

A Focus on the S in ESG in Media Industry in Kenya; Freedom of Expression vs Social Responsibility

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Introduction

On the March 21, 2021, Shaffie Weru, a renowned radio presenter, his co-host, Neville Muasya and a popular disc jockey (DJ), Joseph Munoru aka DJ Joe Mfalme reported to work at Homeboyz radio which is one of the radios ran by Radio Africa Group. They were ready for all manner of fun and games in their morning drive show known as “The Lift-Off” as is the norm with most morning radio shows in Kenya. Unfortunately for them, they went a bit too far this time round by making insensitive comments about the fate of one Eunice Wangari Wakimbi who had been pushed from the 12th floor of a building by a man she had met online. The man pushed her after Eunice resisted his sexual advances after having eaten a packet of chips and some liquor on the man’s bill. She broke several bones after the fall.

This paper seeks to explore the thin line between the media’s freedom of expression that they (the media) have fought so hard for and the social responsibility that they owe their listeners. The paper further examines the social licence of the media in a world where anything goes and yet, anything could be offensive.

ESG

ESG stands for Environmental, Social and Governance. The E represents concern for the environment and Sustainable Development. The G is for good governance in the organization. The S, which is our concern, is to do with the society and the people. The S is concerned with the way the organization treats its employees, suppliers, shareholders, customers and the society in general. The S gives an organization the social licence to operate in a given community.

The S in Media Houses

So what is the social responsibility of media houses considering their insistence on free speech, freedom of expression and independence from state interference and other regulation?¹⁶

The media in this day and age has become sensationalist and the facts are presented in the most appealing way to maximize on profits. A case in point is the way Media houses try to outsmart each other in the Titles that appear below the screen for different news items.¹⁷ Radio stations have taken it upon themselves to dissect Nairobi¹⁸ and rural¹⁹ relationships for a good laugh on cold mornings. Radio stations are ranked and awarded and the stations thus go out of their way to provide the best entertainment and gain a large following.²⁰ However,

16 See Article 33 on freedom of expression and Article 34 on freedom of the media in the Constitution of Kenya. 2010.

17 Some of the catchy headlines can be accessed here <https://ke.opera.news/ke/en/nolitics/570269a57c01d3b048f17879fc5aede5> accessed 7th July. 2023.

18 This would be Maina and King'ans' I in the morning on Classic 105

19 Giddy and Ghost morning show on Radio Jambo is famous for this.

20 KUZA awards is an initiative of Communications Authority of Kenya which program recognises top performing radio stations and broadcasters in Kenya

the problem arises when the presenters offend one section of the public.

In an interview after his contract was terminated, Shaffie Weru confessed that he had been unable to gauge the mood of his listeners that morning, something that he had learnt to perfect over twenty (20) years that he had been a radio presenter. Previously, he said, he was able to “move with the flow” and basically just tell the listeners what they wanted to hear. But his luck had come to an end. That day, the listeners were empathetic to the girl, Esther, and did not take it lightly when Shaffie made fun of her. Netizens took to social media and demanded that the big brands dissociate themselves with the show, the comments made and the presenters in general. One of the major brands which quickly dissociated itself from the sentiments made on the morning show was EABL. Seeing that EABL was distancing themselves, Radio Africa Group also distanced themselves from Shaffie Weru and Co leaving the trio in the cold. Shortly thereafter, their employment was terminated and the employment case is yet to be heard to its logical conclusion at the time of publishing this paper.

Freedom of Expression Vs Social Responsibility

Freedom of expression and speech is a limited right as it does not fall under the fundamental rights and freedoms that may not be limited under the Constitution of Kenya.²¹ Therefore, the right can only be enjoyed in so far as it does not infringe on the rights of others.

²¹ See Article 25, Constitution of Kenya, 2010.

In a world where there are constant talks against Gender based violence and gender equality, the media. Shortly before this incidence, a university student had been axed to death by her former lover for receiving funds for her birthday and then breaking off the friendship and moving on to a relationship with another man. The country was still recovering from that shock when Shaffie and his crew made the insensitive comments.

What is the way forward regarding Trainings of Media Stations on ESG?

Other than the Constitution of Kenya, 2010, the media have several laws governing them including the Media Council Act.²² However, the laws do not outrightly state what can and cannot be said by the media as that would be curtailing the freedom of the media contrary to Article 34 of the Constitution of Kenya. It therefore gives the presenters some leeway which they may misuse.

Ezekiel Mutua while he was the Chief Executive Officer of the Kenya Film and Classification Board has come out strongly to rebuke programs and shows that have flaunted media ethics. A number of times, the public have turned against him for cancelling shows which they thought were exciting and/or appropriate.

From the above, it is evident that the line seems to be very thin between that which is acceptable and that which is offensive and/or unacceptable. The social responsibility demands that the media should aim at acting as a watchdog in society and issues of public interest while maintain its ethical obligations.

²² Number 46 of 2013, Laws of Kenya.

There is therefore the need to sensitize the media on social responsibility and their social licence. With gender-based violence penetrating the ESG considerations, the media act as a positive force in creating awareness on positive social and gender norms.