FRAMING OF THE INTERNATIONAL CRIMINAL COURT
BY KENYAN MEDIA: A CONTENT ANALYSIS OF TWO
DAILIES

by

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ii
DECLARATION

FRAMING OF THE INTERNATIONAL CRIMINAL COURT
BY KENYAN MEDIA: A CONTENT ANALYSIS OF TWO
DAILIES

I declare that this thesis is my original work and has not been submitted to any
other college or university for academic credit.

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# TABLE OF CONTENTS

APPROVAL ................................................................................................................. ii  
DECLARATION ............................................................................................................. iii 
ACKNOWLEDGEMENTS .............................................................................................. iv  
TABLE OF CONTENTS ............................................................................................... v  
LIST OF TABLES ......................................................................................................... vii  
LIST OF FIGURES ....................................................................................................... viii  
LIST OF ABBREVIATIONS AND ACRONYMS .......................................................... ix  
ABSTRACT ................................................................................................................... x  
CHAPTER ONE ............................................................................................................. 1  
INTRODUCTION AND BACKGROUND TO THE STUDY ........................................ 1
Introduction .................................................................................................................. 1  
Background to the Study ............................................................................................. 2  
Statement of the Problem ............................................................................................ 8  
Purpose of the Study .................................................................................................... 8  
Objectives of the Study ............................................................................................... 8  
Research Questions ..................................................................................................... 9  
Justification of the Study ............................................................................................ 9  
Significance of the Study ............................................................................................ 10  
Scope of the Study ...................................................................................................... 10  
Limitations and Delimitations of the Study ............................................................... 10  
Definition of Terms .................................................................................................... 11  
Summary ..................................................................................................................... 12  
CHAPTER TWO .......................................................................................................... 13  
LITERATURE REVIEW ............................................................................................... 13  
Introduction ................................................................................................................ 13  
Theoretical Framework ............................................................................................... 13  
General Literature Review ......................................................................................... 18  
Empirical Literature Review ....................................................................................... 22  
Summary ..................................................................................................................... 30  
CHAPTER THREE ....................................................................................................... 32  
RESEARCH METHODOLOGY ................................................................................... 32  
Introduction ................................................................................................................ 32  
Research Design .......................................................................................................... 32  
Population of the Study .............................................................................................. 33  
Sample Size ................................................................................................................ 33  
Sampling Technique .................................................................................................. 34  
Data Collection Instruments ....................................................................................... 35  
Data Collection Procedure ......................................................................................... 36  
Data Analysis Plan ..................................................................................................... 38  
Ethical Considerations ............................................................................................... 38  
Summary ..................................................................................................................... 38  
CHAPTER FOUR ......................................................................................................... 39  
DATA PRESENTATION, ANALYSIS AND INTERPRETATION ................................ 39
Introduction ................................................................................................................ 39  
Presentation, Analysis and Interpretation .................................................................. 39  

v
Comparison of Coverage by the Daily Nation and The Star ........................................... 46
Summary of Key Findings .................................................................................................. 47
Summary ............................................................................................................................ 48
CHAPTER FIVE ................................................................................................................. 49
DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS .................................. 49
Introduction ..................................................................................................................... 49
Discussions of Key Findings ........................................................................................... 49
Conclusions ....................................................................................................................... 52
Recommendations .......................................................................................................... 53
Recommendations for Further Research ........................................................................ 54
REFERENCES ................................................................................................................ 55
APPENDICES ................................................................................................................ 62
Appendix A: Research Permit ......................................................................................... 62
LIST OF TABLES

Table 4.1: Number of Hard News Stories and Letters to the Editor...........................39
Table 4.2: Number of ICC News Articles by Month....................................................40
Table 4.3: Overall Distribution of Frames.................................................................41
Table 4.4: Frequency of Frames in Percentages Per Period.......................................42
LIST OF FIGURES

Figure 4.1: Framing of the ICC by News Type ..........................................................42
Figure 4.2: Framing in the Star by News Type ..........................................................43
Figure 4.3: Trends of Coverage in the Daily Nation and The Star ............................44
Figure 4.4: Trends of the Political Frame ..................................................................45
Figure 4.5: Trends of the Justice Frame ....................................................................46
Figure 4.6: Coverage Comparison by the Daily Nation and The Star .......................46
LIST OF ABBREVIATIONS AND ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
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<tbody>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CIPEV</td>
<td>Commission Investigating the Post-election Violence</td>
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<tr>
<td>ICC</td>
<td>International Criminal Court</td>
</tr>
<tr>
<td>ODM</td>
<td>Orange Democratic Movement</td>
</tr>
<tr>
<td>PNU</td>
<td>Party of National Unity</td>
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<td>UN</td>
<td>United Nations</td>
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ABSTRACT

This study sought to explore the framing of the International Criminal Court by Kenyan media. It was guided by the following objectives: To determine the types of frames used to cover the ICC, to determine the trends in the framing of news on the ICC, to determine the frequency of news items on the ICC and to find out if there were differences in the framing of the ICC by the two Kenyan dailies. Descriptive research design was used for this study and the target population all news stories and letters to the editor that concerned the ICC in the *Daily Nation* and *The Star* newspapers between 2009 and 2013. Purposive sampling technique was used in the selection of newspapers from nine months in which there was ICC activity regarding the situation in Kenya. Content analysis was used in data collection and the data was analyzed using MS Excel. The findings the study showed that the court was framed as a political tool where the ‘who’ in the article were other political players other than those before the court. A majority of the articles covering the political frame were on political activity as the country started gearing towards an election initially scheduled for August 2012 as well as the results of the elections which were eventually held in March 2013. This frame is captured the most in May 2013 in the *Daily Nation* and March 2011 in *The Star*. This study concluded that the Kenyan dailies used two major frames while reporting on the ICC and the court was dominantly framed as an instrument of justice and to a lesser extent as a political tool. The justice frame was advanced the most in December 2010 and March 2011. The study recommended that the media outlets should explore the court beyond the two frames considered so as to give a more rounded view of the court and *The Star newspaper* should accord its readers a platform to give feedback on this story.
CHAPTER ONE
INTRODUCTION AND BACKGROUND TO THE STUDY

Introduction

This chapter gives a brief background to the ICC court’s engagement with Kenya and the circumstances that brought this up. The chapter sets out the problem statement, the justification for the study and the research questions that the study addressed. The two papers – the Daily Nation and the Star that this study considered are introduced and a brief history of each is provided. The chapter also provides an outline of the study’s scope, objectives and purpose of the study while acknowledging the limits and delimitations of the study.

On the 15\textsuperscript{th} of December 2011, Luis Moreno-Ocampo, the then international criminal court’s prosecutor requested issuance of summonses to six Kenyans to appear before the court. The six: William S. Ruto, Henry K. Kosgey, Joshua arap Sang, Francis K. Muthaura, Uhuru M. Kenyatta and Mohammed H. Ali, were alleged to have borne the greatest responsibility in the commission of crimes against humanity during the 2007-2008 post-election violence. This event was also the culmination of months of intense speculation on the names that had been forwarded to the court by the commission investigating the post-election violence (CIPEV). Following this, the international criminal court (ICC) became a constant news item in the nation’s media given the prominence of the individuals whose cases were before the court.

The framing theory has been the subject of media research for several decades. There is much debate over what framing is and is not, with some scholars arguing that it lacks clarity (Scheufele & Iyengar, 2012; Scheufele & Tewksbury, 2007). There is however no doubt over its place in the communicative process. While there are 1
instances where framing is consciously intended to influence audiences, it is also a necessary tool to reduce complexity and present news efficiently to lay audiences (Scheufele & Tewksbury, 2007).

This study sought to establish how the ICC as a news item has been framed in Kenyan media. How the news is framed would determine how news readers of these two papers perceive the court by calling attention to some aspects of it while distracting the audiences from others. The framing theory will be discussed in detail in the second chapter of this study.

Background to the Study

While the agenda setting theory states that media wield influence over audiences by determining what stories are considered newsworthy, framing theory determines treatment of these stories. The ICC is an important story in Kenya as it meets the values of a news story. A news story is determined by its meeting of one or several of the following values: impact, timelines, prominence, proximity, conflict, currency, bizarreness and whether it is of human interest (Brighton & Foy, 2007).

The ICC story is as a result of ethnic conflict, the individuals involved are prominent, it is ongoing and is situated in Kenya and hence meets both the currency and proximity values. On this basis, local media have extensively covered the story from when the commission of inquiry into post-election violence (CIPEV) recommended the involvement of the ICC if local judicial mechanisms failed to prosecute those responsible.

