

Elements of Fake News in the 2022 General Elections in Kenya

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Abstract

Review Article

This article discusses the manifestation of fake news in Kenya's last general election based on a study of audio-visual content that was shared between June and December, 2022. It identifies the use of audio-visual content as fake news in the 2022 Kenyan general elections; identifies the themes of the audio-visual content used in Kenya's 2022 general elections and analyzes the impact it had on the electoral discourse in the country. It is from this that it identifies gaps and gives recommendations including those on policy and hopes to contribute to scholarship on fake news whose interest among stakeholders keeps on growing. One of these recommendations is to teach fact-checking as a general course in institutions of higher learning. This should not be focused on journalists alone since everyone has the ability to create fake news content or to become its victim.

Keywords: Fake News; Kenya; Elections; Fact-Checking; Media Council of Kenya; Computer Misuse and Cyber Crimes Law.

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INTRODUCTION

The concept of *fake news* is as old as humanity. It however gained traction from 2016 when the then US President, Donald Trump, popularized it with every response to information he felt did not favor him or he was not comfortable with. From then on, so many people have found themselves at the center of what could arguably be termed as the 'fake news fiasco', either as victims or as villains. Analysts say that advancements in communication technology, especially the growth of digital communication spaces is part of the ecosystem within which fake news has found an opportunity to flourish. This is coupled with changing consumer trends, especially in the wake of the Covid – 19 pandemic that has seen a lot of traffic to online sources of information. There is general consensus that its spread is perilous and thus a lot of resources have been employed to develop mechanisms to counter it. Such mechanisms have included literacy forums with journalists, civil society actors, governments and other partners, that have stakes in the creation of an environment that guarantees the freedom of expression, freedom of the media and access to information. With these attempts has come a growing scholarship on the topic from a myriad of perspectives: media and journalism, democracy, politics, law and policy, security and much more.

This article discusses the manifestation of fake news in Kenya's last general election based on a study of audio-visual content that was shared between June and December, 2022. Its objectives are: to identify the use of audio-visual content as fake news in the 2022 Kenyan general elections; to identify the themes of the audio-visual content used in Kenya's 2022 general elections and to analyze the impact it had on the electoral discourse in the country. It is from this that it identifies gaps and gives recommendations including those on policy and hopes to contribute to the scholarship on fake news whose interest among scholars keeps on growing on a daily basis.

Evolution of Fake News

Fake News is as old as humanity and history is replete with scenarios where tactics of deceit and or the manipulation of information were applied to the disadvantage of other people. Pope Francis traces it to the story of creation at the garden of Eden where the snake is said to have won over Eve and Adam, tempting them to eat from the "tree of knowledge" after it claimed that they would be equal to God. It's the story that appears in Genesis 3: 1-7 (The New African Bible, 2011) which the bible terms as the root of all evil. According to the Pope, those who use fake news are employing "snake

tactics” since “fake news is a sign of intolerant and hypersensitive attitudes, and leads only to the spread of arrogance and hatred. That is the end result of untruth” (Reuters, 2018). Perhaps it is because of the ill luck that followed man after the dismantling of the order God had imagined for humanity following this first sin, that later on God commanded the Israelites, through Moses, never to tell lies.

There are also limitless stories, folklore or otherwise, from ancient Greece to the African setting where facts were misrepresented. They include stories that say death came by as a result of the misrepresentation of orders given by God to man by messengers, He had sent to deliver the message of eternal life. Or at times, the manipulation of facts would be executed by one party or parties envious of certain qualities in a party or parties they did not like. The envious parties would for instance kill the party they envied and then cook a story on how they would account for the missing person to the community. Such stories have been passed orally over many generations in the African society and have been recorded and commented upon by many a scholar in African oral literature such as Kabira (1987), Finnegan (1987), Mbiti (1991). But the story that speaks best of misinformation and beats the boundaries of time and cultures is that of the “Boy who Cried Wolf Wolf” by Aesop in 1867 (Aesop’s Fables, Lit2Go). That there was once a boy who was tending to sheep. Having felt lonely and in need of company, he made the whole village believe that he was being attacked by a wolf. The village came out to help him only to find it was a lie. He did this for a second and third time with the village coming out to help him only to find it was a lie. However, there after a wolf is said to have appeared in the practical sense after which it started attacking the sheep, but when he cried for help no one came to his help. This story is told across cultures to teach that lying (fabrication of information) is an abomination.

