphere changed from a forum of rational and critical debate to an instrument manipulating the discourse through the powerful bureaucratic and economic interest.

The bourgeois gradually replaced a public sphere in which rulers' powers were only represented before the people with a sphere which state authority was publicly watched through enlightened and critical discourse by the people. This new civic society gained support by the 18th century. Whereby, the liberal democracy pulled together resources for this new class in order for its establishment like in publishing resources, newspapers and discussion platforms and a more democratic press which was a tool it used (Habermas 1989).

The most outstanding nature of this public sphere was its ability to separate powers from the church and the state due to the emergence of its access to various resources, economic and social platforms. Habermas however, argues that this sphere of rational and universalistic politics which was initially free from both the state and economy collapsed. This was by the help of these same individuals who built it, due to their material greed that invaded the society such that the citizens became troubled about the consumption rather than political actions.

The line between state and society which is the core of this context separated the public sphere from the private realm. Thus, the public sphere was coexistence with public authority and the court was a part of this public authority. In the private realm existed the genuine "public sphere" which comprised of private people. There then came in the contrast between the private and public sphere where the private one was composed of the "civil society" to a lower degree in which the family was its inner realm. Habermas indicated that it was due to the emergence of these world letters to the world of politics that used the drive of public opinion to put the state in touch with the needs of the society (Habermas 1989). This world letters public sphere was however not originally bourgeois as it continued practising the publicity that is enacted at the prince court.

3.2 Public Opinion Within the Public Sphere

In accordance to this, the self-interpretation of the function of the bourgeois public sphere brought about the idea of public opinion. Habermas (1989) asserts that public opinion effected its meaning in the late 18th century where it provided itself as the foundation of the bourgeois public sphere idea. The term opinion evolved into different meanings which attributed to its social character but it did not evolve directly into public opinion from *opinion publique* until late 18th century where it referred to the ability of a public decent forming its own reasoning (Habermas 1989).

According to Habermas (1989), he explains that Thomas Hobbes took a huge step when he identified conscience denoting both *consciousness* and *conscience* with opinion as he was guided by the experiences of a religious civil war. On the other hand, Edmund Burke made the required distinction of opinion before the rise of the French Revolution where he implies that general opinion is the vehicle and organ of legislative supremacy that is public opinion as a drive of these two factors. In this case, Habermas says that the opinion of public that put its reason to use was no longer just opinion as it rose from the people's public discussions.

In France, *opinion publique* was the term for the opinion of the people supported by traditions and *bon sens* (common sense), which Jean-Jacques Rousseau pleaded to its simplicity. However, it was until physiocrats, a group of 18th century French economists, ascribed it to the *publique éclaire* (enlightened public) itself did *opinion publique* receive its solid meaning of an opinion that accrues via critical discussions in the public sphere, to represent a true public opinion (Habermas 1989). These physiocrats advocated for public that discussed political issues and they were the first to claim that the civil society followed their individual laws, which was

contrary to the involvement of the state. Thus Marx asserts that their doctrine led to the replication of the feudal system (representative public sphere). Habermas implies that Louis Sebastien Mercier, a French dramatist and writer, was identified as the first person to release a thorough concept of *opinion publique* where he views its social functionality. He compares between the governors and scholars in which the scholars determined the public opinion while the governors acted upon the ideas and conclusions that accrued from these critical reflections from members of the public directed by the experts (Habermas 1989). Habermas therefore indicates that the empowered people derived from the *publique éclaire,* are the vehicle of truth as they take up a major role of briefing the government on its roles, its flaws and its thoughts on public opinion to which it must address and adhere to.

Therefore, the public sphere which is viewed as a sphere that arbitrate the state and the society whereby the public has the role of bearing public opinion granted with the concept of the public sphere. These two concepts (public opinion and public sphere) first emerged in the 18th century as earlier mentioned, where they acquired their exact meaning from the various historical situations. Hence, it was at this time that the distinction between "opinion publique" and "public opinion" came by.

Habermas (1992) was still positive: he believes that the public sphere can be well represented via dialogue, acts of speech and via debate and discussions. He asserts that public debate can be vibrant by opinion-forming associations, organizations, sports clubs, trade unions, grass root movements and so on (Habermas 1992). Thus the misuse of publicity as indicated by Habermas result into undermining the public sphere thus leading to manipulation of publicity which has become concurrent.

3.3 The Media and The Public Sphere

The media according to Habermas, came in as a tool for political force. That is, it became an agency for advertising instead of as a medium that the publics got updated on matters of political concern. Thus this led to the public sphere restructuring and taking over the mass media developing it into a domain (Habermas 1989). He outlines that the press was established as an independent critical organ engaged in the critical political discussions as the fourth estate (ibid). (Sani 2009 p 20) indicates that, "the media has been historically polarised between the liberal and Marxist debates of it". He continues to explain that a group propagating "radical democratic" approach of the media believes that the public sphere credo is an accessible and

independent realm in which each voice is equal to one (ibid). The public sphere is a route to democratic decision-making.

The media in Kenya is an important public sphere. This is because it has been used over the years as a platform for free discussions which identify the problems that the Kenyans go through on a daily basis. Through the media, discussions arising from it has been of major influence on the political action. It has therefore formed a platform for a two-way communication between the citizenry and the polity constituting this sphere. Habermas stresses the need of a free public sphere so as to avoid the disruption of it getting intertwined between the dichotomy of free market versus the as these two factors threaten democracy. It has always been crucial in facilitating the flow of information between the state and the citizens hence the importance of a free media that builds the public will. Although now it is facing strict legislations whilst perform its role. This as a result has led to accountability by the public officials.

Reviewing the different theories of the public sphere have enabled new and innovative ways of exploring the contemporary developments in the media and have influenced the fight against the past theoretical stalemate. The extent to which the mass media functions as a public sphere, where it represents individuals and it is accessible to all, helps in portraying its purpose as a key gauge of democracy within a polity (Sani 2009). The media in Kenya is an interface between the people and the state because it is a major instrument in the flow of public information to the citizens. This flow of information is crucial in enabling the citizens hold the government accountable for their actions (Gillwald 1993).

According to Sani (2009), the public sphere from a liberal and traditional setting is viewed as the arena between the defined areas of the state and civil society that guarantees the protection of individuals. Hence, the liberal theory equates the public sphere with not only the political realm but also the public role of the media which is defined in correlation to the government (ibid). "However, from an orthodox Marxist stand, the public sphere in a capitalist formations disguises the dominance of bourgeois media but they do not challenge the liberal basis of the public sphere itself" (Sani 2009 p 21).

The mass-mediated world is described as the public sphere solely in its façade just as the private sphere that the media promise to consumers. Habermas for this reason named the outcome of the mass media culture as an integration of information with journalistic formats with novel forms and advice which are shaped by human interest (Habermas 1989). He also "traces the early press emergence as a "small handicraft business" that followed the tenets of early

capitalism where the evolution was from pure news reporting to include literary journalism where the press became political and economic" (Sani 2009 p 27).

In fact, the rise of the public media corporations reversed the original basis of the press as institutions protected from the government by being privately owned (Sani 2009 p 27). Due to the economic growth and concentration, these privately owned medias have become the society's watchdog that question the government's critical role. According to Habermas, the mushrooming of the public sphere with advertisements arose due to the economic concentration which helped assure the market of stability (Habermas 1989).

One of the Habermas's virtue is his concentration on the important materials and resources for any public sphere. The discussion on the relationship between public communication and democracy is still embedded on free press. This is where it halts the problems that mediated communication is concerned with like the importance of the materials and who can access them. Access to these materials give the citizenry the ability to make the authorities accountable for their operations through the various communication channels of the public sphere, in this case, the media.

Garnham in (Calhoun 1992) says that one aspect of the public sphere is the ability of it distancing itself from the dichotomy of free market versus state control which dominates the media. This is because the control of the public sphere by the external factors undermines its importance within the society which in turn controls the media activities by the state apparatus. The Kenyan media in this sense is a public sphere which is answerable to an independent statutory body recognized by the government. This is see through an enacted legislation, reflecting the interest of the society and the media standards in itself. This independent statutory body is the Media Council of Kenya (MCK).

Arnold (2008) argues that it is libertarian to view the public sphere as a market place where (Habermas 1989) describe it as a "free market place of ideas" such that ideas are indicated as the goods in the public sphere whilst public opinion is the currency. Hence in the aspect of understanding public sphere as a communicative infrastructure, it brings us back to the role of the media system within a discourse. Communicative action is a fundamental aspect of the public sphere due to its idea on deliberation and argumentation on issues among individuals and as a result they come to an agreement through a consensus. In this internet age coupled with diverse technological advancements, communication thrives on technology. In the wake of the development strategies, (ibid) states that it is important to look at media systems as an institution

of the public sphere. This is because a two-way communication between the public officials and the citizens constitutes the public sphere.

Hence there is a need to promote and ensure a free and independent media system to facilitate the free flow of information as it helps build public will through a democratic public sphere (Arnold 2008). Therefore, with these factors discussed, there is a requirement for the media in Kenya to remain free and escape from the dichotomy of the free market and state control due to the media policies that it puts in place that as a result stifles its functionality.

This is important to this case as we can see that the Kenyan media as the public sphere may be affected by the laws put in place controlling its functionality. These laws are directly aimed at curbing terror but as a result, the Al-Shabaab's activities are having a negative influence on the media's role. With these laws, definitely the media is restricted on what to air and the public cannot be put on the loop on what is taking place within their state. However, Habermas's ideology has been critiqued by several scholars on the grounds that he idealizes the public sphere.