Two of the individuals involved in the ongoing cases are the current President and the Deputy President of Kenya. The third accused is a journalist and the dead of operations at Kass FM. According to Brown and Sriram (2012, p. 257), during the
campaigns for the 2013 presidential elections, Messrs Kenyatta and Ruto “cast themselves as political victims of national and international dark forces and retained significant public support in their own ethno-regional communities”.

The ICC was mentioned adversely by the presidential candidate and his running mate, making it a key electoral issue and swaying a majority of the public to view it as so (Kabukuru, 2013). This is exemplified by events such as when Ruto and Kenyatta returned to Nairobi in April 2011 from their initial hearing and were accorded a heroes’ welcome. As a result, the court received sustained media coverage before and during the campaigns. An understanding of the frames employed during this period and whether they were different from those employed before the campaign period has not emerged even though it is important.

During the course of this research, there were debates on the role of the ICC in Africa by regional bodies such as the African Union (AU). Kenya has also made several requests to the court and the United Nations through the Security Council. Some of these include deferral of the cases, the change of trial dates, trial venues as well as calling for the termination of the cases altogether in favor of national judicial mechanisms. With the support of other African countries, there have also been threats to have African states withdraw from the ICC.

This is no doubt still a developing story and it qualifies for local, regional and global focus. To further framing research, this study sought to track the story through the changes enumerated above and explore whether aspects of it were given greater salience.
The ICC in Kenya

Until recently, the ICC was far removed from the minds of the average Kenyan. After the contested presidential election in 2007, there were accusations that president Mwai Kibaki of the Party of National Unity (PNU) had been favored in a “rigged” election. The unofficial figures regularly communicated by the media immediately after the election consistently showed that Raila Odinga of the Orange Democratic Movement (ODM) was leading by several hundred thousand votes.

According to Lafargue and Katumanga (2008) however, votes from Central and North Eastern provinces, which were favorable to Kibaki had not been tallied while last minute “manipulations” decisively tipped the scales. News and rumors about the rigging sparked violent protests. The violence pitted supporters of Raila Odinga’s Orange Democratic Movement (ODM) against Mwai Kibaki’s and an estimated 1,200 people lost their lives (Kimani, 2011). The police were also accused by the Kenya national commission on human rights (2008) and the commission of inquiry into post-election violence (2008) of killing and maiming protesters in parts of the country.

A peace accord brokered by former UN secretary General Kofi Annan saw the creation of a coalition government and with it an end to the violence. The power sharing agreement dubbed the national accord and reconciliation Act saw Mwai Kibaki remain president, while Raila Odinga became Prime Minister. The pact also saw the formation of the commission of inquiry into the post-election violence chaired by Judge Phillip Waki, to investigate the conflict and bring offenders to account.
Part of the commission’s recommendation was the formation of a special tribunal of national and international judges to investigate and prosecute perpetrators. The report also stated that if the tribunal was not set up within six months, the information collected by the commission, including names of those behind the chaos would be passed on to the ICC.

In February 2009, parliament voted against the establishment of the tribunal and in July of the same year, Kofi Annan handed the names of key suspects in the post-poll violence to the ICC (Kimani, 2011). The ICC prosecutor, Luis Moreno Ocampo filed a request at the pre-trial chamber II seeking authorization to commence an investigation into crimes allegedly committed during the 2007-2008 PEV. The authorization to open an investigation was granted on 31st of March 2010.

Summons to appear before the court were issued to William Samoei Ruto, Henry Kiprono Kosgei and Joshua arap Sang in case one and Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Hussein Ali in case two. Charges were however not confirmed for Henry Kosgei and Hussein Ali. It is worthy to note that there were two efforts thereafter to halt the ICC process after the handing over of names by Kofi Annan.

The first was a motion introduced in parliament seeking a constitutional amendment to form a local tribunal in November of 2009. The bill was however not debated due to lack of quorum and was later withdrawn. The second was the filing of an application by the Kenyan government before the ICC on the inadmissibility of the Kenyan cases before it. The argument was that Kenya now had the capacity to try these cases on the strength of a new constitution and a revamped judiciary (Government of the Republic of 5

As at the end of the period under study, May 2013, there were two cases at the ICC relating to Kenyan nationals. The first case is ‘the prosecutor Vs William Samoei Ruto and Joshua arap Sang’. William Ruto was accused of being an indirect co-perpetrator pursuant to Article 25 (3) (a) of the Rome Statute for the crimes against humanity. He is alleged to have aided murder, deportation or forcible transfer of populations and persecution. This section of the statute calls for liability for crimes committed jointly or through others, regardless of whether that other person is criminally responsible.

Joshua Sang was accused of having contributed to (within the meaning of article 25 (3) d) the crimes against humanity of murder, deportation or forcible transfer of populations and persecution. This section calls for liability for persons that further the criminal activities of others, while aware of their intention to commit the crime.

The second case is ‘the prosecutor Vs Uhuru Muigai Kenyatta’. He was accused of indirect co-perpetration pursuant to Article 25 (3)(a) of the Rome Statute for the crimes against humanity of murder, deportation or forcible transfer of populations, rape, persecution and other inhumane acts (Situation in the republic of Kenya, 2013). Charges against Francis Muthaura, Kenyatta’s co-accused were dropped in March 2013 for lack of credible evidence.

As this was a relatively new issue in Kenya, the media became a powerful tool in shaping perceptions of the court as “human beings are by nature cognitive misers, meaning they prefer to do as little thinking as 6
possible” (Fiske & Taylor, 1991, p. 20). The messages that came from key players such as the ICC prosecutor’s office, civil society, legal experts and politicians are filtered to the citizenry through the media. Such a situation gives the media enormous power to create schemas and frames that influence how all these different messages are interpreted by the audience. (Entman, 1993)

The *Daily Nation* and its sister papers, the *Saturday Nation* and the *Sunday Nation*, are published by the Nation Media Group (NMG). The history of the paper goes back to 1959 when it was first registered by Michael Curtis and Charles Hayes. It was then bought by the Aga Khan, the spiritual leader of the Ismaili community in 1960 (Obonyo, 2013). At the time, the Aga Khan’s intention, according to Loughran (2010), was to “give a voice to Kenya’s nationalists, who were not being heard in the political debate”(p.48). This was because most papers at the time were mouthpieces for the colonial government and reporting was hardly fair and balanced.

The *Daily Nation*’s market share is estimated to be 74 per cent of total circulation with circulation figures of 168,000 for the *Daily Nation* and 230,000 for the *Sunday Nation* as at 2002 (Loughran, 2010). The Daily has an online edition which has an estimated three million hits per day. The Nation media group is a publicly listed company and has been listed at the Nairobi Stock Exchange since the early 1970’s. The Aga Khan remains the principal share holder of the company.

*The Star* is a Kenyan daily published by Radio Africa Holdings, a privately owned media group owned and run by Ghanaian Patrick Quarcoo who is also the group managing director of Radio Africa (Radio Africa...
The paper was launched as *The Nairobi Star* in 2007 as a 32 page tabloid style newspaper focussing on human interest stories. In 2008, the paper changed its focus to more political news while retaining society stories and English premier league sports news. In 2009, the ‘Nairobi’ monicker was dropped and the paper is now called *The Star* (About The Star, 2013). The paper had an estimated circulation of 10,000 in 2008 (Githaiga, 2011) It seeks to target a younger market than *The Daily Nation* and other dailies and its slogan, ‘fresh, independent, different’, suggests that it is a break from its ‘conservative’ competitors.

Statement of the Problem

The ICC is an issue of public interest to Kenyans as the country seeks to address the post-election violence of 2007-2008 where lives were lost and thousands displaced. It is important to examine how the media treated this issue by exploring the frames used over the period of time under study and whether they were consistent as the story developed.

Purpose of the Study

The purpose of this study was to find out how the ICC was framed by the media in Kenya.

Objectives of the Study

The study addressed the following objectives.

1. To determine the types of frames used to cover the ICC
2. To determine the trends in the framing of news on the ICC
3. To determine the frequency of news items on the ICC
4. To find out if there were differences in the framing of the ICC by the two Kenyan dailies

Research Questions

1. What types of frames had the two dailies used to cover the ICC?
2. What trends of framing coverage were evident?
3. How frequently had stories of the ICC been covered by the two dailies?
4. What were the differences in the framing of the court by the two dailies?

Justification of the Study

For many years, Kenyan politics have been based on divide and rule tactics, largely along ethnic lines. The post-election violence of 2007-2008 was a culmination of this brand of politics and represents a dark moment in Kenyan history. The media plays a critical role in the politics of a country and this study was an attempt to establish how Kenyan media covered what is a relatively new phenomenon and one that continues to shape the life of the nation.