This background is very critical. Among the issues that scholars insist in the trace of how fake news started is to try to see how human beings have used lies for various purposes since creation, since the dawn of language and since the existence of ‘factual’ news (Watson, 2018; Waweru, 2019: 30; Chenzi, 2021: 505) It should be noted that one of the main challenges of tracing the origin of fake news is that, while the general assumption among scholars is that it comprises false and or fabricated information, different people call it different names and conceptualize it differently, the most recent terms being misinformation, disinformation, and mal-information (UNESCO, 2018). Other scholars think that the concept should now be seen from the perspective of post-truth, a concept that encompasses an era where facts matter no more (Wang, 2020).

According to Shu *et al.* (Shu, 2017: 93), fake news can be traced to 1439 when it started to be

circulated widely following the invention of the printing press. Watson (2018: 96) shares the same views too. He avers that the term was first used 125 years ago when the invention of the printed press led to publication of false news. He goes on to give a more detailed trace of the term starting with the year 1475 where he takes note of a publication of a sensational story that pitted Jews against Christians. The story according to him had alleged the torture and subsequent killing of a Christian boy by the Jewish community in Trent, Italy. As a retaliatory move, fifteen Jewish individuals were targeted for killings with the story further saying the boy had been killed so his blood can be used in Jewish rituals. In the early 1700s he notes, the founding father of the American nation George Washington was the victim of fake news after the publication of what was assumed to be letters by him to his family members denouncing the revolutionary war. It is said that the style in which the letters were written had a striking resemblance to his style that he too, was astonished. He also notes that in 1872 there was a case where one Benjamin Franklin spread fake news after he published a counterfeit issue of the *Boston Independent Chronical* that exposed Indians in bad light and laying the blame to King George III. His intention was only to have other newspapers re-run the story and ignite sentiments of hate against Native Americans. In 1835 it is also documented that the *New York Sun* published a series of articles about the discovery of life in the moon (Allcott, & Gentzkow, 2017).

Other studies take a different route, tracing fake news to the origin of propaganda, or simply non-objective communication (McQuail, 2010: 443) with propaganda playing a key role in the Great Wars (Pedrini, 2018). One can also see some elements of fake news or misinformation in the colonial project in Africa. Most post-colonial African scholars such as Ngugi wa Thiong’o, Chinua Achebe, Benedict Anderson, and many others, have for instance noted that the images of the African continent that were communicated back to Europe misrepresented Africa. Joseph (Conrad, 2005) for instance describes Africa, as the land of misfortune through his book *The Heart of Darkness* and thus falling short of suggesting there was need for the colonizer to come and light it up. The African in the post independent nation also picked up the art of misrepresenting facts about the image of his fellow African when and where there was need to apply the politics of identity either during competitive politics or during the fight for resources. In Rwanda for instance, during the 1994 genocide, the Hutu were misrepresented as the *Inyenzi* (cockroaches) and thus deserving to be killed. This is well explained by many writers including Mamdani (2010) and Gourevitch (1998). Kenya too has its fair share of this misrepresentation (of communities) inspired by political differences with the 2007/2008 post-election violence speaking volumes of how far its impact went. The reports of what we came to popularly refer to as the ‘Waki’ and ‘Kriegler’ Commissions give detailed

explanations of the gaps and impact of this misrepresentation. In an analysis of the circumstances, Koigi wa Wamwere (2008: 34) introduces the concept of negative ethnicity. He says, “negative ethnicity begins its war with us by taking away the humanity of our enemies and making them demons to us. This gives us a reason to destroy them.” Looked at this way then, one sees that fake news has also included some aspects of the politics of identity where one person gives himself the esteemed role of defining the other.

Development of fake news:

Thus, fake news has been there with us with far reaching implications only it is not until 2016 when the then President of the United States of America popularized it. But the popularity of the term that year is also credited to one Paul Horner, an American writer and comedian who made a name for creating and spreading false information about the US Presidential election. So successful were his antics that even at times major news sources such as Google, would pick information from him. President Donald Trump also benefitted from this that Horner once asserted Trump was in the White House courtesy of him. Some of his fake news included a tweet that Barrack Obama is gay and that he is a radical Muslim. When he was asked about how his tweets get circulated, he said that no one ever seems to want to verify information, “people just circulate”. Horner died in 2017 at the age of 38 but his legacy, albeit a negative one, lives on (CBS News, 2017; The News York Times, 2017).