3.4 Debating The Public Sphere

Since Habermas's authoritative work, *"The Structural Transformation of the Public Sphere, an inquiry into a category of bourgeois society"* his ideology on a bourgeois public sphere has been extensively critiqued by different scholars and academicians mainly because he idealizes the bourgeois public sphere. He has been critiqued for his utopian potential of the bourgeois conception of the public sphere that never materialized in practise. Nancy Fraser who based her work on the public sphere theory questioned the structure of it and attempted to address her fears and concerns of the theory.

She contends that Habermas should have gone forward by developing a new model of the bourgeois society known as the post-bourgeois public sphere that she describes is as a result of trans nationalizing the public sphere (Fraser 1990). This is because though the public sphere is a commonplace, it is important to speak of transnational public sphere which currently constitutes the diasporic public sphere, Islamic public sphere and emerging global public sphere (Fraser 2007).

These three concepts are vital because the idea of a transnational public sphere is innately credible and it seems to have a foothold on social reality (Fraser 1990). Through the media and

literature, the existence of digressive sphere that overruns the bounds of both nations and states have been identified (ibid). As a result, she explains that the public sphere was developed to not only understand communicative flow, but also to grant a normative political theory of democracy leading to an arena for communicative generation of public opinion (ibid).

Fraser (1995), argues that instead of opening the political domain to all, the bourgeois public sphere on the contrary merely shifted the power from repressive system of domination to a hegemonic system and this became the rule by majority ideology rather than a rule by power. The claim to give access to everyone was specifically blurry. She says that the separation of society and state was supposed to justify a type of public discussion that excluded the private interest but these conditions finally crumbled as a non-bourgeois class got an access to the public sphere.

This led to separation by class within the society while the public was grouped into a huge number of competing interest groups. Fraser (1990), indicates that due to the later emergence of the "welfare state mass democracy", the society and the state became interconnected thus publicity that scrutinized the state was superseded by public relations, mass-mediated staged displays and the manufacture and manipulation of public opinion.

Benhabib (1992) on the other hand, claim that the Habermas's public sphere ideology failed by putting in a distinction between the private and public issues that affected the women in the private realm and out into the public sphere discussion. This is supported by Fraser where she argues that accessibility is among the central themes of the publicity norm with the bourgeois claim to full accessibility which did not materialize. Therefore, she asserts that if public sphere is to be open and accessible to any sort of discussion affecting the public, there cannot be a variation between "what is" and "what is not" to be discussed, as the public sphere had separate spheres both for men and women (ibid).

In her article, Fraser (1990) adds that women were excluded from all political participation on gender status and more so, in many scenarios, the women and men of racialized ethnicities of all classes were excluded on racial grounds. This clearly indicates one of the factors that led to the downfall of the bourgeois public sphere. Its initial aim was to link together individuals in an arena which would be devoid of their characteristics and differences on their origins and what they owned and rather focused on speaking to each other as though they were economic and social peers.

Nicholas Garnham criticizes Habermas's work citing that he neglects the verbal and playful aspects of communicative action, which leads to a huge difference between information and entertainment. This is in fact a major point of interest in the idea of the role of mass media in contemporary democracies. He points out that the first and the main aspects of the public sphere is its focus on the strong link between the institutions and practices of mass public communication (Garnham 1995). He adds that in the current years, research and debates have taken both mass media and political structures for granted where one of the debates is based on the relationship between free press and state-regulated press broadcast system (ibid).

The major focus has been representation in the mediated sense of it which is that, the main question poised has been how good or bad the different medias portray the equilibrium between the political forces and the immediate political agendas. This relationship can be viewed in the aspect of the Kenyan media and the Al-Shabaab invasion into the Kenyan territory. The question here poised can be how good or bad does the media portray the equilibrium between the terror attacks and the government's media regulation in the Protection of Terrorism Act. Unfortunately, the former questions poised lack the growing relationship between the media and the politics and the action of public communication as the pivotal and integral part of the political structure and process.

This may be ascertained due to the fact that the media should be an independent body from the government with independent rules and regulations governing through a statutory body like the Media Council of Kenya (MCK). Garnham (1995) third aspect of the public sphere is staying away from the polarity of free market versus state control which dominates the media policy. According to Habermas's conditions for the public sphere to thrive, the need for it being free for all is essential. These three virtues stipulated by Garnham are crucial now as they are of great relevance because it is first within the political structure of the nation-state that the question of citizenship and of the relationship between communication and politics has been traditionally posed.

Secondly, he adds that the inherited structures of public communication within which we construct, disseminate and consume symbolic forms are going through intense change and these changes are characterized by a focus on television as the position for a highly privatised domestic mode of use. This creates a two level market divided between the information-rich who entail a high cost of information services and the information-poor who are provided with the highly merged entertainment services on a large scale.

These television deliveries are argued by Garnham as having been as a result of the shift of cable and direct-broadcasting satellites which are under market control on an international level. He claims that Habermas's concept of public sphere offers a sound ground for the critical analysis of the current developments both the media and democratic politics and for the analysis and political actions required to rebuild both communication and representative democracy system which is sufficient to the contemporary world (Garnham & Calhoun 2007).

The most important arguments to note from Garnham which are in relation to both institutionalized practices of mass communication and democratic politics are as follows. He first argues that the rights and duties of a citizen are mainly built on the freedom of assembly and freedom to impart and receive information since without these kinds of freedoms, it would be impractical for citizens to acquire knowledge of others perceptions and beliefs which are the core to reaching a level of understanding among themselves. He continues to state that citizens would not possess sufficient knowledge to follow-up on those who have duties delegated to them and make them accountable while getting into a critical discussion on societal and personal interests. His concern which is on mediation of both communicative and social relations leading to two definite problems.

First is that the public sphere theory and succeeding related ideologies were based on face-face communication while the natural human attributes if speech and gesture gave equal access to the means of communication but unfortunately these equalities cannot be guaranteed any longer (Calhoun 1992). However, in circumstances of mediated communication, access to channels of communication and means relied on the mobilization and distribution of scarce material resources which are dependent on both economic and political power structures.

The second problem is that what became mediated was what became the main focus of communication and the subject of the discussion which Habermas refer to as the experience of the lifeworld which has been discussed in the previous parts of this chapter. This lifeworld experience is what Garnham refers to as the basis of the Marxist theory of ideology which does not rely on the ignorance and manipulation of human agents but vested on lack of transparency of it (lifeworld) leading to a cumbersome interpretation.

Finally, he asserts that our views and perceptions as different types of individuals like wives, teachers, pupils, children, husbands, workers and even consumers of information in terms of the ways of viewing these identities are constructed in and via mediated communication medias for example, television, radio, films and even newspapers (Garnham & Calhoun 2007).

Just as Habermas has taken his time to delve on the importance of public discourse, I do concur that a realm of public discourse and civic participation is essential to equalize both pressures of state and market. The public sphere is a process and an arena. This means it is a process by which people can discuss issues of particular concern while it is an arena where individuals can meet and interact naturally. The goods in the public sphere market are the ideas while the currency is the public opinion. Therefore, this realm has enabled mass press to publicly deliberate for common good and of the people.

These aspects of the Public sphere will help illuminate and answer the research question and the sub-research questions through different aspects. First, it will help identify whether the Kenyan media can be viewed as a public sphere. Secondly, it will help investigate whether the currency, which are the ideas communicated by the media are freely disseminated within this public sphere discourse. This is also whether the Al-Shabaab attacks and other entities have created a barrier towards the information flow within this discourse.

Finally, it will help internalize how as a result of these factors, the public opinion cannot be formed which thus leads to other impacts. These impacts include the audience lacking trust on the Kenyan mainstream and social media leading to their looking for alternative medias publicizing the information they require. The discussions need to have an implication on the conclusion of this critique. This is either by concurring with this critique or by challenging the conclusion of this critique. This is because the state of the Kenyan public sphere even before the intervention was still under scrutiny but the intervention the situation has become critical.

Chapter 4: THE CONTEXT: TERRORISM AND MEDIA STRAIN

4.1 The Al-Shabaab Terror Attacks in Kenya

Ben-Yehuda (2005) explains that terror is far from a new phenomenon but the way it is characterized and its style is quiet blurry. This is because many debates on terror deals with mainly its essence, the violence involved in it, the politics that surrounds it, the struggle to win it and many more (Ben-Yehuda 2005). He continues that the moral issues in the current discourse on terror should be made clear-cut due to its practical implications in the society. Nearing the end of 2011, various occurrences like kidnapping of two foreigners and killing of another in Kenyan coastal resorts together with the abduction of two aid workers in Daadab Refugee camp raised a lot of security concern in the Kenyan government (Odhiambo et al. 2012).

These security concerns were as a result of the Al-Shabaab terror group. The Kenyan government realised that its national security was under jeopardy and needed to be safeguarded. As a result, in mid-October 2011, the government made a decision to go to war against the Al-Shabaab militia group. The Kenyan Defence forces (KDF) was prompted into moving into Somalis in an incursion with the Swahili codenamed *"Operation Linda Nchi"* meaning "Protect the Country" (Odhiambo et al. 2012).