Journalists are trained in certain traditions and this study could help establish whether journalists subscribe to the normative traditions when framing news items. The study explored other factors of influence were present and how they contributed to the framing of the ICC.

A number of content analysis studies have been done regarding various issues covered in Kenyan print media. Most of these studies have focused on the Daily Nation and The East African Standard based on their circulation numbers (Ikachoi, 2012; Marimba, 2010; Orondo, 1998). These two papers are the oldest in Kenya and their growth has been influenced by a shared historical, political, economic and sociocultural environment. This study carried out a comparative analysis of the Daily Nation.
Nation and The Star’s framing of the ICC. The Star represented a younger daily whose approach is more liberal, radical and controversial at times and whose readership is markedly different as compared to the Daily Nation.

The researcher also sought to find out the types of research that had been carried out on the Kenyan media and discovered that hardly any was related to framing. This study therefore sought to fill this gap.

Significance of the Study

This study adds on to the body of knowledge that already exists on framing by the media. There is hardly any research on the framing of the ICC in Kenya and this could be a first as far the researcher knows.

Managing of external relations is critical to the ICC and therefore this study might be important to the ICC in determining the perceptions that exist in Kenya as a result of how the court is framed.

This study would also be informing Kenyan media on how they frame the ICC and whether the coverage is balanced or not.

Scope of the Study

This study is limited to finding out how ICC was framed in Kenya targeting all news stories and letters to the editor that concerned the ICC in The Daily Nation and The Star newspapers between 2009 and 2013 when there was ICC activity in Kenya.

Limitations and Delimitations of the Study

The study analyzed articles as a final product and as such did not consider the news making process and its impact on the articles. The period under review was generally 2009-2013. However due to the length of time and the sheer number of

10
articles that would have to be reviewed, the researcher embarked on purposive sampling. Focus was therefore around key events on the court’s calendar regarding the situation in Kenya. These were the handing over of the names of the suspects to the ICC, granting of authorization to open an investigation, issuance of summonses to appear, initial appearances, confirmation of charges hearings and confirmation of charges.

After a thorough perusal of open sources, Oxford journals, jstor and sage journals, the researcher did not find studies on media framing of the International Criminal Court. This would have been of assistance in anchoring the study as well as finding out what gaps exist in this field of study. This might very well be pioneer research and would need subsequent studies to go beyond the scope of the research topic. The study therefore examined articles appearing in the Daily Nation (including its sister papers, the Saturday Nation and Sunday Nation) and The Star. The assumption was that these two are representative of the Kenyan print media audience. Articles were picked from hard news and letters to the editor.

Definition of Terms

Framing: The study defined to frame as to “select some aspects of a perceived reality and make them more salient in a communicating text” (Entman, 1993, p. 44).

The study considered two frames, the ICC as an instrument of justice and as a political tool.

Kenyan dailies: This referred to The Daily Nation (including the Saturday Nation and the Sunday Nation) and The Star

Media framing: The study referred to framing by Kenyan dailies as defined above on framing.
Content analysis: This study referred to content analysis as ‘any technique that makes inferences by objectively and systematically identifying specified characteristics of a message’ (Holsti, 1969). These inferences, according to Neuendorf (2002), should “rely on the scientific method including attention to objectivity-inter-subjectivity, a priori design, reliability, validity, generalizability, replicability and hypothesis testing” (p. 10).

Summary

This chapter has outlined the introduction, background to the study, statement of the problem and purpose of the study, objectives, objective questions and rationale for this study. In addition, it discussed the significance, assumptions, scope, limitation and delimitations of the study and also defined terms and concepts there in. The next chapter deals with the literature review.
CHAPTER TWO
LITERATURE REVIEW

Introduction

This chapter explores the history of the framing theory in the larger context of media effects research. This is because by examining the concept of framing in the larger historical context of mass media effects research, it becomes possible to differentiate it from other related concepts. The chapter traces research from Europe and North America where the theory has been studied for several decades.

Theoretical Framework

Agenda Setting Theory

This study presents agenda setting as information rather than persuasion and in the process “is less likely, therefore, to be intercepted by the defenses of the limited effects paradigm.” (Katz, 1987, p. 4). This signalled a return to the powerful media model and Scheufele and Tewksbury (2007) note that “the effect drew considerable attention from researchers frustrated by the minimal-effects perspective common at the time” (p.10).

The current stage of mass media research emerged in the 1980’s and is a combination of both strong and limited media effects. Though the media retains strong impact by constructing images of reality in a predictable way (McQuail, 1994), this stage acknowledges that media does not by itself construct reality but relies on other social constructs in an individual’s environment as well.
According to Scheufele (1999), this stage is characterized by social constructivism where meanings are actively and collaboratively mediated. This position is also supported by the idea of a media discourse where meanings are arrived at by an interaction between mass media and its recipients (Gamson & Modigliani, 1989; Scheufele, 1999).

Having traced the history of media effects research, it becomes imperative to curve out framing from the larger agenda setting theory as proposed by McCombs and Shaw (1972) and to explore its relationship with the related concept that is priming.

The agenda setting theory, from whence framing emerged is based on the premise that the media agenda informs the public agenda. This finding has been replicated in numerous studies within and without the realm of political communication. In its evolution, this theory was tested in North Carolina as ‘basic agenda setting’ (McCombs, 2005) and it concerns itself with the transfer of salience from the news media to the public so as to inform public opinion. This salience revolves around issues which McCombs refers to as ‘objects’. He further asserts that these objects have attributes and that each news item on an object also bears an agenda of attributes and sums the two propositions thus:

Both traditional agenda-setting effects and attribute agenda-setting effects involve the transfer of salience. The core proposition for these two stages, sometimes called the first and second levels of agenda setting, is that elements prominent on the media agenda become prominent over time on the public agenda. The media not only can be successful in telling us what
to think about, they also can be successful in telling us how to think about it. (p. 543)

The idea of second level agenda setting expounds on the uses of basic agenda setting, in that the news media goes further to tell the public how to think about the object of choice. This sounds similar to the definition of framing proposed by Entman (1993) where he observed that frames are a selection of some aspects of a perceived reality to promote salience. To this end McCombs (2005) acknowledged the similarity but pointed out that “not all attributes are frames” (p. 543), because he identifies two types of attributes, aspects and central themes, where the latter are considered frames. The argument that second level agenda setting involves both frames and attributes is also collaborated by Comstock and Scharrer (2005) who argue that this is not only evident in the media messages but also in the public’s response to these messages.

There seems to be no single agreeable definition of framing and as a result the term is used to label similar approaches which have subtle distinct differences. This led Scheufele and Iyengar (2012) to posit that there is a “state of conceptual confusion whereby any attribute of information is treated as a frame and any response from the audience is deemed a framing effect”. Other scholars have also referred to other terms such as schema and scripts and concluded that these are only different terminologies for frames (Lodge & Hamill, 1986).

Further, there are scholars who assert that it is difficult to differentiate framing from other influences within the communication discipline and beyond such as agenda setting, social learning and persuasion (Scheufele, 15
2000; Scheufele & Tewksbury, 2007). This should however be viewed as a strength for the communication field as most approaches are inter disciplinary. Reese (2007) contended that the value of framing does not lie in it being a unified concept but rather in its ability to bridge different parts of the field to be in touch with each other (p. 148).

Framing has been developed both theoretically and empirically in the last decade. The term framing may be contested but the place of framing in the communicative process is not. The idea of framing as an independent concept in mass communication was first presented by Gitlin (1980) who, as part of a student activist group was opposed to the Vietnam War in the 1960’s, discussed the effects of framing on the organization’s success. According to him, the organization did not seek media coverage and was not media oriented. However, he points out that the media reported about their activities in a way that trivialized what the movements stood for, focused on violence during their demonstrations and relied on statements from government officials. Gitlin (1980) refers to the media as ‘symbol handlers’ as the government at the time was pro-war and the media was advancing this frame.

Entman (1993) however attempted to define the theory by noting that to frame is to “select some aspects of a perceived reality and make them more salient in a communicating text” (p. 52). This definition agrees in the broader sense with the notion that frames are central ideas that are meant to organize communicative texts so as to give meaning to political, economic and social events (Gamson & Modigliani, 1989; Vreese, 2005). They give meaning by defining the problem, diagnosing its cause, making a moral judgment and proposing a remedy (Entman, 1993). This definition however was opposed by
Scheufele and Iyengar (2012) who termed it an ‘all-encompassing definition’ and posited that it contributed to the general vagueness of the theory.