It is from this that we can see how fake news has developed from the days of deceit at the garden of Eden (as the Pope posited), to propaganda during the days of the great wars, to the politics of identity in colonial and postcolonial Africa and in the modern day we live in. One of the new developments of fake news is that the mode of spreading it has dramatically changed with the introduction of digital and social media technology. In fact, today, to study fake news is to also study digital and social media. One of the recent interests in digital and social media platforms is in their ability to collapse space and time while forming what Omanga (2019) refers to as “digital publics” – with the ability of turning online conversations to offline action which one can aptly say is one of the dangers of fake news. Fake news may appear less dangerous in an online space but can have far reaching implications on the ground. Van Dijck & Poell (2013: 3) while discussing the logic of social media say they pose “a serious challenge to existing institutions such as mass media and government authorities.” Other scholars have emphasized this perspective saying the gap is in the misuse of the very opportunities they offer: opportunities of collaboration, participation, transparency, expansion of democracy, easy access to information, promotion of freedom of expression and many others (Mergel, 2013; Lampe, et.al. 2011; Baruah, 2012).

This brings us to the question of what fake news is in contemporary scholarship. Several definitions abound. Allcott & Gentzkow (2016: 213) say the concept stands for “news articles that are intentionally and verifiably false, and could mislead readers.” Wang (2020: 155) assumes this definition but goes ahead to give several other definitions based on three main categories: on false information and related terms; on fake news and related terms and on truthiness and purpose of false information and relative terms. To him fake news is “a message that contains wrong or false information but does not report the incorrectness of information.” In total he lists at least 21 terms that he thinks are linked to the fake news phenomenon and emphasizes their analysis. In these are 3 key terms that have become the face of fake news in recent times: misinformation, mal-information, and disinformation, terms that were introduced by UNESCO (2018) due to the inability of the fake news term to give the complete picture. In fact, literature on the development of fake news has also included what it is not. Generally, the agreement is that fake news does not include: unintentional misinformation or reporting mistakes (especially by journalists), rumors that do not originate from a particular news article, conspiracy theories, false statements by politicians, reports that are slanted but are not outrightly false, satire with proper context which has no intention to deceive, as well as hoaxes that are only motivated by fun or to scam targeted individuals (Allcott & Gentzkow, 2016; Shu et al., 2017). Thus, according to UNESCO (2018) what is important is to pay more attention to what it refers to as an “information disorder”; some kind of a news normal where the river of information is being interfered with at different levels so much so that the end user gets a poisoned cup. It stresses on misinformation – false connection or misleading information with no intention to harm; disinformation – false content, imposter content, manipulated content, and fabricated content which is both false and has intention to harm; mal-information – some leaks, some harassment and some hate speech whose key intention is to harm.

There are different motivations for the spread of fake news both pecuniary, that is business, and ideological. Some people also spread fake news to merely prank or to take advantage of the increased popularity of social media. But fake news is also spreading like bush fire partly because of the gaps in modern day journalism where journalists are not meeting the demands of the current news consumer either in terms of the quantity or quality of the news they supply (Waweru, 2019; Shu *et al.*, 2017).

Criticism of the fake news term

The first criticism of fake news starts with the fact the concept is an oxymoron; it is composed of two words that mean completely two different things – *fake* which stands for false and *news* which is about facts. The overall news value that journalists stick to always, is

facts. Nothing stands as news unless it can be proven (Boyd, 2001; Jewkes, 2011). It is because of this oxymoron nature of fake news that there are too many other concepts that have been assumed to explain it. There are over 20 terms that are used to explain fake news (Wang, 2020). Even UNESCO (2018) that popularizes the use of the terms misinformation, disinformation and mal-information (the three terms that most people in the media industry have chosen to concentrate on) identifies other seven terms that describe fake news (satire and parody, false connection, misleading content, false context, imposter content, manipulated content and fabricated content). Thus, the term has been rejected for its “conceptual vagueness” and apart from UNESCO, other institutions including the UK government have also rejected it in the past (Wasserman & Madrid-Morals, 2019).

Criticism on fake news has also centered on the non-truths that surround it. Waweru (2019) calls it myths on fake news: the fact that many people have tended to see it as a new phenomenon yet history traces it to the start of humanity; the fact that we always pick social media as its main purveyor yet mainstream media also spread it; the fact that some people think it is a myth, exaggerated, and a non-issue when it is real and a serious threat to the human race especially as it alters journalism and democratic discourse.