However, after the Kenyan troop invasion to the southern Somalia, Kenya began undergoing subsequent retaliatory attacks from the Al-Shabaab. This invasion has had a massive blowback with the impacts frequently evident in various attacks in different areas in Kenya (Anderson & McKnight 2015). The KDF officially joined African Union in Somalia (AMISOM) which incorporates other states like Djibouti, Burundi and Uganda.

The attacks in the 45 months since Operation Linda Nchi were nine times more than the attacks that occurred 45 months prior to the mission (Otieno 2015). The attacks were also more severe, marred with deaths, injuries and destruction of properties, caused by the terrorists between 2011 and 2015. Otieno (2015), indicates that 2014 was the year when Kenya experienced 115 cases. He continues to indicate that this was almost 50% increase from the 2013 when 79 attacks were recorded. In 2012, just a year after the Kenyan invasion into Somalia, the total number of the attacks which were 78, almost doubled the 41 attacks recorded in 2011, the previous year (ibid).

It is important to note that there have been other subsequent minor attacks in Nairobi's Eastleigh Estate and various attacks in the Northern-Eastern towns like Wajir, Mandera and Garissa.

According to ATPU data, this sums up-to 133 terror attacks since OLN to the year 2014 where at least 264 people have been killed by the insurgents and 923 injured (Wafula 2014). On average, there has been at least one terror attack every eight days since the KDF entered Somalia in 2011 (Wafula 2014).To break it down, there has been 20 attacks in 2011, whilst data shows that 2012 had the highest number attacks (Wafula 2014). However, the year 2013 recorded the most significant number of casualties after 42 attacks which left 151 people dead and 287 injured whilst in 2014, the ATPU recorded 10 attacks at the time which resulted into the death of 22 people (ibid).

The Westgate Mall attack was described as among the worst act of terror in 2013. On Saturday 21st September 2013, four masked attackers entered the Nakumatt Westgate Mall in Nairobi. They first pulled into the pedestrian entrance in a silver Mitsubishi Lancer where the four terrorists exited the vehicle, throwing three hand grenades (Yorke 2013). One of the grenades was thrown in the patio of Art Café restaurant which is situated on the left of the main entrance and two at the security stand located outside the parking garage. The attackers entered the mall and shot numerous people who tried escaping from the mall.

Yorke (2013) states that their mission was to conduct a high profile attack which would exact many casualties within a short span, which would as a result enable them escape during the confusion. Through the CCTV footage in the mall, the attackers were armed with rifles and hand grenades. The witnesses accounts showed that it didn't appear that taking hostages was the attackers main agenda but rather their possibility in killing a broad spectrum of their victims (Yorke 2013).

During the attack, the gun fires and grenades caused the shoppers to flee in terror. Some of the victims said that they heard successive bangs while others shouted that the attackers were hurling grenades into the mall (*Westgate Mall Attack* 2014). According to the victim accounts, there was a constant, albeit volatile attempt at discriminating Muslims and non-Muslims. They stated that during the attacks, they tried to separate the Muslims from non-Muslims by asking whether they were Islam and any that said yes were followed by the question: "What was the name of Prophet Muhammed's mother?" failure to answer correctly which is "Aminah", resulted into shooting (Yorke 2013).

They also used cell phones in coordinating their attacks with alleged sources indicating that they at one point called the Al-Shabaab media outlet in Somalia to give interview and a location in Norway (Yorke 2013). The attackers also went to the top roof of the mall where a kid's

cooking class was taking place and shot dead several people including Ruhila Adatia Sood who was a Kenyan television, radio presenter and journalist (Oeri 2014).

About an hour after the attack took off, the Kenyan security forces took charge, evacuating over 1000 people. On Sunday the 22nd of September, the Al-Shabaab claimed responsibility for the attack through their twitter handle claiming that it was a retaliation to the Kenyan troop that were in Somalia (Cat & Graham 2014). On Monday the 23rd of September, the Kenyan forces launched a fresh assault as the then Interior Minister, Joseph Olelenku gave a press conference citing that 62 people had died and most hostages had been rescued (ibid).

On Tuesday the 24th of September, the senior police source declared the rescue operation over but on the contrary, the journalists reported that the irregular gunshots were ongoing. The overall attack resulted into a four days' siege. It led to a huge destruction of different sections of the mall and resulted into the death of 67 people among them 6 security officers and four attackers and more than 175 people injured, according to the government's record (Cat & Graham 2014). Less than a year after the Westgate attack, another terror attack engulfed the coastal areas of the country.

On Sunday the 15th of June 2014 at around 20.30 local East African Time, the booming small village of Mpeketoni became a scene of a bloody massacre and murder (BBC 2014). Armed gunmen were spotted arriving in 3 different vehicles through a main road between the towns of Witu and Lamu into the Mpeketoni town (Anderson 2014). According to the Lamu Deputy Commissioner, the gang was flying Al-Shabaab flag and chanted slogans in Somalia *"Allahu Akbar (God is the greatest)"*(AFP 2014). Ann Soy of BBC also reported that the attackers gunned-down anyone who could not recite the Quran (BBC 2014).

The attackers moved around the small town for approximately three hours killing mainly men before leaving on foot through a thicket (Anderson 2014). At least 48 people died after the militia group attacked and torched Breeze View Hotel, a bank, a police station and a police van in the Kenyan coastal town of Lamu. According to the eyewitnesses accounts, the attackers first stormed into the police station and torched a police van and other 5 vehicles before randomly shooting civilians at close quarters, some of whom had been watching the World Cup finals in the local bars and hotels (AFP 2014).

The fierce gunfire battles lasted until after midnight and by dawn on the 16th of June 2014, Mpeketoni was reported calm with security forces reporting that they were in pursuit of the attackers as the authorities recovered the dead bodies (AFP 2014). Different reports on the

Kenyan security blew up as the Kenyan military spokesman, Major General Emmanuel Chirchir described how the gunmen attacked the town overwhelming the police officers and shooting aimlessly around the town (Gander 2014). Unfortunately, according to other sources, the attack met little or almost no resistance from the Kenyan security team in the town approximately 30 miles southwest of Lamu tourist resort and about 60 miles from the Somali border (Gander 2014).

In the Breeze View Hotel, they pulled men aside, shooting them as they ordered women to watch, asserting that they were copying the same technique the Kenyan Military in Somalia was using by killing Somali men (Gander 2014). Some of the residents of the areas fled from the attack into the nearby forest while others locked themselves in their houses (AFP 2014). The then Kenyan Inspector General, David Kimaiyo confirmed the death toll on the 16th of June and noted that one of the officers who worked for the chief of the town was among the victims who were massacred (Gander 2014). Mwenda Njoka, the Director of Communication in the Ministry of Interior told one of the Kenyan television stations that their suspicions were that the attacks were orchestrated by the Al-Shabaab.

However, the Al-Shabaab being at war with Kenya found Mpeketoni a legitimate target for them since the victim of this attack were not Muslims and none were from the local Bajuni people (Anderson 2014). Those victims that were massacred were Christians considered as outsiders and of the Kikuyu tribe who came from the Central province of Kenya to Mpeketoni in the early 1970s and acquired lands on a government settlement scheme as squatters (Anderson 2014).

The militants took advantage of the political division at the coastal area that Kenya was going through at that particular moment and therefore president Uhuru Kenyatta gave a press statement insisting that the attacks were from his political enemies since the victims were from Central Province. However, in 2014, according to Abdullahi Boru Halakhe, an East African researcher at Amnesty International, said that the Harakat Al-Shabaab claimed responsibility giving three justifications:

> *The Kenyan government's brutal oppression of Muslims in Kenya through coercion, intimidation and extrajudicial killings of Muslim Scholars, particularly in Mombasa and violation of Muslim honour and sanctity. The Kenyan Military's continued invasion and occupation of Muslim lands and the massacre of innocent Muslims in Somalia. The town*

raided by the Mujahedeen was originally a Muslim town before it was invaded and occupied by Christian settlers (Anderson 2014).

In the third massive attack carried out by the Al-Shabaab militia, a total of 147 students including 4 attackers were killed and 79 injured after the militant group shot their way into the Garissa University College at 05.30 local time on 2nd April on Thursday 2015 (Mutambo & Hajir 2015). On the alleged day, assaults began when the first grenade was used before dawn to blast open the university gate which is situated near the Somalia border (Aljazeera 2015).

The Inspector General of Police, Joseph Boinnet said that the terrorists forced their way into the university by first gunning down two security guards at the University gate then shot indiscriminately within the compound (Mutambo & Hajir 2015). However, the officers guarding the hostel gate responded fast after hearing the gunshots which caused the attackers to retreat and gain entry into the hostels (ibid). They got into the hostels when the students were sleeping and took hostage of the students in the campus and in their dormitory until evening but according to the officials, 587 students were evacuated (Aljazeera 2015).

According to the government statement, the hostel housed 360 students both male and female as the Al-Shabaab spokesperson, Sheikh Ali Mohamud Rage claimed that they had set free the Muslims and took hostage the non-Muslims (Mutambo & Hajir 2015). BBC (2015) says that the four gunmen who had stormed into the dormitory were surrounded in there and died when their suicide vests exploded. According to the witness account of a student by the name Eric Wekesa, told Reuters that he managed to lock himself in his room before escaping and what he managed to hear was *"we came to kill or finally be killed"*. However, some students managed to escape through the fence.