Scheufele and Iyengar (2012) argued that while agenda setting and priming are salience based, framing depends on the aspects of a message that resonate with an individual’s cognitive schemas. To demonstrate this, Scheufele and Iyengar suggest an incorporation of non-verbal visual cues. This, they hoped, eradicated the problem of ‘semantic ambiguity’ in media effects research. It remains to be seen if this assertion holds as there is no readily available research on open platforms to support this.

Framing research is not a preserve of the communication discipline and it is important to explore how studies elsewhere have impacted the understanding of the concept and studies within the realm of communication. In psychology, Tversky and Kahneman (1986) used the term ‘framing’ in an experiment where subjects are presented with choices similar in value but described differently. Suggestions of potential loss encouraged risk taking while those of potential gains encouraged risk aversion. The experiment concluded that human beings interpret information and subsequently make choices depending on how information is contextualized; in other words framed.

Sociologists have approached framing not as an individual phenomenon but rather as the public’s way of processing large amounts of information. Goffman (1974), while acknowledging the complexity of the social world, asserts that people establish ‘primary frameworks’ that guide them through interpreting their social environment effectively. This perspective informs the definition of framing as an organizing idea.
According to Neuman, Just, and Criglar (1992), framing is a judgment based affair. They posited that mass media “gives a story a ‘spin’ by taking into account their organizational, professional judgments and certain judgments about the audience” (p.120). Scheufele (1999) referred to this process as ‘frame building’. Framing research has in this regard, explored instances where the audience may influence frame building by the media especially in political discourse (Zhou & Moy, 2007).

This implies that the audiences have pre-existing meanings of reality informed by personal experiences and socio cultural processes which the media factors in while building frames. An analysis of these roles in the framing process requires further research as bearing in mind the state of media framing research in Kenya, this study is an exploratory and initial step towards analyzing the process as a whole.

General Literature Review

A brief overview of media in selected Africa countries where literature is available was explored with a view of placing framing theory research into the African context. In relation to the case study, the chapter explores the international criminal court and its relationship with Kenya before exploring the framing of the court in the Kenyan media in the chapters that follow. The chapter also provides the study’s conceptual framework.

Framing refers to the selection of certain aspects of an occurrence and giving them greater salience in news reporting (Entman, 1993). As discussed in this chapter, this prominence is meant to give meaning to events in our environment.
Our world is interconnected even though that may not always be documented. Lipmann (1922) noted that ‘the real environment is altogether too big, too complex, and too fleeting for direct acquaintance between people and their environment’. The media plays a role of focusing the attention of the public only on a few of them: those that are deemed to be of public interest. Neither all of them nor all aspects of each are given equal attention in the news items carried by the media. This means that the media determines the small group of issues around which public opinion is formed (McCombs, 2003).

In public opinion, Lippmann (1922) first laid the basic outline of what framing research is today. In the first chapter ‘The world outside and the pictures in our heads’, Lipmann argued that what we know is largely based on what the media decides to tell us. To place this into context, it is imperative to note that this book was written during World War I. This period in mass communication research is regarded as a period of strong media effects.

The American administration, at the time led by Woodrow Wilson, was keen on involvement in the war but its population was not. The administration therefore established a committee which “in six months was successful in turning a pacifist population into a hysterical, war-mongering population which wanted to destroy everything German, tear the Germans limb from limb, go to war and save the world” (Chomsky, 1991, p. 3) This experience led to an awareness of the effects of media messages on people’s attitudes and with it, a growing fear.

The period between 1940 and 1960 was dominated by research that revised the strong media effects paradigm. A key study to this end was on 19
voting patterns of the people of Elmira. The intention was to investigate what influences beyond campaign messages were at play during the 1948 United States of America’s presidential elections.

As opposed to Lipmann’s portrayal of the masses as a passive entity whose opinions were wholly determined by media messages, research by Berelson, Lazarsfeld and McPhee (1954) portrayed the media as having limited effects. Their research concluded that the media had short run effects as these effects are mitigated by other influences such as selectivity, attention, recall as well as other situational variables such as age, family history and political affiliation. These studies eventually developed into the two step flow theory of communication which expresses, among other things, the importance of influence over information and that of equals over opinion leaders, the hypothesis continues to draw debate to date (Okada, 1986).

In the same breath, Klapper (1960) and Berelson and Steiner (1964) suggested that mass media political campaigns did not influence people but rather they predominantly reinforce existing attitudes. Where they have influence, the shift is lightly felt and it is evident on peripheral electoral issues. A study carried out during the same period on mass media campaigns on racial prejudice affirmed this.

This study was centred around a cartoon program whose main character, ‘Mr Biggot’ is a middle aged man of moderate income who displays anti-minority attitudes. The cartoon was intended to discredit bigotry and make people abandon their prejudices. In fact 31 per cent of the target population failed to recognize that Mr Biggott was racially prejudiced or that the cartoons were intended to be anti-racist (Kendall & Wolf, 1948-49).
Studies at the time affirmed that mass media was subservient to other more fundamental social factors in any potential sphere of influence. This led McQuail (1976) to observe that the conclusion was so striking because it crashed the naïve myth that existed at the time of how powerful the mass media was. He however noted that some social scientists were not convinced that the media had no effects.

The 1970’s reflected a paradigm shift dominated by a search for new strong media effects. Scholars at this stage focused on the cognitive effects of mass media messages contrary to attitude change as depicted in the Columbia studies. This was perhaps in response to criticism that the limited effects paradigm depicted the media as a persuasion tool as opposed to a source of information. This mindset substitutes voting for politics and in the process reducing the political role of the media to that of influencing votes and it underestimates the influence of media by generalizing voting as a measure of decision making in other realms (Chaffee & Hochheimer, 1982; Katz, 1987).

Other scholars at the time argued that different media had different effects. Television was seen as having more effects than print media because “the effects of mass media increase in proportion to the degree in which selective perception is made difficult” (Noelle-Neumman, 1973). This therefore portrayed television as more powerful than the print media in exerting influence as readers had a wide range of newspapers and magazines to choose from and as such selective perception was at play.

This period saw the birth of the agenda setting theory where McCombs and Shaw (1972) suggested that the mass media set the agenda for each political campaign, influencing the salience of attitudes toward the political
issues. Their hallmark study focused on how issues considered as important by undecided voters in Chapel Hill, North Carolina compared with the issues covered by the mass media serving them.

Empirical Literature Review

Mass Media in Africa

This study sought to fill the gap that existed in terms of framing research in Africa. The section explores the general mass media landscape in Africa with a view of understanding how it interacts with issues besetting the continent. This, it is hoped would contribute to this research by exploring specific factors that may come into play while framing news for delivery to the African audience.

According to Nyamnjoh (2010), any theoretical discussions have to be put into context for them to be useful. He advocated for the appreciation of our unique African context “as a good theory should not be like an undertaker who stubbornly imposes Lilliputian coffins on gargantuan realities” (p.20).

Today’s African press has its roots in four main categories of newspapers: colonial government newspapers, missionary press, privately owned newspapers and the underground gazettes which were mainly political and anti-colonial (Farringer, 1991). These four categories were all established after the continent’s first interaction with Europeans during the onset of colonial rule in Africa. Mytton (1983) asserted that:

Africa’s modern print and electronic media developed as the direct or indirect result of contact with Europe. Few African societies had a written language, and in those that did, printing was either unknown or
undeveloped. Arab traders brought literacy to West and East Africa, but the technology of printing came from Europe and the United States (p. 37).

In countries like Kenya however, literacy classes were conducted by the missionaries. In this case, the intention was to advance the population’s capacity to read the bible and thus spread Christianity (Obonyo, 2013). Publications generated by the missionaries were therefore religious and were meant to aid mission work.

This period saw colonial governments discouraging the proliferation of native media, sometimes by imposing laws such as the seditious offences bill imposed in Nigeria in 1909 which sought to punish any attempts to publish by “individuals only recently emerged from barbarism and are still actuated by the old traditions of their race” (Nwokolo, 2010, p. 217).

During the post war period in the 1940’s, private capital was injected into countries like Nigeria and Ghana. The Daily Mail and the Daily Graphic were financed by the London Daily Mirror group in the two countries respectively. In Kenya, the Aga Khan, the spiritual leader of the Ismaili sect financed the Nation Group to rival the East African Standard in 1960. These changes brought about the incorporation of African reporters and editors and a renewed push for neutrality and objectivity in news reporting (Banda, 2008). According to Bourgault (1995), the late entry of native Africans into the newsroom was because they ‘did not have the economic base to support newspapers’ (p. 164) and were therefore excluded from the news making process as well as the news itself.
Post-colonial African media was first driven by the euphoric sense of nationalism that was sweeping the continent. This was however short lived as it gave way to state control by enthusiastic post-independence governments. While some leaders did this forcefully, others introduced ideologies and philosophies that defined the media as an appendage of the state. Kenneth Kaunda, Zambia’s first president, came up with the idea of humanism which subjected all social institutions, including the media under the custody of the state (Kasoma, 1986).