Generally, there’s agreement that fake news is too broad and there’s difficulty in situating it within a single field of study. While there have been too many resources set aside for the fake news project, criticism has also centered on the aptness of mechanisms being employed to counter it and whether it misses the point. Wahutu (2019: 14) notes that fake news may not be a problem in itself but a sign of existing gaps in the media sector that need to be corrected. Some approaches in solving fake news have included formulation of laws that have been seen to take away the gains around access to information and freedom of expression creating a gap on implementation of the mechanisms to counter fake news. KICTANET (2022: 10) for instance notes a vagueness in the legal framework on fake news in Kenya. Its report titled *Disinformation in Kenya’s political Sphere: Actors, Pathways and Efforts* says that there is no law that clearly distinguishes between misinformation and disinformation, so much so that Kenyan laws are more inclined towards tackling disinformation. As a result, there have been cases where in the past, persons have been penalized for misinformation with charges against them being fronted as disinformation and or mal-information. Finally, and this is in broader terms, all this confusion on how to approach fake news is also inspired by the information disorder of the modern times we are living in. In fact, other scholars such as Wang (2020) are showing that we need to move away from the fake news concept, they think that it is now old, and that we need to concentrate on post-truth. As Watson (2019: 96) aptly

notes “the delivery of news has changed dramatically and we will. The majority of the world’s population will never return to an era of relying upon professionally reported news,” a demonstration of the post-truth reality we are in.

Fake News as Propaganda and how it impacts on the media and elections

As seen in the previous sections on evolution and development of the concept of fake news, there are myriad ways of looking at it. The concept is also interlinked with so many other concepts in different fields of study from journalism, communication and media studies to political science and identity politics, literature and post-colonial studies etc. This section looks at fake news as propaganda asking how it impacts on elections in a country and especially how it impacted on the 2022 general elections in Kenya. In doing so, it employs two theories: the theory of propaganda and public sphere theory.

In Latin the word propaganda signifies ‘spreading’ and it originates from a 16th Century evangelical mission by the Roman Catholic Church under the leadership of Pope Gregorio XV (Pedrini, 2018). During that time the Pope formed a committee for the propagation of faith dubbed ‘*Congregatio de Propaganda*’ that had the aim of suppressing the protestant reformation (Baran & Davis, 2010). Thus, the original aim of propaganda was not to spread half-truths or misleading information and the concept did not gain momentum until the World War I and other great wars when a need for joining or supporting the wars would be framed (Pedrini, 2018).

Propagandists thrive in the art of persuasion with an aim of changing the way people see themselves and their social world and they believe that the end justifies the means (Baran & Davis, 2010). But for persuasion to be successful in the delivery of a certain message, it is necessary that the source of the message be as trustworthy as possible, the message be as logical as possible and lastly be as emotive as possible (Pedrini, 2018). Propaganda follows these same ways. For it to work, the communicator needs to simplify the same, repeat the simplification over and over again, persuade people through covert ways and use language that discourages divergent thoughts (Baran & Davis, 2010). A close look of fake news will always show propaganda at play as certain individuals, mainly “key board warriors” or “key board armies” what we have come to refer to as “influencers” keep on monitoring the internet and with some pay come up with persuasive messages aimed at misinforming people deliberately (KICTANET, 2022)

This article applies the theory of propaganda in looking at how the fake news that was spread during the 2022 general elections persuaded its target audiences

towards taking certain positions. But it first uses the theory in analyzing what the messages are and their intended effects. The theory has also been picked due to the closeness of some of its propositions to those of fake news. Scholars for instance identify three typologies of propaganda: black propaganda which is misrepresentation of the source of the message to make it look like it is coming from an insider; white propaganda where an outside source aimed at the intentional suppression of contradictory information; gray propaganda which is spreading of information which may or may not be false but the propagandist simply made no effort to fact check. This is much so especially when it is clear that the message propagates the views of the propagandist (McQuail, 2010; Baran & Davis, 2010). As it can easily be noted, this is what happens in most cases when we are forwarding fake news on social media platforms.