After the attack, the country's Interior Ministry announced a 12-hour curfew in Garissa, Mandera and Tana River counties from 6.30pm to 6.30am (Mutambo & Hajir 2015). The Al-Qaeda-linked group, Al-Shabaab, claimed responsibility for the attack asserting that it was a revenge for the Kenyan troop fighting the militant group in Somalia (Aljazeera 2015). According to the government sources, the mastermind of the Garissa university attack was Mohamed Kuno who is a Kenyan and a former teacher and principal at the Madrassa Najah in Garisaa together with 3 aliases, Sheikh Mahamad, Dulyadin and Gamadhere (Mutambo & Hajir 2015).

The fourth huge attack, which did not happen on the Kenyan soil took place at down of Friday the 15th of January 2016 where the heavily armed Al-Shabaab militants coordinated a gruesome

attack on the AMISOM base run by the Kenyan troop in El-Adde Somalia (Aljazeera 2016). This base is situated not far from the Kenyan border. LT. Col. Paul Njuguna said that the attack began with a suicide car bomb, which was followed by heavy gunfire as the fighters stormed into the base (ibid).

The Kenya's Chief of Defence Forces, General Mwathathe said that the militants exploded two more equally strong vehicle bombs and then launched a stream of rocket-propelled grenades while a huge number of suicide bombers gushed towards the Kenyan positions (Agencies 2016). When giving a press statement, he mentioned that the number of those killed was yet to be confirmed and that this was a huge blow to the KDF (Burrows 2016).

Burrows (2016), Mwathathe asserted that the first reports on the attack went in at around 6.30am on Friday but none of them could be confirmed as the communication system at the camp had been rendered obsolete by the vehicle that was bombed. An aircraft that was diverted to confirm the attack gave a report that the camp was actually on fire and the fights were on going (Burrows 2016).

Unfortunately, reinforcements could not be flown into the area as the Al-Shabaab terrorists had set-up anti-aircraft guns at a school which was situated near the camp. However, despite the fact that KDF is now part of the AMISOM, they tackled the fight single-handedly because their other benefactors lacked sufficient resources to step-in and offer help (Burrows 2016).

A video clip that was released by the AMISOM showed the point where the car bomb exploded on the camp's perimeter which lead to a huge fire burning grass and the shrubs into ashes and stole military hardware and ordinary Land Rovers (Daily Nation 2016). The Kenyan military was still in search of the troop and would not comment on how many were unaccounted for (Agencies 2016). The Standard group however, established that Major Obuge of the Eldoret based 9th Kenya Rifle who was the commander of the camp was missing and might have leaked the camp's layout to the insurgents killing dozens of Kenyan solders (Standard team 2016).

The correct number of the soldiers who died is not accurate but the insurgents puts the figure at more than 100 and 12 captured while other sources reveal 160 dead soldiers and 20 captured (BBC 2016). This lack of clarity on the exact number of the slain soldiers in El-Adde went on further when the government went on arresting reporters who circulated information online on the troops death (Guardian Africa Network 2016).

This was in abid to silence the. Nevertheless, the cabinet secretary for the ministry of interior, Joseph Nkaissery made an announcement warning anyone who was circulating information on the particular attack would be arrested on the grounds of being "sympathetic to the Shabaab" (Guardian Africa Network 2016). These four terror attacks were strategically chosen because first, they have been found to be the most immense and destructive terror attacks Kenya has faced since the August 7th 1998 Al-Qaeda bombing of the American Embassy in Nairobi.

The El-Adde attack, despite its location in Somalia, it was chosen due to the results that accrued from it. Its vivid direct impact on the media and media personnel cannot be ignored. It led to an imprisonment of one of the most controversial Kenyan journalist and media blogger, which aroused a lot of questions and scrutiny regarding the spirit of the constitution on the freedom of expression.

4.2 Media Coverage on Terror

The Garissa University attack was described as among the most horrendous attacks in Kenya that even the insurgents of the attack took the media agencies unawares despite the previous intelligence reports that were circulating across the country. Given the various characteristics of the social media, the news of this attack spread on Twitter and Facebook even before the mainstream media outlets in Kenya got a hold of it (Osman 2015).

 In fact, most of the television and radio stations were on their daily schedule of broadcasting infotainment content in the morning shows while others only giving a brief update on the attack in the Garissa University (Osman 2015). The news on this attack was first disclosed by Abdikadir Barre Musa, a lecturer at a nearby teacher's training college via Facebook. His Facebook post read, "we are under attack. Pray for us" and it was after this Facebook post that he went silent for over 30 hours which triggered fear amongst his friends who thought he was dead (ibid).

On the 3rd of April at around 14:57 East African Time, Abdikadir stated via another one of his Facebook post that he was alive, safe and sound and described the experience as " a horrendous ordeal" (Osman 2015). Kenyans in social media down-sided this attack over-ruling it as a minor attack that the security apparatus in Garissa could handle single-handedly but on the contrary, it was not. The bloggers with their sources within the university went in and started disseminating exclusive reports on the attacks and the terrorists, thus within hours, #GarissaAttack hashtag was trending in Kenya (ibid). It was at this point that the Kenyan

mainstream media houses were still contemplating before expounding on the breaking news regarding the attack.

The Security Law Act which was passed by the Parliament on 18th of December 2014 played a major role as a guiding principle to the Kenyan media in practising caution when reporting on this attack (Osman 2015). Various clauses in this Act especially section 30F on prohibition from broadcasting, still left the journalists in fear of how they could cover this terror attack without jeopardizing their careers and getting in wrong side of the law.

This meant that the utmost caution had to be taken when doing live reporting, when quoting individuals, who to quote and excessive care when updating the members of the public on the occurrence of this attack. In September 2013 during the Westgate Mall attack in Nairobi, the Kenyan media rushed fast to the scene to get a glimpse of the attack and reported the story as fast as it unfolded, which led to massive flaws during the reporting (ibid).

Mukhtar Ibrahim, a Somali-American journalist wrote a piece asserting the way that the media outlets committed "the comedy of horrors" (Osman 2015). The Kenyan media quoted a fake twitter account which was linked to the Al-Shabaab militia group and a Kenyan television anchor twitted about the death of Kenyan radio personality Ruhila Adatia-Sood and deleted it (ibid). The Daily Nation, which is preferably referred to as the Kenya's biggest newspaper daily posted the photos of a blood-soaked woman on its front-page in a flip design which was dubbed very unprofessional and raised a major public uproar (ibid). The inexperienced journalists did not take precaution when informing the publics. One media outlet took a further step by calling one of the victims, who was hiding in the mall on air and this was described by security experts as one of the gravest dangers undertaken by the Kenyan journalists during the coverage of the Westgate Mall attack (ibid). The Al-Shabaab capitalized their attack on different factors.

First was the political and tribal divide at the Mpeketoni where (Wambui-Soi 2014) asserts that the Oromos and the local Somalis claim the area as their ancestral home but Kenya's 1st president, Jomo Kenyatta settled the ethnic Kikuyus during post-independence land settlement scheme. For this reason, even after the Mpeketoni attack, the President, Uhuru Kenyatta said that the investigations led to the work of a local political network well-orchestrated against a Kenyan community (ibid). Having known this loose factor, the Al-Shabaab got an opportunity to drive their agenda which they knew would be easy to capitalize on. In fact, the political analyst, Mutahi Ngunyi stated that the Shebab could be "riding on the glory" of the Mpeketoni

attack as it was not only a huge attack, but that which gave them more credibility and headlines as a vicious foe (ibid).

The second factor was mainly the politicized Kenyan intelligence service. This gave a good ground for the Al-Shabaab to thrive during their Westgate attack in Nairobi. A report in January 2013 warned of a Mumbai-attack style where the insurgents would storm into a building with guns and grenades and even take in hostages (Yusuf 2013). The report which dated 21st of September shows that the insurgents planned to mount an attack on undisclosed dates in targeted Westgate Mall and Holy Family Basilica Church (ibid). This was exactly one years when the attack took place.

Abdullahi Halakhe who is the Horn of Africa Security Analyst however indicated that the factors that enabled the Al-Shabaab to easily carry out the attack was the politicised Kenyan intelligence service (Yusuf 2013). He continues to explain that they deal with internal issues and neutralizing opponents rather than focusing on the protecting the country from both internal and external aggressors like the Al-Shabaab (ibid). This confusion in the political system we can see that it gave the Al-Shabaab an easy platform to plan and execute their attack at the Mall. In fact, a 32-paged intelligence file leaked which was obtained by Al-Jazeera showed that 5 officials including the secretaries of interior, defence, foreign affairs, treasury and the chief of defence force were informed about the forthcoming attack (Yusuf 2013).

There was inaccurate flow of information as the journalists at the scene of the Westgate Mall attack ruled out robbery and the government, which the journalists relied on for information was not sure of the event at the beginning. This sequence of misunderstanding led to misinformation circulating both in mainstream media and online media. Therefore, in their quest to cover the story, the media was criticized as "playing to the terrorist hand" (Osman 2015). According to various analysists, the Kenyan media was fixated on the drama that unfolded during the attack, the actions and the heroes and forgot the crucial aspect of reporting, which was the victims' physical and mental trauma in the Westgate Mall attack (ibid).