In Kenya, Jomo Kenyatta directed that the media had to play a role in nation building and this included not opposing the government and the ruling party (Loughran, 2010). The delegitimization of opposition, according to Ogola (2010), meant that the “media became a part of Kenyatta’s political project, circulating and popularizing state mythologies under the guise of promoting national development” (p. 125). This led Ochieng (1992) to lament that “all African newspapers and sub-editors have to anticipate what the government will think tomorrow about a ‘tricky’ story and err on the side of caution” (p. 20).

President Kenyatta expected the media to not only support the government on national issues, but also on foreign policy such as when there was a spat between Nairobi and Dar-es-Salaam over which government was responsible for the collapse of the East African Community (EAC). The government had a number of tools at its disposal to punish ‘errant’ newspapers. The most common ones were threats and intimidation, detention of journalists without trial and revocation of visas for foreign staff. The Weekly Review, a Kenyan publication was crippled when the Moi government
compelled banks that had lent loan capital to the paper to call up the debt sooner. (Ochieng, 1992).

The 1990s mark an important stage in this epoch as most African countries transitioned from authoritarian regimes to expanding democratic space. This saw the agitation for press freedom and with it, a liberalization of most media markets in the continent. The ‘Windhoek Declaration calling for an independent and pluralistic African press’ was key in the effort to take advantage of these gains by explicitly calling for liberalization, privatization and the cessation of state control over media entities.

We are currently in the era of globalization and there still exists attempts by governments to regulate the media. In 2006, the Standard Media Group in Nairobi was raided and shut down by masked gunmen. When asked to explain the raid, the then internal security minister, famously responded ‘if you rattle a snake, be prepared to be bitten’. This, in one of the countries considered more progressive in the continent is an example of how an unpredictable political landscape affects the media (Ogola, 2010). In 2013 alone, newspaper closures have been reported in Uganda, Somaliland, Burundi, Egypt and the Democratic Republic of Congo (African Press Organization, 2013).

African media is also part of the growing global media industry and this calls for further research on how this interplay influences media output in Africa. According to Hermann and McChesney (1997), global news flows are dominated by Anglo-American media and this “shapes the presentation of news around the globe” (p. 49). This point was supported by Louw (2010) who acknowledged that this does not imply that the rest of the world has no
option but to accept western views, but rather ”it grants America many possibilities for agenda setting” (p. 32). This presents African media scholars a unique opportunity of furthering knowledge by negotiating between global frameworks and local experiences as suggested by Shome (2009).

Framing research has largely been conducted in Europe and North America and is only now catching up in Africa. A common research theme amongst scholars in Africa has been how western media frames Africa. African scholars have largely argued that the West has successfully framed the continent as plagued by corruption, war, disease and poverty. This has been attributed to a projection based on racial subordination, economic greed and imperialists interests (Matshikiza, 2001). The frame most quoted in these studies is the cover title of a 2000 issue of The Economist labeling Africa as ‘the hopeless continent’.

A study carried out on websites of major international newspapers found out that there were few news items on Africa. The major focus of the news items on these websites focused on clashes, civil strife and other negative news items that had been used to frame the continent over the years (Teng’o, 2008). This frame is however now being watered down by the economic prospects that the continent is offering to other parts of the world that are in recession. Newer frames of Africa as an ‘emerging market’, the role of China in the continent as well as stable democracies in the continent are now taking root.

The sphere of politics is especially interesting as most African states seek to transition from dictatorships to democracies. There have been coups, counter coups and civil wars; needless to say, this transition has not been easy.
and it therefore becomes important to establish what role the media has played in these transitions.

Research is now more inward looking and there is a renewed interest in how African journalism is covering these changes. Framing research is now focusing on how the media in Africa is covering diverse topics such as HIV/AIDS in Uganda, climate change by Nigerian newspapers, Sino-African relations and the Niger Delta conflict. (Fawole & Olajide, 2012; Kiwanuka-Tondo, Albada, & Payton, 2012; Obijiofor, 2010; Olorunnisola & Ma, 2013). Prominent among the issues besetting the continent in the new millennium is its relationship with the international criminal court (ICC).

There is a gap in research which this study sought to bridge on coverage of the ICC as most existing work is in the realm of law. The ICC is a controversial player in African matters and this has more so been brought to the fore by the trials of the duly elected president and deputy president of the republic of Kenya.

The International Criminal Court

Calls for an internationalized system of justice can be traced as far back as the early 19th century. Gustav Monnier, one of the founders of the International Committee of the Red Cross proposed a permanent court in response to the Franco-Prussian war. His calls however were deemed ‘too radical for his time’ (Hall, 1998) and nothing became of it.

The first significant codification of laws governing war were carried out in 1899 and 1907 and they were referred to as the ‘Hague Conventions’. The preamble to these conventions admitted that they were not complete and left a void that would be filled by ‘the laws of humanity and the dictates of

27
public conscience’. This provision was named as the Martens Clause after the Russian diplomat who drafted it (Theodore, 2000).

Perhaps to reflect the nature of the conflicts of the time, most provisions centred on the treatment of civilian populations, protection of cultural objects and private property of civilians. This therefore meant the main aim of the provisions were to impose obligations and duties upon state actors rather than create criminal liability for individual actors (Schabas, 2011).

Calls for criminal prosecutions were to come after World War I. Public opinion in England especially was that those responsible for the war should be brought to account. According to Schabas (2011), the pressure here was to go beyond the laws and customs of war and in addition, to prosecute the waging of war itself in violation of international treaties. This resulted in the drafting of the 1919 treaty of Versailles to try the German war crimes of World War I. (History of the ICC, 2013). After the end of World War II, the allies set up international military tribunals at Nuremberg in Germany and Tokyo in Japan, to address the war crimes committed during this period.

In November of 1943, even before World War II had drawn to a close, the allies had affirmed that they would pursue prosecution of the Nazis for war crimes. A commission composed of representatives from the allies was established so as to set the stage for the Nuremberg trials. At the close of the war, the four major powers, the United Kingdom, France, the United States and the Soviet Union convened the London Conference to pursue this. Here, the Agreement for the prosecution and punishment of major war criminals of
the European axis, and establishing the charter of the international military tribunal (IMT) was adopted formally in August, 1945.

In October of the same year, twenty four Nazi leaders were indicted and nearly a year later, the trials concluded with nineteen convictions and twelve death sentences. Japanese war criminals were also prosecuted under similar provisions as those used in the Nuremberg trials.

In 1948, the United Nations (UN) General Assembly invited the International Law Commission (ILC) to draft a statute establishing an international judicial organ for trials of persons charged with genocide. These efforts stretched on until 1996. The work was slowed down by the tensions of the Cold war. While the draft statute of an International Criminal Court was being considered, events in Bosnia-Herzegovina, Croatia, Sierra Leone and Rwanda in the early 1990s compelled the UN to establish ad hoc tribunals to deal with crimes committed there. These conflicts shocked the world and the idea of a permanent international court gained global public opinion support (Bassiouni, 1998). The international law commission (ILC) tabled a final draft on an international criminal court to the general assembly in 1994.

The international criminal court was formed in July 17, 1998 when 120 countries adopted the Rome statute; the treaty establishing the ICC. The treaty entered into force in July, 2002 when the 60th country ratified the agreement. This date is significant as the court can only prosecute crimes committed after and not before this day. The ICC is not part of the United Nations system and its operations are funded by state parties and through donations from entities that support its work (About the Court, 2013).
The treaty spells out the purpose of the court as to achieve justice for all, end impunity, end conflict, cover for the deficiency of temporary tribunals, deter future criminals and take over when national criminal justice systems are deficient or unwilling to prosecute. In the last case, the ICC becomes the court of last resort and the principal of complementarity is said to have been observed.

Cases can be referred to the ICC by a party state, the UN Security Council or the ICC prosecution arm in cases where victims of conflict or Non-governmental organizations approach them. In the last case however, the principal of complementarity must have been observed. The ICC has eight ongoing situations including Uganda, Central African Republic, Democratic Republic of Congo, Libya, Cote D’ivoire, Mali and Sudan and Kenya.