In looking at the impact of fake news on election this article applies the public sphere theory. The theory sees a public sphere as a public space where public opinion is shaped and where these opinions ultimately influence the direction of the state. Since it is a space, it can either be physical or mediated but it is the point where people can gather and share information as they tease out their political interests and social needs with other participants (Squires, 2002). A good public sphere thus depends on proper access to pertinent information about the access of information of governmental institutions and opportunities for citizens to engage in rational deliberation (Haas, 2006; Dahlgren, 2006). Fake news influences the formation of public opinion and further affects the democratic discourse among citizens. It is no doubt that fake news, by shaping frames that influence people's opinions ultimately alters the ecosystem within which civil deliberation takes place. Waweru (2019) notes that fake news impacts on both journalism as a profession just as it influences the public in general. Among these impacts is the devaluation of the delegitimization of the formal voices of reason including individuals and institutions, which undermines the ability to engage in rational discourse formation based on facts that are shared objectively. Fake news, she aptly notes, also causes polarization along ideological lines where stereotypes and generalizations of inequality are formed. Within such an environment, many fundamental human rights, including life, are lost.

Elements of Fake News in the 2022 General Elections in Kenya

In identifying elements of fake news in the 2022 general election, this article was informed by a study we conducted employing mixed methods to collect data from journalists and fact-checkers in Kenya. A survey was deployed where 117 journalists responded while key informant interviews with four fact-checkers deepened knowledge of fake news during the 2022 general

elections. The fact-checkers had done the 2017 and 2022 general elections, in addition to continuously fact-checking information. The study also involved a thematic analysis of different content that had the features of fake news that was spread during the general elections. This content which involved videos, memes, blog articles among others was collected for six months between June and December 2022. Themes are patterns in qualitative analysis (Clarke & Braun, 2013; Maguire & Delahunt, 2014) and the thematic analysis aimed at interpreting and making sense of the content. Guided by Kombo and Tromp (2006) the study identified the themes as consistent messages in the content whether those messages were direct or implied. But the themes were first clustered under three categories: mis-information, disinformation and mal-information.

On Mal-information

UNESCO (2018) classifies content as mal-informing if it has some leaks, it has elements of harassment and hate speech and its main aim is to harm. Content on this tended to depict women as overly relying on men for them to rise to the top as politicians. The message that was being carried in the content was that, the women had to have sexual contact with men, especially their party leaders to succeed in politics. One such content claimed that a certain woman gubernatorial aspirant, had been impregnated by her party leader. There was also mal-information on character assassination. Content on this either targeted individuals or institutions. This mainly targeted the two top Presidential contenders in the Kenya Kwanza and Azimio coalitions. While William Ruto (Kenya Kwanza) was always depicted as being corrupt and having insatiable appetite for land, Raila Odinga (Azimio) was depicted as too old to lead (ready for retirement). The Chairperson of the Independent Electoral and Boundaries Commission (IEBC) Wafula Chebukati as well as the Chief Justice Martha Koome were also targeted in content that depicted them as corrupt and that they had been paid to take sides in the last general election. That way, there was also character assassination to the institutions they lead.

On Disinformation

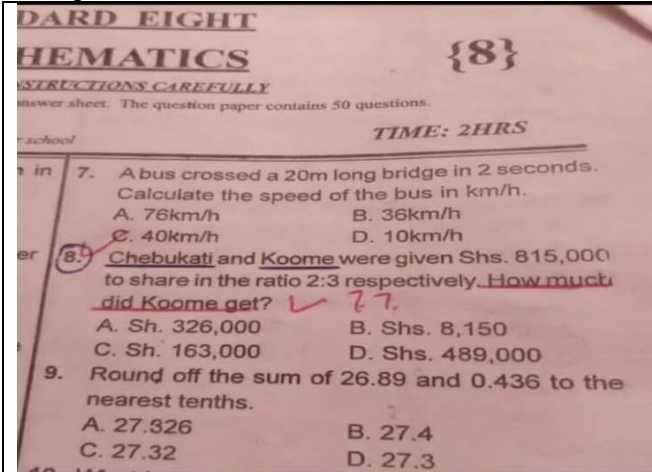
UNESCO (2018) classifies content as disinforming if it is imposter content, manipulated and fabricated content that is not only false but has intention to harm. The best example we picked on this was content that tried to force a blood connection between Rigathi Gachagua (now Deputy President) and former President the late Daniel Moi. Such content was in form of photos manipulated on photoshop that tried to say that Gachagua is Moi's son. This link thus further pushed by an ethnicity argument targeting William Ruto of Kenya Kwanza. The idea was that he is an ethnic mastermind who cannot pick any other person as a running mate apart from those in his community.