In a bid to right their wrongs on the Westgate Mall attack, the journalists became more composed when covering the Garissa University attacks thus, what was reported was what had been substantiated. They initially reported on the death in Garissa University attack as less than 15, which they had received from the Garissa authorities (Osman 2015). Despite the contradictory reports on the number of the dead in Garissa attack, the Kenyan media dwelled on what the government had officially confirmed and the local media later on confirmed the

escalated death toll in the attack. However, before the end of the siege, a local independent blogger tweeted that there were reports that the death toll was close to 200 (ibid).

When comparing the Westgate and Garissa university attack and the manner in which the local media covered the two cases, there is an extensive contrast. The media appears to be more enlightened and learning from their previous misapprehension of broadcasting unestablished reports leading to misinformation to the public. Osman (2015) asserts that the media in the Garissa University attack followed the narrative of waiting for the government officials' statements instead of individually looking up for information then verifying it.

4.3 The State and the Media

Throughout the various interviews carried out on the different respondents from the journalists, to the government officials and the different organization officials, the Kenyan government plays a major role in the media. As mentioned in chapter 1 of this paper, the Security Law Amendment Act which was passed into law on the 18th of December 2014 to be the Protection of Terror Act amended various clauses which resulted into various changes that curtail the media and journalists' freedom. The bill was passed into parliament for debate after the extreme terror attack which occurred in the Westgate Mall in Nairobi on September 2013.

With regards to the Protection of Terror Act, it was put in place according to the president Uhuru Kenyatta, to counter terrorism acts within the country which was getting rampant after the start of OLN. According to the findings which were derived from the interviews, the state needed to keep its operatives under control. It needed to adjust its rules, laws and regulations especially on the media as the major information disseminating body in order to help it counter the Al-Shabaab terror attacks within the country. According interviewee 3 who is a government official, the media in Kenya is very vocal, very vibrant and attracts a massive viewership from all over the country as well as outside the country.

Anzalone (2013) asserts that after the Westgate Mall attack, the insurgents capitalized on this it in order to capture the media attention. This is evident whereby the attack was massively destructive as it inflicted a lot of casualties as the group had earlier on had a media campaign during the attack and after it (ibid). In fact, they viewed the Westgate Mall attack as a media triumph putting into consideration their previous huge loss on the Somalia territory and economic cities in of Baidoa and Kismayo (ibid). Their media usage during this period connects to the need for the government's strict rule on the media and what it disseminates.

As a government official in the Ministry of Interior, interviewee 3 said that as vibrant as the Kenyan media is, it is not subservient to the government in any way and as a matter of fact, the government has denied that it seeks to intimidate or silence journalists (Guardian Africa Network 2016). Interior C.S Nkaissery told the current affairs website that the government respects the independent media and freedom of expressions but the that the freedom has to enjoyed responsibly (ibid).

Interviewee 3 also confirms that the government plays a major role in ensuring that despite the fact that it is a decision making body, it ensures that the media and itself take facts to the media in a newsworthy manner. This is so that the media can pick it and disseminate to its viewers. This is because in cases of war, the news is usually titled against the state. He mentions that a good example is that since the Garissa University attack, the levels of the attacks have gone considerably low but when the media briefs the viewers in case of one attack, the viewers easily forget and comment that there have been constant attacks despite the low levels of it.

He says that the media is independent and that the state is constrained on how it can use the media but according to the Guardian Africa Network (2016), since the major terror attacks, humans rights watch does not concur with this statement. This is because the Kenya's effort to combat the security threat has been marred with patterns of domino effect of human rights violations by the Kenyan security forces which include extra judicial killings, arbitrary detentions and torture of the journalist (ibid).

As of January to September 2015, Kenyan-based NGO Article 19 organization has recorded a significant rise in the journalists threats where 65 journalists and social media users were threatened or illegally taken into police custody (Guardian Africa Network 2016). Actually eight of these journalists' cases were related to terrorism and crime stories (ibid). The Government official says that the media as aggressors, will create a dramatic event because that attracts a lot of attention. This occurs for example after an attack or attacks by the militia group have happened in a particular area in Kenya.

On the other hand, interviewee 2 who is one of the journalist respondents stated that what has happened since OLN took off is that he was then still working in the Kenyan mainstream media though now he is an individual blogger. There was an understanding and coordination between several government bodies and the Kenyan media before the KDF invaded Somalia. The media stakeholders were given the opportunity to cover updates on OLN through the access of all major units during this the operations (Nyagudi 2015). Interviewee 8 added that the government

of Kenya as far as the Shabaab is concerned, would have several of its bodies approaching the media stations to try and understand stories that they are carrying out with regards to the Shabaab militia attacks and the Shabaab operatives.

These government bodies include the Ministry of Interior and National Coordination, at the border is the Ministry of Defence, that is, the Department of Defence (DOD) and the Ministry of Foreign Affairs. There became a need to try and educate the media about what propaganda the Al-Shabaab militia is using and actually how they use the media to spread this propaganda. They tried to tackle the idea of the new age of media's propaganda, which entails information campaign fighting on this information age(Nyagudi 2015). Hence, the Department of Defence (DOD) and the mainstream media have a level of understanding because the Al-Shabaab is at war with Kenya. He said that the Government of Kenya (GOK) in pursuit of trying to understand the works of the mainstream media, we find that it is gagging the media of its freedom.

However, in this aspect of understanding the Kenyan media, interviewee 2 asserts that there were issues that the Kenyan media had to understand. First, the Kenyan media had to understand that they were first Kenyans and they were at war even though they were journalists. Secondly, it had to understand that there were issues that could be shared and those that could not be shared to members of the public. In the example of the El-Adde attack which took place on January 2016, the media could have mentioned all the soldiers who were killed and what exactly transpired there but they did not do so because of the memorandum understanding they have with the DOD.

Hence, according to interviewee 2, the role the government has played in this is that they have formed a sort of understanding regarding the war in Somalia. Interviewee 8 mentions that the DOD is in the virtue that these army officers (KDF), are the first contact with the Al-Shabaab militia itself and thus the reports they make are the reports handed over to the media from the Ministry of Defence. Further on in the interview, I got to find out that even with the strong bill of rights enshrined in the 2010 constitution, there are laws that govern how the media disseminate information. Interviewee 3 mentioned the laws of libel, and laws that ensure that the media has a responsibility to report free and fairly.

Therefore, the government does not allow the journalists to disseminate critical information for example the El-Adde attack or any other of the attacks by the Al-Shabaab. This is because in so doing, there is that high chance of getting into trouble with the law. This is related to

interviewee 2 who narrates how he happened to get in trouble with the government for publishing pictures of the victims of the El-Adde attack. According to the section 30F of the Prevention of Terrorism Act, under prohibition from broadcasting subsection 30F (2), the journalist made an offense of publishing the photos of the victims without their consent or that of the National Police Service. He says that he was also charged with giving the number of the KDF soldiers who were massacred and the information on the aftermath of the El-Adde attack. Hence, for this reason, he was arrested but however, charged with misuse of a communication gadget.

Nevertheless, according to interviewee 8 who is also a mainstream media journalist, the government's control of the media and that of ensuring that the journalists are accountable for breaking the law, does not necessarily trickle down to the individual journalist especially within the mainstream media. This is due to the Media Council of Kenya which is an independent statutory self-regulatory body formed by the Media Act 2007 as a leading institution regulating the media's conduct and discipline of the journalists[4]. The media is also covered by the code of ethics such that in the case that there are any unethical mannerisms exuded by the journalists and media houses, there are repercussions of such illegal doings in accordance with the law.

Hence, he says that the repercussions from the government is directed to the media house itself because at that particular moment many letters are sent to the editors who are questioned on what has been disseminated. So, the consequence is directed to the media house that has carried out that particular story. It therefore controls what is aired by censoring some of the information on these attacks. The media relies mainly on the news from government agencies such that the government would release information they wanted and reporting done in their own ways (Obwogi 2015). In fact, in this aspect, interviewee 7, an author in one of the newspapers confirms that the media houses need the government's side on the attacks which have to be put in the story before the critical story is aired or published.

Interviewee 3 on the other hand added that the government does not hold any journalists accused of committing a crime illegally in any way but in cases where there is an illegal happening as a media or media fraternity, the media in itself has a media council regulating

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[4] MCK was established by the Media Council Act No. 20 of 2013 whereby the council started as a self-regulating body in 2004 regulating the Kenyan media but transited through the Media Act 2007 and adopted co-regulation media regulation approach. This is where board members and the secretariat receive government funds to support some of its activities but it still remains totally independent in their operations and not subject of control (MCK 2016). The MCK role entails ensuring a professional and free media which is accountable to the public and to safeguard media freedom, enhance professionalism and arbitrate media disputes (Ibid).

this. This is where the media house is either given the chance to pick up an apology or seek legal address because according to this respondent, one cannot take the government to court. Interviewee 1 who is an investigative journalist expressed his fear that the government has ensured that there is no media freedom. This is because the government does not want to give the truth to the audience hence resulting into the massive censorship. He also mentioned that there are torture chambers which are quoted as "safe houses" in affluent suburbs of Karen and Lavington Estates in Nairobi where the government takes journalists who fail to adhere to the law.

A director of a human right's NGO who was one of the interviewees mentioned that the government is trying to muzzle up the media and this is evident with the Security Law Act of 2014, which was passed the parliament in a bid to curb the terror attacks within the country. Even the failed 2010 Media Bill proposed by the Ministry of Information looked to orient the Media Council of Kenya's function with the 2010 Constitution with its provisions on the freedom of expression and of the media (Article 19 2011). This proposed bill was to do away with the principle of self-regulation and to put media under another arm of the government (Madowo 2016).