Whilst it is acknowledged that Africa represents the largest regional grouping of countries within the international criminal court (ICC)’s assembly of state parties, leaders in the continent have recently pointed out that the court has focused on crimes in the continent as opposed to other parts of the world. This study was a timely attempt to situate framing theory in an issue that has generated heated debate in the recent past and will continue to do so in the coming days.

Summary

This chapter has reviewed existing literature on the framing theory and the international criminal court. This is by contextualizing framing within the larger media effects body of knowledge. This is meant to guide the study in terms of what to focus on and how to interpret the output from data collected.
The chapter has also given the history of the ICC in order to better understand the circumstances that have led to Kenya being a point of focus in the International justice system. The gaps that exist within this area of study have also been highlighted. The chapter that follows will outline the research methodology that guided the research.
CHAPTER THREE
RESEARCH METHODOLOGY

Introduction

This chapter presents the research methodology that the study used. Research methodology is a science of studying how research is to be carried out. Essentially, it provides the procedures of describing, explaining and predicting phenomena (Kothari, 2008). The main areas presented here are research design, target population, sampling method and sample size, data collection instruments and procedures, pretesting, data analysis as well as the ethical considerations of the study.

This study employed the content analysis research method. This is because the study was investigating recorded information in order to determine how the ICC had been framed. The research questions were asking about the content of messages embedded within texts in the two newspapers and this was determined by analyzing the characteristic of these texts. Content analysis therefore became the method of choice to identify, enumerate and analyse these characteristics and the messages they pass across to the audience (Frey, Botan, & Kreps, 2000).

Research Design

The study used a descriptive research design. As such it did not aim to predict causal relationships but studied variations in the dependent and independent variables. A research design is used to arrange conditions for data collection and analysis of the same in a manner that aims to combine
relevance to the research purpose with economy in the procedure (Kothari, 2008).

Population of the Study

In content analysis, a population is made up of all the messages that share a characteristic of interest, in this case the ICC. The population for this study were all news stories and letters to the editor that concerned the ICC in the Daily Nation and The Star newspapers between 2009 and 2013.

The Daily Nation was chosen because with an estimated circulation of 74 per cent of total newspaper sales (Loughran, 2010), it is the most popular paper in the country. The Star was chosen because it is the youngest newspaper in the market with circulation figures of 10,000 as at 2008 (Githaiga, 2011).

Sample Size

Given the sheer number of the units of analysis in the period under study, measuring every edition was not going to be feasible. A sample is defined by Frey et al. (2000) as a sub group of the population.

The newspapers selected were from nine months in which there was ICC activity regarding the situation in Kenya. This was because if all newspapers from 2009 and 2013 were to be analyzed the data would be too voluminous. The study followed the court’s calendar on the situation in Kenya as this was also the period when newspaper articles on the ICC were concentrated. All editions published in months within which there was court activity were considered. The news stories, letters to the editor or pictorials relating to the ICC during these months were analyzed. These months were:
November, 2009: The ICC prosecutor informed the court of his intention to submit a request for the authorization of investigations in Kenya. The situation was assigned to pre-trial chamber two.

March, 2010: The ICC prosecutor presented a list of twenty Kenyans whom he alleged bore the greatest responsibility in the violence to the judges. The pre-trial chamber two granted authorization to the prosecution to open an investigation in Kenya.

December, 2010: The prosecutor requested the judges to issue summonses to six prominent Kenyans to appear before the court.

March, 2011: Summons to appear were issued to the six accused of committing crimes against humanity.

April, 2011: The accused made their initial appearances before the court.

October, 2011: Confirmation of charges hearings were held.

January, 2012: Decision on the confirmation of charges hearings was given by the pre-trial chamber two judges.

March, 2013: Withdrawal of charges against Francis Muthaura.

May, 2013: Status conferences

**Sampling Technique**

The study arrived at a sample using purposive sampling method. This is a method where units are selected non-randomly on the basis of a particular judgment (Wimmer & Dominic, 2006). Purposeful sampling is a thoughtful selection of specific units of the universe establishing a sample which represents the universe (Kothari, 2008). It leads to better depth of information from a small number of judiciously selected cases.
(Teddlie & Yu, 2007). The researcher chose newspaper newspapers from months in which there was ICC activity regarding the situation in Kenya.

Data Collection Instruments

Content Analysis

This study employed the content analysis method of research to establish the frames used in ICC news articles from 2009 to 2013. Content analysis is defined as “any technique that makes inferences by objectively and systematically identifying specified characteristics of a message” (Holsti, 1969, p. 608). These inferences, according to Neuendorf (2002) should “rely on the scientific method including attention to objectivity-inter-subjectivity, a priori design, reliability, validity, generalizability, replicability and hypothesis testing” (p. 10).

Content analysis studies data as it appears in a context while data obtained from interviews and questionnaires is in settings far from the context. According to Krippendorf (1980), “content analysis is a research technique for making replicable and valid inferences from data to their context” (p. 21).

In selecting content analysis, a number of reasons were considered. First, it is the most efficient means of studying framing of the ICC as the events occur over several years and the method is able to determine the types and trends of frames over this period. Other research methods such as surveys and questionnaires ask predetermined questions that limit respondents’ views while content analysis accepts large unstructured amounts of data where observers are able to make inferences. Content analysis is efficient as it is able to handle large amounts of information especially with the use of computers to store information. Kunkel and Gantz (1992) were able to analyse 10,000 commercials in children television programs. Secondly, it is a cost effective method and the materials required are easily available. The data 35
required for content analysis is almost always voluminous but more accessible (McQuail, 1987).

Units of Analysis

Babbie (1986) defined units of analysis as the “what or whom being studied”. In this case therefore, newspaper content on the International Criminal Court (ICC) aptly fits the definition. Stempel and Westley (1989) further defined units of analysis as “words, statements, paragraphs or entire articles or stories” (p. 127). This is further stretched by Berelson (1971, p. 135) to include ‘sub-divisions such as space, page placement, number of articles and selected key terms’. This means that the unit of analysis is the smallest and the most important element of a content analysis study. They are the most important as they guide the inferences that will be made by this study.

The units of analysis were selected on the basis of research objectives of the study. This was in light of the assertion made by Stempel and Westley (1989) that “decisions on units of analysis depend primarily on the information required for the purpose of the study” (p. 127). These decisions are also guided by rules and definitions set specifically to ensure that there is closer agreement and consistency among coders hence reducing the need to use personal judgment. The units of analysis selected for this study were individual news stories and letters to the editor.

Data Collection Procedure

The researcher obtained necessary permit from the Daystar University and the National Commission for Science, Technology and Innovation (NACOSTI). This study made use of human coders called for inter-coder reliability which was measured by the level of agreement between two coders. Category boundaries were defined
with maximum detail, coders were trained. The rationale for a detailed definition of the category boundaries is that ambiguity makes reliability difficult to achieve. Coders received examples of units of analysis and an explanation of each to ensure there was no ambiguity.

A research assistant was briefed on the purpose of the study, the units and categories of analysis, coding of stories and analysis of the data. An experienced coder was then be hired to carry out a second coding to ensure inter and intra-coder reliability. Training of the coders on the coding instruments and the category systems ensured that there was a consistent understanding of the methodology. During these sessions there was coding of sample material to enhance understanding.

Pretesting

A pretest study was carried out prior to the actual study on a subset of the content population. The period under review was 2009-2013. The study therefore examined articles appearing in the Standard Newspaper concerning the International Criminal Court between the years 2009-2013 when the ICC cases on Kenya were active. Articles were picked from individual news stories and letters to the editor. The results of analysis were used to test identification of units and categories of analysis and explanation of each and the easy of coding stories. Poorly definition of categories as well as poor coding and anomalies were corrected through training of research assistants by an experienced coder to ensure proper coding of stories and definition of the category boundaries to ensure coder reliability and therefore elimination of ambiguity. This also ensure consistent understanding of the methodology.
Data Analysis Plan

Data collated from each newspaper was entered into a coding sheet and classified under date, day, month and year. The data was processed and analyzed using Excel and the output presented in the form of tables.

Ethical Considerations

After approval of the research proposal, the researcher obtained a research permit from the National Commission for Science, Technology and Innovation (NACOSTI) and permission was granted to carry out the research.

As the study involved interpreting data, analysis and collection of the same, there was possibility of academic fraud. The researcher avoided this by not making up data and/or purposefully having inaccurate conclusions. Data was not purposefully misrepresented.

The researcher avoided plagiarism in the study. The researcher avoided this by acknowledging other authors’ works by hence giving credit to their academic contributions. The researcher also avoided copy pasting from other related documents.