Getting further to one of my interviewees who is a Kenyan newspaper author (Interviewee 7), he asserts that the government is very keen on silencing the media in terror attacks coverage. He mentions about the journalists' arrests over the past months on terror attacks coverage and even (Madowo 2016) asserts that the Independent Civil Society Organisation, Article 19, has created an alert on the harassment and intimidation of journalists for having gone higher. In this way, it controls what is to be aired because as a result, the journalists have to be careful and censor information on these attacks.

In addition to this, interviewee 4 who is also another mainstream media journalist affirms that the government therefore uses its power to remind the media to use its power to shape its mind set and the perspective of what the government requires of it. Hence as a result of this control, the Kenyan media is not the only source of information but there are social medias as well. He says that the responsibility of the media in the example of the Garissa university attack mentioned in the previous section, the reporting was quite different to the Westgate Mall attack. The media reported what happened but at a different angle which was to restore dignity to humanity.

4.4 Al-Shabaab-Media Manipulators or Propagandists?

Ben-Yehuda (2005) opines that 'one person's terrorist is another's freedom fighter' is a recurrent statement. He mentions that Israel's Menachem Begin and South Africa's Nelson Mandela are just but a few examples whom this statement connected to. Nevertheless, how do these terrorists ensure that they are the heroes or freedom fighters of some individuals? How do they ensure that their acts are known and attract a huge following? How do they manipulate the media to air their acts? This is through their propaganda. But how do they spread their propaganda? Through the various medias? Actually, Al-Shabaab, just as any other terror group thrives on publicity. According to interviewee 5 who was one of the respondents from the NGOs asserts that the propaganda of the Al-Shabaab militia works through the media. He says that they use the media to sell their agenda and in abid to report, the media ends up promoting this group.

I found out from the interviews and Anzalone (2013) that the Al-Shabaab has a special way of using the media which is microblogging. Their need to spread propaganda has forced them to use online mediums like Twitter handles which have attracted a large journalists following (ibid). The insurgents have recognized the need of twitting in English as it attracts the world's attention. Interviewee 8 contends that in this day and age of social media which is just by the 'touch of a button', every media station has the pressure to be the first to give breaking news. He asserts that when an individual goes to the social media, one finds a story with pictures and the individual goes ahead and uses the story and the pictures without verifying their credibility. In some instances, the Shabaab militia use the Kenyan media indirectly which applies to mainstream media and various media stations have fallen prey into these kinds of their tricks.

For this reason, the cyber experts urged the Kenyan government to counter-measure this model that the militia group is using to spread propaganda. It uses the media to shape channels which as a result communicates the same propaganda for their advantages in the mainstream media unknowingly, which as a result lures youths into their sect (David 2015). To confirm this, Interviewee 7 added that the Al-Shabaab militia are using the Kenyan media in such a way that the mainstream media is publicizing the gruesome photos of the victims which in turn gives the Shabaab a mileage.

However, according to interviewee 2, it is important to note that most of the Kenyan Mainstream media do not have access to news outlets or propaganda outlet of the Shabaab and when they do, they go through editors, regulators and so forth. Before the mainstream media

disseminate information coming from such terror groups, they have to go through many regulations before its put out to the public. This he gives an example of the El-Adde attack that took place on January 2016. In this attack, what the people saw is that since there was an information vacuum, the mainstream media had to use the voice of the two KDF solders who had been kidnapped by the militia group. KTN, which is one of the most authoritative television stations in Kenya used the audio that had been issued by the Al-Shabaab militia themselves.

He continued to say that Al-Shabaab had sent an audio of the two POW and aired the video as well to the mainstream media, which is something that never took place before due to the information vacuum. Therefore, the medias talking about the attack in El-Adde had to use the audio due to the prior information vacuum. Interviewee 3 who is a government official says that without giving any particular names, the mainstream media have actually had incidences where they have been used by these groups. Depending on the timeline, some of the things that were twitted about, would happen even before the government had contacted the media house meaning that this group had already tipped off the media. Some of their propaganda that they would kill would be mixed with a few images from previous attacks which are not basically true.

Hence, the media has been used and it was not well informed in terms of these tactics that the militia group has been using. However, the government does not fail to mention that a couple of journalists have not innocently been used by the group but due to laws put in place, the government weighs the level of their damage and leave them to be dealt with as they move forward. Interviewee 6 does not fail to mention that the use of the Kenyan media by the militia group is evident by the stories and how they are covered by the media leaving many questions on how and where the media could have retrieved such kind of information.

Contrary to the other respondents, two of the other interviewees did not agree to the fact that Al-Shabaab militia is using the Kenyan media in their own ways. According to interviewee 1 the Al-Shabaab militia does not use the Kenyan media in any way because they have a much better media than the Kenyan one. Anzalone confirms this by giving their media operations during the Westgate Mall siege. They started using twitter as a propaganda tool on 7th December 2011 after the OLN which has attracted the journalists' attention (Anzalone 2013).

Since they began using twitter, they have also made a great use of the microblogging technique where they disseminate their counter narrative to their activities (Anzalone 2013). This information actually confirms interviewee 6 thoughts where he says that the media has always

aired news about the Al-Shabaab and their attacks so they cannot have started using the Kenyan media as a platform. Another reason as to why he did not think that the Al-Shabaab militia uses the Kenyan media is because of responsible reporting by the journalists in Kenya. They know what to report and what not to

4.5 Media Role in the Fight Against the Al-Shabaab in Kenya

The Kenyan media has always aired news on terror attacks within the country. As mentioned in Chapter 1, this media remains to be among the most authoritative medias in Africa due to extensive changes and growth within the telecommunication sector and the promulgated Kenyan constitution in 2010 (Mutua 2013). The media covers extensive issues from political to social-economic developments but a little has been mentioned on their role in the fight against war and their influence in it. Yet this remain a significant discussion in relation to the current terrorist situation in Kenya. Nevertheless, Kenya's unique history of colonization, post-independence, political authoritarianism and subsequent political turmoil has its dominant role in not only shaping public opinion but also its role on the current war on terror (Ibid).

In this case, Interviewee 3 goes back to the Westgate Mall attack where he indicates that there was a lot of sympathy after the media aired the attack. He continues that this was sympathetic and comforting to the families of the victims as they felt that the issue was not taken lightly. However, he asserts that under different circumstances the media uses the narrative of blaming the government when the things are not so serious but when the issue becomes more embedded, the media's business interest is reverted back. That is, they become more compassionate, positive on the government and more hostile towards the perpetrators as was in the Garissa University attack. He says that the media has a role and responsibility to report fairly and objectively as the media itself is not immune to terror itself. He mentioned the Charlie-Hebdo attack where the terrorists attacked a media house.

Interviewee 2 who is one of the journalist respondents explains that as journalists, they are not supposed to take side as their role is mainly reporting facts on the ground. Nonetheless, as a Kenyan or any other journalist, who is from Kenya, at times they are forced to take sides and show patriotism to the country by giving information according to what has been given by the DOD. Hence, due to the understanding between it and the DOD, they control how information relates to the public. Interviewee 4 asserts that the duty of the media is not only to inform the public but if an agency does not do what they are supposed to do, they are reminded what they are to do.

Interviewee 7 did not fail to mention that the media has a role which is to help sensitize the public on security matter for example on the operations in Somalia. They have played a major role in reporting incidences of the security personnel including the bad situations in the security system during this Al-Shabaab terror attacks. They have educated masses on security issues which in turn have benefited the government as the public has a better chance to communicate with the government on their security issue concerns

Interviewee 8 asserts that the media has not just played a role since OLN but it has played a very big role in educating the public on matters of radicalization. The Kenyan media has gone out of its way to work on stories where they go to homes that are a major Al-Shabaab hot-stop recruitment areas like Majengo slums in Nairobi, Majengo in Mombasa, Nakuru and Bungoma and educated to educate the young people on the repercussions of joining such militia groups. They have educated the parents on how to make sure that their children are not taken to the wrong *Madrassa* classes or get involved with bad groups. He adds that the media has educated people on how to identify the Al-Shabaab militia and their related activities.

Interviewee 5 contends that the media has to put in mind that the masses whom it reaches is very large and thus this requires them to collect and disseminate factual information. He affirms that the media role on the fight against Al-Shabaab fulfils the fight against terrorism that violates the human rights. The media has helped identify these elements who are the Shabaab and alerting the public and the government on practising caution and practising safety during the attacks. The best example is during the El-Adde attack when the Kenyan government could not release the report regarding the attack, which caused restlessness on what was going on and the (Guardian Africa Network 2016). One of the journalists Yassin Juma gave the information to the public through his social media page.

The interviewee says that, "Kenyan media is a green media without journalists dealing with wars. Only wannabes." Indeed, Obwogi (2015) affirms that the Kenyan media began its involvement in its first international war coverage, something that they had never been part of before. It has been a whole learning process throughout this war for the Kenyan media on how to approach, cover and report terror news. Many changes have been made with comparison from the Westgate Mall attack and the Garissa University attack.

4.6 Exploring Terror, Media, State and Public Sphere

While the previous chapter has exhibited the Al-Shabaab attacks in the various areas in Kenya, it has also showed the Kenyan media's quest to cover these stories in order to provide its

audience with information. Therefore, this section will look into how the freedom of the Kenyan media has been affected in the midst of all this. It will explore whether the Al-Shabaab attacks are having an impact on the freedom of the Kenyan press, as a fourth estate and if this is subsequently having an impact on the public opinion within the public sphere as stipulated by Habermas (1989). This is precisely as an important rational-critical debate that is required to be legitimized within the historical perspective of the public sphere on free debate, an open arena to all where news and matters of common concern can freely be exchanged and discussed devoid of manipulation from external powers like the government.

4.6.1 Kenyan Media as a Public Sphere

The Kenyan media has well established its role as an arena where the members of the public can exchange their diverse ideas that foster constructive debate on different areas from political, economical to social aspects within the country (Mutua 2013). However, among the major productive debates is the security concerns within the country, most specifically the Al-Shabaab attacks that have engulfed the country since 2011. The Kenyan media can be referred to as the fourth estate, a public sphere and a tool for political force which requires independence and accessibility in order to voice every individual's opinion as one voice.

An interactive live-segment comprised of both mainstream and online media which is regarded as a citizen's square in which the population masses gather to discuss affairs of the state. Nonetheless, the Kenyan media as a public sphere has provided an arena for two-way communication between the citizenry and polity leading to building of a public will. The postulate of the public sphere as mentioned in chapter 3 of this paper shapes the way the media influences government policies and consecutively the public opinion on various themes including terrorism and freedom of expression. Thus, the extent to which the mass media operates as a public sphere representing individuals portrays its sole purpose of gauging democracy within a polity (Sani 2009).

Given the Kenyan history dating back from the Multiparty elections in 1992 when the unprecedented explosion of the press freedom was witnessed, the media has facilitated and enhanced the public sphere by performing its watchdog role (Kadhi & Rutten 2001). As discussed in section 4.4, it has acted as the interface between the people and the state as a major instrument enhancing flow of public information to the citizenry from the state.

According to Habermas, communication is vital. For this reason, he mentions communicative action as the norm for public discourse (Garnham 1995). Outhwaite (2009), describes

communicative action simply as a verbal or nonverbal interaction between two or more individuals who choose to reach a consensus about their actions through agreements. This communicative action , also described as the exchange of reasons towards understanding, is the pivotal point of the public sphere theory (Mitzen 2005). It takes us back to how Habermas began his work from the Frankfurt School to the theory of Communication Action which landed him into the Public Sphere Theory.

In Habermas's discussion of the public sphere, he emphasizes the critical role of the media in the public sphere in the world today, comparing early press and the development of the media today that disseminates news. Looking at the development of the media today, it would be very biased to separate the press, which is more often used to refer to the print media. According to (Carlyle 1993), he attributed the fourth estate ideology of the media to Edmund Burke citation of printing as equivalent to democracy. The press has now globally surpassed the "print media" connotation due to the massive technological advancements like the development of the mainstream media and social media. So has the Kenyan media advanced. More people are able to access information via the internet like the social media and mainstream media via a touch of a button. The mainstream media has developed in bloggers which has resulted in formation of a bloggers body in Kenyan referred to as the Bloggers Association of Kenya (BAKE)

Habermas's dogma in the public sphere was ideally not to the play of power but to the rules of rational discourse as the public sphere was self-regulating, but this were among the main reasons for the downfall of the public sphere (Mukhongo & Macharia 2016). The play of power is eminent in the Kenyan media with the government's use of power to control and muzzle up what media exposes to its publics on the ongoing war on terror. Several criticisms over the years on the public sphere theory notes various Habermas's reasoning.

However, one states the apparent gap in applying Habermas's reasoning to the Kenyan context on rational citizens (Mukhongo & Macharia 2016). In Habermas's view, he believed that the public sphere functioned on the assumption that participants within its discourse were rational beings. Contrary to this notion, various incidents within the African media especially in Kenya, the media goes against this thinking in the example of the Kenyan elections in 2007-2008 and the Rwandan Genocide in 1994 which did not give the indication of rational citizens and engagements (ibid).

On the other hand, after the various terror attacks taking place in Kenya and the media's role in disseminating information, we realize that the media's growth on ways of airing information

on these attacks have enabled a growth in rational citizens, albeit slowly. According to Habermas (1989), the public sphere excluded women and the society's minority especially the uneducated. Until 1830s, political newspapers for example circulated only among the elites and lacked neutrality as they were distinguished by the degree of malice and biasness unsurpassed today (Sani 2009).

Contrary to this, the Kenyan media at the moment specifically the mainstream media is very inclusive. Every citizen has the ability to freely access it and have the opportunity to participate in it. Despite the fact that some remote areas in Kenya have not yet fully gone through the technological advancement, the number of people accessing the mainstream media and social media is increasing tremendously yearly. The main backdrop nevertheless is when the society's big wig (the politicians) who are the major media moguls in the country as seen earlier, begin controlling the media by censoring some of the important information that it is entitled to disseminate to its audience.

Mak'Ochieng (1996) characterizes the Kenyan press as an example of an ideal type of public sphere. This is where he identifies the inability of the Kenyan press to perform adequately over the years because of the state's suppression manifested in the form of presidential autocracy. That is, the state has the tendency to monopolise politics under one party and totalitarianism where a false order is promoted by the state. This form of governance bestowed upon the state accord it with a lot of powers that enable it to freely control various arms of the government, which as a result affect various stakeholders. The impact is evident on how the state has massively taken control over the media, which is one of these stakeholders.

When the Security Law Amendment Act was passed into law in parliament, the president indicated that the law was to help curb and avert terrorism in Kenya according to president Uhuru Kenyatta but from the findings, the law is now suppressing the media freedom in abid to fight terrorism. The main issue on curbing the Al-Shabaab terror attacks is secondary and control over the media has become primary. The major focus which is supposed to be war on terror has been diverted to war on the media.

In addition to this, the interview with interviewee 3, who is a government official in the Ministry of Interior was strange as he came out quite defensive and a pro-government in many of the interview questions. His answers leaned on how controlling the media with SLAA was to help reform the media and reminded it of its role with regards to terror. In the process, we see how this is having diverse effects on the media and equally the journalists.

Habermas describe that in order for the public sphere to thrive, there has to be a rejection of hierarchy in order for every individual to participate on an equal foundation. The equal ground within the Kenyan media is slowly diminishing with the promotion of new laws that prohibit them from freely performing their role of informing and educating the masses. Interviewee 1 said that most of his journalist counterparts are leaving the media to go and pursue opportunities in other fields due to the stringent rules imposed by the government to the media.

For his case, he said he is going into politics in order to still perform his mandate for fighting for a better country but in a better platform which is politics. Wasserman (2008) contends that popular journalism can contribute to public sphere even in the middle of engaging in a sensational and emotional address when providing people with the opportunity to tell their story and take their frustrations to the public arena. This is evident in the sense of the Kenyan media where interviewee 3 explains the way the media aired news during the Westgate Mall attack. It gave the victims' families a chance to follow up on what was going on in the mall when covering the story.

From the findings, some of their coverage was important in keeping people up-to-date but some crossed borders of journalism etiquette and responsibility. Interviewee 3 asserts that one journalists of the journalists came up with many conspiracy theories which showed him glorify the government's non-performance and dormancy during the attack. Interviewee 4 adds that way in which the media covered the Garissa university attack brought back dignity to humanity by giving the families and the students a chance to talk about their way forward even after the attack. The war against terror is reminiscent of the public sphere ideology in the country.

Garnham (1995) in his critique of the public sphere has many arguments with regards to both institutionalized practices of mass media. He argues that the rights and responsibilities of a citizen are mainly based on the freedom of assembly and freedom to impart and receive information. Hence without these freedoms, it would be impractical for citizens to acquire the knowledge of the thoughts of others which are important in reaching a consensus among them despite the winner. The Kenyan media is a public sphere but unless it is left to function freely without the government's suppression, it cannot function in accordance to its stipulated roles mentioned in section 4.5.

The Public sphere started to emerge through the growth of the press which was a major way to capture the state parliament's attention to regulate it and other agencies of the

representative government. This is evident with the explosion of a free Kenyan media after the 1992 multiparty election. The Kenyan public sphere began to trigger conversations and conventions which resulted into opinions and perceptions that helped challenge the state's performance and affairs. Various journalists over the years began questioning the government's functionality through their various writing.

Writers like John Githongo, Ngugi wa Thiong'o and Koigi wa Wamwere began writing with the main agenda to demystify the unjust political system and oppose various governments' totalitarian regimes (J.P. 2010). Deducing from the findings, interviewee 6's view on the media as a public sphere during these terror attacks is that it has created platform for the public to communicate with the government on their security concerns. The opportunities it has created for masses to discuss and educate each other on the extensive issues pertaining to Al-Shabaab and how to protect oneself and identify the suspicious elements causing terror before they attack.

4.6.2 Al-Shabaab and Kenyan Public sphere: Destructors or Diverters?

In relations to the Kenyan public sphere, the Al-Shabaab may be characterized as either the destructors or diverters of it. Destructors here signify that they destruct the Kenyan media by using it to disseminate messages and justify the terror activities they have carried out in different areas in Kenya. On the other hand, diverters refer to the Al-Shabaab disseminating messages regarding their attacks in their own media and other alternative medias which have no connection to the Kenyan media. By this virtue, they divert the Kenyans attention to these supplementary public spheres for information.