Summary

This chapter has laid out the research methodology that was employed in the study by enumerating the units and categories of analysis, population, sample and sampling methods as well as the data collection and analysis plans to be used. The findings are presented in chapter four of this study.
CHAPTER FOUR
DATA PRESENTATION, ANALYSIS AND INTERPRETATION

Introduction

This chapter details the research findings and analysis based on the research methodology outlined in chapter three. This chapter makes use of tables, bar graphs and line graphs to present data on the types of frames used to cover the international criminal court, the frequency in articles covering the court, the trends in the coverage in select months and finally the differences in coverage by the *Daily Nation* and *The Star*. All the results were used to answer the research questions.

Presentation, Analysis and Interpretation

Frequency of Articles

There were a total of 431 news stories and 104 letters to the editor in the *Daily Nation* covering the ICC over the period that this study covers. In *The Star*, there were 156 ICC news stories and 20 letters to the editor covering the ICC over the same period. Out of the total stories and letters covering the ICC by both papers, this adds up to 74% coverage by the *Daily Nation* against that of 26% by *The Star*. In total there were 587 news stories and 124 letters to the editor in the sample.

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>News stories</th>
<th>Letters to the editor</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Daily Nation</em></td>
<td>401</td>
<td>101</td>
</tr>
<tr>
<td><em>The Star</em></td>
<td>156</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>587</td>
<td>124</td>
</tr>
</tbody>
</table>

The data showed that the *Daily Nation* had the highest number of articles (109) covering the ICC in December 2010 and the lowest (14) in March 2010. *The
Star on the other hand had the highest number of articles (37) in April 2011 and the lowest (5) in March 2010. Both papers had news articles covering the ICC throughout the sampled months.

<table>
<thead>
<tr>
<th>Table 4. 2: Number of ICC News Articles by Month</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Nov-09</td>
</tr>
<tr>
<td>Mar-10</td>
</tr>
<tr>
<td>Dec-10</td>
</tr>
<tr>
<td>Mar-11</td>
</tr>
<tr>
<td>Apr-11</td>
</tr>
<tr>
<td>Oct-11</td>
</tr>
<tr>
<td>Jan-12</td>
</tr>
<tr>
<td>Mar-13</td>
</tr>
<tr>
<td>May-13</td>
</tr>
</tbody>
</table>

Types of Frames

There are two frames that were considered namely the ICC as an instrument of justice for the victims and the accused and the ICC as a political tool. The frames were deemed to be either the justice or the politics frame by establishing the ‘who’ and the ‘where’ in the article. Articles depicting the justice frame were those that had the ‘who’ as players to the court process i.e. the judges, the prosecution and the defense teams and the ‘where’ was the court. The articles that advanced the political frame were those that had the ‘who’ as other political actors other than those accused. There were instances where the accused were the main actors in the article but the ‘where’ was not the court. These articles were considered as advancing the politics frame.

There was a small number of articles that did not fit either of these two frames and these were articles that depicted the ICC process as a threat to peace and those
calling for prayers. These were classified as ‘others’. This category formed less than 10% of all articles sampled.

Out of all news articles in the Daily Nation, 35% were covered in the political frame, 57% depicted the justice frame while 7% covered other frames. Out of all news stories sampled in The Star, 44% covered the political frame, 54% the justice frame and 2% depicted other frames. It is noteworthy that a majority of the articles framed the court as an instrument of justice in both papers. This is depicted in Table 4.3.

<table>
<thead>
<tr>
<th></th>
<th>Politics</th>
<th>Justice</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nation</strong></td>
<td>35%</td>
<td>57%</td>
<td>7%</td>
</tr>
<tr>
<td><strong>The Star</strong></td>
<td>44%</td>
<td>54%</td>
<td>2%</td>
</tr>
</tbody>
</table>

The data further showed that the Daily Nation framed the ICC in the political frame the most in May 2013. During this period, 65% of all coverage of the ICC was in this frame. The court was captured the least in this frame in October 2011 (2%). The justice frame was advanced the most in October 2011 (89%) and the least in May 2013 by the same paper.

The Star framed the court as an instrument of justice the most in March 2013 (100%) and the least in March 2011 (29%). The political frame was most prominent in March 2011 at 71% and least prominent in March 2013 where none of the articles reflected this.
Table 4.4: Frequency of Frames in Percentages Per Period

<table>
<thead>
<tr>
<th>Period</th>
<th>Daily Nation</th>
<th></th>
<th></th>
<th>The Star</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Politics</td>
<td>Justice</td>
<td>Others</td>
<td>Politics</td>
<td>Justice</td>
<td>Others</td>
</tr>
<tr>
<td>Nov-09</td>
<td>6</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Mar-10</td>
<td>2</td>
<td>5</td>
<td>14</td>
<td>40</td>
<td>60</td>
<td>0</td>
</tr>
<tr>
<td>Dec-10</td>
<td>4</td>
<td>5</td>
<td>7</td>
<td>55</td>
<td>45</td>
<td>0</td>
</tr>
<tr>
<td>Mar-11</td>
<td>4</td>
<td>5</td>
<td>0</td>
<td>71</td>
<td>29</td>
<td>0</td>
</tr>
<tr>
<td>Apr-11</td>
<td>2</td>
<td>7</td>
<td>5</td>
<td>51</td>
<td>46</td>
<td>3</td>
</tr>
<tr>
<td>Oct-11</td>
<td>2</td>
<td>8</td>
<td>9</td>
<td>50</td>
<td>50</td>
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</tr>
<tr>
<td>Jan-12</td>
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<td>4</td>
<td>20</td>
<td>39</td>
<td>57</td>
<td>4</td>
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<tr>
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<td>0</td>
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<td>2</td>
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<td>28</td>
<td>72</td>
<td>0</td>
</tr>
</tbody>
</table>

N=535          N=176

The data indicates that the Daily Nation had an almost equal share of letters to the editor and hard news reflecting the political frame. The justice frame was more prominent in news stories than in letters to the editor. Frames in the others category were more in the letters to the editor than in news stories. This data is illustrated in Figure 4.1.

![Figure 4.1: Framing of the ICC by News Type](image)

The Star on the other hand had 70% of letters to the editor framing the court as a political tool as compared to 41% of hard news. The court was framed as an 42
instrument of justice in 57% of hard news as compared to 30% of letters to the editor. None of the letters to the editor in the sampled period captured other frames as compared to 2% of hard news. This data is illustrated in Figure 4.2.

Framing of the ICC in *The Star* by news

![Figure 4.2: Framing in the Star by News Type](image)

Trends in Coverage

Trends of news articles covering the ICC in the *Daily Nation* and *The Star* is illustrated in Figure 4.2.
Figure 4.3 displays the trends in the coverage of the ICC. Both papers had a dip in coverage in March 2010. They both however increased coverage with the Daily Nation rolling out 109 articles in December 2010, while The Star published 37 articles in April 2011. The pattern of coverage as evidenced in the graph is almost similar with the difference being the scale as the Daily Nation has higher circulation figures as compared to The Star.

Figures 4, 5 and 6 illustrate the changes that both dailies made over the sampled period on their framing of the ICC. The Daily Nation framed the ICC as a political court in 45 articles in March 2010. This trend dipped consistently until October 2011 where only 1 article captured this.

The Star exhibits a rise in the political frame in December 2010, March 2011 and April 2011 where on average 18 articles frame the court politically. The frame dips to nil in March 2013 and in May of the same year 8 articles frame the court as a political tool.
Figure 4.4 illustrates trends of the political frame.

The Justice Frame

As earlier illustrated, both papers had largely framed the ICC as an instrument of justice in their coverage. In the Daily Nation, this frame was dominant in the months of April 2011, October 2011 and March 2013 at 75%, 89% and 65% respectively. The star used this frame the most in November 2009, March 2010 and January 2012 at 63%, 60% and 57% in that order.
Overall, the data indicates that both the *Daily Nation* and *The Star* framed the ICC as an instrument of justice in their reporting at 57% and 54% respectively. At 44%, the news articles in *The Star* framed the court as a political actor, while 35% of articles in the *Daily Nation* captured the court in the same light. Figure 4.6 illustrates these findings.
Summary of Key Findings

The ICC was dominantly framed as a court of justice by both dailies. The articles depicting this frame were those where the ‘who’ were actors in the court process, mainly the accused and their defense teams, the victims, the prosecution, the judges and the Security Council which the court is a creation of. The ‘where’ in the article was the court.

The court was framed as a political tool where the ‘who’ in the article were other political players other than those before the court. Three of the six that were initially accused by the prosecution in the pre-trial stage were politicians. Where they are the ‘who’ but the context was not the court, this was regarded as advancing the political frame.

The data shows that both papers covered the ICC the least in March 2010. This is when the court granted authorization for the prosecutor to open an investigation into the postelection violence in Kenya. The court was covered the most in December 2010 and March 2011. The justice frame was advanced the most in December 2010 and March 2011, the same months that the papers had the most articles on the ICC.

A majority of the articles covering the political frame were on political activity as the country started gearing towards an election initially scheduled for August 2012 as well as the results of the elections which were eventually held in March 2013. This frame is captured the most in May 2013 in the *Daily Nation* and March 2011 in *The Star*.

There were a total of 587 stories and 124 letters to the editor on the ICC in both dailies. Out of these news items, there were more letters to the editor in the *Daily Nation* than in *The Star* relative to the news stories.
Summary

This chapter has presented the research findings as per the research objectives and questions set out in the first chapter of this study. Data on the types of frames used by Kenyan dailies to report on the ICC, the frequency of news items, the trends in coverage as well as the differences in coverage by the two dailies has been presented. The chapter that follows discusses these findings, draws conclusions and recommends opportunities for further research.
CHAPTER FIVE
DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

Introduction

This study explored the framing of the international criminal court by the *Daily Nation* and *The Star*. The study was guided by the following research objectives:

1. To determine the types of frames used to cover the ICC
2. To determine the trends in the framing of news on the ICC
3. To determine the frequency of news items on the ICC
4. To find out if there were differences in the framing of the ICC by the two Kenyan dailies

The study was premised on the understanding of framing as a central organizing idea which is arrived at by highlighting some aspects of a perceived reality more than others. (Entman, 1993; Goffman, 1974). The study proposed to investigate the framing of the ICC in three frames namely the ICC as a court of last resort, an imperialist tool and as a political issue in the 2013 elections.

Discussions of Key Findings

The ICC was dominantly framed as a court of justice by both dailies. The articles depicting this frame were those where the ‘who’ were actors in the court process, mainly the accused and their defense teams, the victims, the prosecution, the judges and the Security Council which the court is a creation of. The ‘where’ in the article was the court.

The dominance of this frame suggests that the media framed the court as one that would bring about justice and by extension the public viewed it as so. This is 49
consistent with an Ipsos Synovate poll where 59% of Kenyans polled in October 2011 were in support of the court. The study found out that those in support felt that justice would be delivered through the ICC. This is in line with the view taken by Ferguson (1999) that the media influences the standards by which the public views institutions.

The court was framed as a political tool where the ‘who’ in the article were other political players other than those before the court. Three of the six that were initially accused by the prosecution in the pre-trial stage were politicians. Where they are the ‘who’ but the context was not the court, this was regarded as advancing the political frame.

The fact that this frame was not as dominant is a surprise because public perception was that politics receives more than its fair share of coverage in Kenyan media. While it is acknowledged that journalists are influenced by elite sources, Bennet et al. (2006) argued that ‘dramatic events can allow the media to be more independent, critical and proactive in their coverage’ (p. 48).

The data shows that both papers covered the ICC the least in March 2010. This is when the court granted authorization for the prosecutor to open an investigation into the postelection violence in Kenya. The court was covered the most in December 2010 and March 2011. This is when the prosecutor requested the pre-trial chamber to issue summonses to six prominent Kenyans and subsequently when the actual summonses were issued. The story was in itself a big story but when the names of six prominent Kenyans were mentioned, the news value of prominence catapulted it to the most news worthy issue at the time. This was also a critical time for frame building which according to Entman (2009) starts when news content draws support or opposition by drawing on cultural resonance in the audience. Gamson and Modigliani (1987) argued that by downplaying certain aspects of the issue and 50
emphasizing others, interested parties, want to guide the audiences to the ‘essence of the issue’ (p. 143).

The justice frame was advanced the most in December 2010 and March 2011, the same months that the papers had the most articles on the ICC. This may be because it was the first time that the court process dealing with the Kenyan cases was opened up and broadcast. Framing involves moral evaluation so as to recommend treatment (Entman, 1993). In this case, the court process evoked moral judgment as some argued that the ICC is an effective deterrence for future violence (Alai & Mue, 2010; Hansen, 2011). The heightened interest waned over the following months as the ICC became a common news item.

A majority of the articles covering the political frame were on political activity as the country started gearing towards an election initially scheduled for August 2012 as well as the results of the elections which were eventually held in March 2013. This frame was captured the most in May 2013 in the *Daily Nation* and March 2011 in *The Star*. The status conferences for both cases were held in May 2013. There was renewed political interest as two of the accused were now the duly elected president and deputy president of Kenya. It was during this time also that the Kenyan ambassador to the UN requested the Security Council to halt the trials as they were ‘neither impartial nor independent and could destabilize Kenya’ (Kenya asks UN to halt ICC charges against Kenyatta, 2013).

There were a total of 587 stories and 124 letters to the editor on the ICC in both dailies. Out of these news items, there were more letters to the editor in the *Daily Nation* than in *The Star* relative to the news stories. Letters to the editor offered a platform where the audience could participate in public discourse in the print media by sharing diverse ideas and opinions (Gregory & Hutchins, 2004). It can therefore be
construed that there wasn’t as much audience participation in *The Star* as there was in *The Daily Nation* with regard to the ICC.

While the dominant frame in both dailies was the justice frame, *The Star* had a slightly higher percentage of articles covering the political frame than the *Daily Nation*. This might be as a result of *The Star* changing the focus of its news from human interest stories to political news in 2008 (About the Star, 2013). The paper therefore had a greater inclination to frame issues politically than the *Daily Nation*.

The third category of frames may not be significant but is telling of the dailies’ attempt to welcome alternative frames. *The Star* had the least of news items covering this category than the *Daily Nation*. According to Gamson and Modigliani (1989); Gitlin (1980); Tuchman (1978), news stories are framing contests by political actors, organizations and social movements and in most cases the political actors win as they have the most resources dedicated to the contest. This may therefore mean that this category of frames did not have prominent support in both papers more so in *The Star*.

Conclusions

This study concluded that Kenyan dailies used two major frames while reporting on the ICC. The court was dominantly framed as an instrument of justice and to a lesser extent as a political tool.

The justice frame was advanced the most in December 2010 and March 2011. This was because this is when it became clear who the accused persons were. This is also when the ICC was covered the most by both dailies. The political frame was advanced the most in May 2013, the first time that two of the accused were engaging with the court as the president and the deputy president of Kenya. These two findings point out to the frequency of the news items being determined by these two key
figures. This falls short of media objectivity as there is a third co-accused party and victims.

The dailies had news articles covering the ICC in all months sampled. The frequency starts off at a low note and heightens when the names of those accused of bearing the greatest responsibility in the PEV were announced and then again when the elections approached.

There was a marked difference in the coverage of the court by the two dailies. While the *Daily Nation* had a substantial number of letters to the editor regarding the ICC, *The Star* has very few. The element of feedback was therefore not robust in *The Star*.

Recommendations

The study recommends that media outlets should explore the court beyond these two frames so as to give a more rounded view of the court. Bearing in mind that public opinion shifts if one or more frames receive more coverage, the media should endeavor to carry out balanced reporting so as to effectively fulfill its mandate.

Secondly, the media outlets should accord media coverage to all parties to the case as most of the stories focused on the President and Deputy President. This will create an opportunity for the public to have a balanced view of the court.

*The Star* should also accord its readers a platform to give feedback on this story. Whilst it is not possible at this point to establish if the letters were received and not published, judging by the letters on *The Daily Nation*, it is a safe assumption that they were.

It is not in the interest of the international criminal court to be seen as a political actor. As Fenandez (2004) argued, institutions should view public relations
as barometers of people’s perceptions and should reach out and sensitize their publics based on their concerns and expectations. The court should therefore weigh in on the positive framing of the court as an instrument of justice by interacting with the Kenyan public.

Recommendations for Further Research

Further research should be carried out to establish what the effects of the framing of the ICC were on the audience. This study should carry out content analysis together with surveys and focus groups to gauge if the frames were perceived as presented by the media.

The ICC is still a developing story and one that continues to shape the political life of the nation. There is therefore an opportunity to establish if the frames have shifted from May 2013 to date. In the course of the study, it was established that while a story may depict the justice frame, it was either about the court bringing about justice or failing in this mandate. Further research should therefore go a step further and incorporate the study of framing as either negative or positive framing.
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60


APPENDICES

Appendix A: Research Permit