Consequently, the Kenyan audience and the media itself will tend to gather information from these other sources to fulfil their desire to know what the terrorists are up-to. As diverters, the Al-Shabaab began using Twitter as a propaganda tool on 7th December 2011 after the Kenyan military entered the Sothern Somalia for the OLN (Anzalone 2013) . The Kenyan media already operates under the code of ethics and agreement with the DOD, which censors some information that it disseminates.

Therefore, the viewers have the urge to use alternative medias to gather information that has been censored by the Kenyan media. According to my findings, interviewee 8 explains this concept by explaining that in this internet age, where the social media and other different forms of media are accessible just by a touch a button, every media station is under the pressure to give the breaking news. Even the book, *Operation Linda Nchi, Kenya's Military*

Experience in Somalia indicates their media dynamics in Military operations. They talk about the new age of media propaganda in fighting on information age (Nyagudi 2015).

Hence, the media will go to internet sites for example the twitter handles and Facebook pages run by the Al-Shabaab to get information. Another case is whereby the Kenyans themselves will strive to get information from these particular medias, which have no form of regulation on who is allowed or who is not allowed to access them. Thus this leads to the diversion of the public sphere from the Kenyan media to the Al-Shabaab- run public sphere and other alternative spheres.

Habermas (1989) explains the degree of autonomy as among the major facets of the public sphere as the citizens must be free from coercion. Freedom of coercion entails the freedom of the press from either the advertisers, proprietors and pressure groups that would manipulate their way of disseminating information (Jeffery 1986) (Holland 1956). Al-Shabaab may be characterized as one form of pressure group in the Kenyan media. According to the findings, I found out from interviewee 2 that the KTN which is a leading television broadcast in Kenya, used an audio that the militia group had sent of two abducted Kenyan POWs during the El-Adde attack in Somalia.

The pressure from the audience to get to understand what took place in El-Adde was so high and therefore, due to communication vacuum between the Kenyan media and the government, the KTN used the voices of these soldiers in their mainstream media. This means that Jeffery (1986) the importance of the press originates from its ability to gather, process and disseminate important information to its heterogeneous audiences. It then suggests that the ability of it to provide individuals with information is not only its key aspect, but it also plays a vital role in the society of investigative journalism.

On the 25th of May at 13.51 EAT, on a Kenyan Facebook group named Buyer-Beware[5], contrary to the group's initiative, a group member expresses his worry on what he was able to access on the media. He writes on how he spent his previous night going through his usual social media rounds on the internet and got to YouTube where he searched Sheikh Aboud Rogo, a late Muslim radical's teachings.

He explains that the result of it baffled him. He saw teachings on the *Jihad na Izza* (struggle and honour) and in the 73-minute video, the Sheikh's details on how the Muslims have

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[5] A Facebook page used to expose con-men and women, and ugly customer or client services.

always taken up Jihad for the sole purpose of getting into *Jannah (paradise).* He continued to explain that his fears lie on the fact that the National Government that had sworn to fight terror requires to filter what is accessible online and what is not.

This is evident that the poster of this excerpt got information from an alternative media which is YouTube where these radicals post their teachings. A diverted public sphere. However, his post incurred different views and some were against his idea of the government filtering what is to get to the public but rather, the information should be accessible to all individuals and the government's role is to educate masses on what is factual and what is not. Other group members claimed that information should not be limited to individuals despite the weight it holds.

Terror and media connection have elevated their ferocity mainly because the media have created a platform in which terror is not only reported but promoted voluntarily and involuntarily (Ben-Yehuda 2005). Within different capacities, the media has found itself to be another arena where the terrorists are striving for exposure, time and basically trying to present themselves in an understandable and sympathetic fashion (Ben-Yehuda 2005).

The Al- Shabaab have used their own media to disseminate information but we find that it has also used other alternative forms of media to disseminate information regarding their actions. It is not only the fact that they have used the different medias to disseminate messages but the fact that different media channels have given them the time and opportunity to their spokespersons who rationalize and justify some of their terror activities in different places and why they have taken place (Ben-Yehuda 2005). They tend to use words and enchant slogans usually by manipulating chapters in the Muslim religious book, Quran to justify their worthy causes and actions and using their media arm called, al-Kataib (whereby Kataib means sections), which produces video for international audience.

Ben-Yehuda (2005) notes that despite the previous events, the rhetoric used by the media in how they present the terror has become a major concern. Interviewee 3 explains that in Kenya, responsible reporting and responsible coverage of events is important such that the media should not be used as a tool for recruitment. He continues to explain that if the media portrays the Al-Shabaab militia or any other terror group in a fashionable manner or light, that particular media becomes a tool for recruitment of more people

The way the media choses its words, structuring their statements and the contextualization of the pertinent news reports that provide interpretative strategies within which reports

concerning terror and reactions to it becomes culturally meaningful (Ben-Yehuda 2005). In the case of destructors of the public sphere, the Kenyan media becomes a victim of destruction as it is forced to use information disseminated by the Al-Shabaab regarding their terror attacks. This is contrary to Habermas (1989) notion of what a public sphere should be like, which includes its conference in unrestricted form which result into formation of public opinion devoid of coercion.

5. CONCLUSION

The aim of this thesis has been to find out whether the terror attacks in Kenya by the Al-Shabaab militia have had an impact on the Kenyan media. The thesis has however provided a clear indication that the impacts are there albeit indirectly. The research started from the 6th of January 2016 to 11th of February 2016 and then again continued from the 29th of April 2016 to the 18th of May 2016. It has provided that since OLN in 2011, the attacks that have taken place in Kenya have led the government putting up measures to intensify the security situation within the country. This can be seen from the SLAA of 18th December 2014 which did not only come up with a string of anti-terrorism measures but also with measures that have had a significance impact on the media's functionality.

The findings and various parts of the discussion has elaborated how the research question and sub-research questions have been addressed. Section 4.4 has answered whether the Al-Shabaab attacks have had an impact on the freedom of the press in Kenya wherelse section 4.6.2 has demonstrated how the Al-Shabaab attacks have had an impact on the Kenyan media freedom. Thus, looking into formation of the public opinion and access within the Kenyan media. It has linked their connectivity through the public sphere theory with regards to its prerequisite conditions and its concept on media.

Throughout the findings of the research, we find that the Kenyan media is a public sphere used to discuss issues of societal concerns and evoke public opinion but it is facing a freedom clamp-down. This media is thus the predominant institution of the public. In the rhetoric of the 19th century liberalism, it is referred to as the fourth estate realm for having played an intermediate role of distributing information (Curran 1991). Habermas even argues that public opinion is no longer the result of rational debate but the result of media engineering. First, due to these strings of measures, they have to a significant level antagonized the media's functionality when it comes to sharing information to the publics. For this reason, several of the Kenyan journalists as per the Article 19 organization have been intimidated either through illegal detention, threats via phone and texts and legal restrictions. Some who were my respondents have even opted to join politics in order to channel information through a different platform.

Secondly, most journalists now have become more sensitive and extra cautious before disseminating information to the viewers. This is whether via internet or the mainstream media. This is because of the agreement between the DOD and the media fraternity regarding information concerning terror attacks and general security within the country. They have to

inform the Department of Defence about the nature of the news they would like to disseminate in order to include the government's side of the story within their content.

Thirdly, the research has also found out that the government is preoccupied on matters concerning the media like the journalism ethics, which should be handled by the independent statutory body, the Media Council of Kenya. Finally, and most importantly, the research has shown that the impacts of the attacks to the media are generated through the rules and regulations that the government impose on its war against terror thus affecting the media and its personnel. Therefore, the impacts of the terror attacks are indirectly affecting the media.

Looking forward, the media has a mandate to report fairly and freely. The Kenyan media is Kenya's major public sphere. Kenya's fourth estate. Hence by the government's interference through implementation of rules and regulations gagging it, the Kenyan public sphere is in jeopardy. (Habermas (1989)) indicates that among the major conditions for the public sphere to thrive is not just the freedom of speech and assembly but also the ability for the citizenry to have access to this public sphere in order to form a public opinion. Therefore, in abid to wage the war on terror, the government needs to avoid the interference with the Kenyan public sphere. This is essential by it putting up better strategies in approaching the war on terror on a different and better platform that will not antagonize the media's functionality.

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Appendix 1: Interview Guides

<u>Journalists and Government Officials Interview Guide</u>

1. Does the Kenyan media practise self-censorship?

2. Is the Al-Shabaab militia using the Kenyan media as a platform to air their attacks in different areas in Kenya?

3. What role is the Kenyan government playing in the Kenyan media freedom and the Al-Shabaab attacks with regards to media censorship?

4. How does the government's control of the media affect the public opinion?

5. How do you disseminate critical information?

6. What is the government's repercussions for airing very sensitive information to the public?

7. What is the role of the media in the fight against the Al-Shabaab?

<u>NGOs officials Interview Guide</u>

1. Do you think that the Al-Shabaab attacks have had an impact on the freedom of the Kenyan media?

2. Do you think that the Al-Shabaab militia has been using the Kenyan media as a platform to air their attacks in different areas in Kenya?

3. Do you think that the Kenyan government controlling the media in Kenya? If yes

4. How is the government's control of the media affecting the people's opinion on what it disseminates?

5. How do you think the government's control of the media is affecting the freedom of the Kenyan media?

6. What do you think is the role of the media in Kenya?

7. Has the media played a role in the fight against the Al-Shabaab in Kenya?
   -In what way?