On misinformation

Misinformation is content that is basically false, is misleading and the intention is just to misinform or mislead, and not to harm (UNESCO, 2018). The best example we picked on this was a tweet that was alleged to have been from Tanzania’s President Suluhu Hassan and a video from America’s immediate former First Lady Mitchel Obama celebrating the endorsement of Martha Karua as Raila Odinga’s running mate. There were also meme’s where Raila and Karua were presented as the

‘the perfect couple’ through the image of one of Kenya’s celebrity couples (Guardian Angel and Esther Musila). This image however, also bordered on the infringement of privacy rights of the couple in as much as it never intended to harm any of the parties; either Raila/Karua or Angel/Esther. There was also a lot of misinformation through photos shared by the different sides of the political divide on social media pertaining to attendance of audiences in political rallies. The photos were always manipulated to give the wrong impression.

A sample of the fake news content studied:



Mal-information content based on character assassination for individual persons and institutions



Disinformation based on ethnicity

Samia Suluhu @SuluhuSamia

Nimepokea kwa furaha habari za uteuzi wa mama @MarthaKarua kama mgombea mwenza wa @RailaOdinga. Mama Karua anatambulika kote Afrika kwa kazi yake nzuri na ataifaa sana taifa la Kenya. Nawaomba wakenya waitumie vyema hii nafasi ya mabadiliko.

4:36 PM · May 15, 2022 · Twitter for iPhone

166 Retweets 5 Quote Tweets 950 Likes

Purely misinformation partly because there is even a grammatical error in the tweet that one does not expect the President to make.

Kenya Max News 2h

Kasarani Stadium Event
An eagle has disrupted live coverage by Citizen TV after it grabbed a drone flying above the stadium. Police have tried to shoot down the bird in an attempt to recover the drone.
Photos: Courtesy

Purely misinformation: A fact check traces this photo to a security company in the Netherlands that uses drones to train eagles to take down high-tech prey (The New York Times, 2016).

Survey feedback: The aim of the survey, which was done online, was to buttress the thematic analysis and to have a view of how Kenyans had interpreted the prevalence of fake news in the general elections. The survey confirmed most of the issues that had been identified in the thematic analysis.

Knowledge of fake news during the 2022 general elections:

We asked the question: “Did you come across any ‘fake news’ in the 2022 General Elections in Kenya?” and 98.3% of the respondents responded in the affirmative.

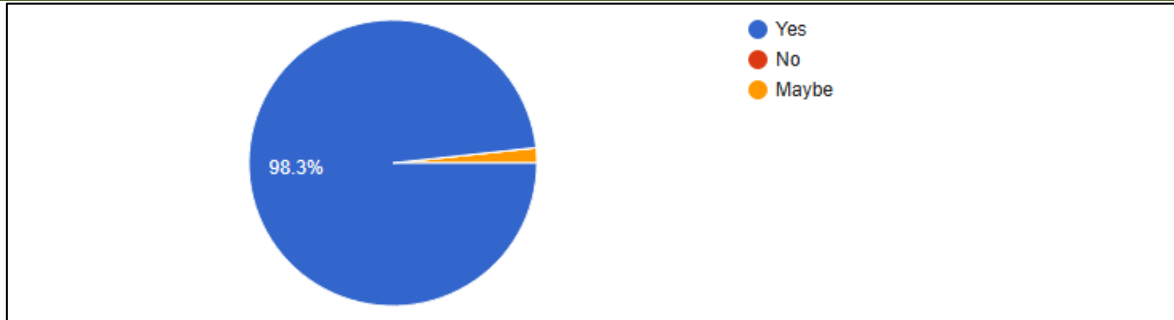


Figure 1: Knowledge of fake news during the 2022 general elections

Respondents had been able to notice elements of fake news that was spread during political events such as rallies and manifesto launches. They also noticed them in WhatsApp and Facebook groups, general posts, TikTok and Twitter and heavily driven by hashtags. In addition, they noticed its target on election processes especially individuals and institutions. Leading political actors and the Independent Electoral and Boundaries Commission (IEBC) received the most attacks. Most of the posts were shared or published by influencers or people with high following, some revered in the society

like lawyers and former practicing journalists. Many of them had verified accounts on Facebook and Twitter. “Unlike in previous elections, in this one people were more personal in their attacks”, stated a key informant.

Elements of Fake News in the last general elections

On this we asked the question; “Which of the following formed the highest element of the use of 'fake news' in the 2022 general election?” The survey found out that images, videos, news articles and memes in that order were the most prevalent.

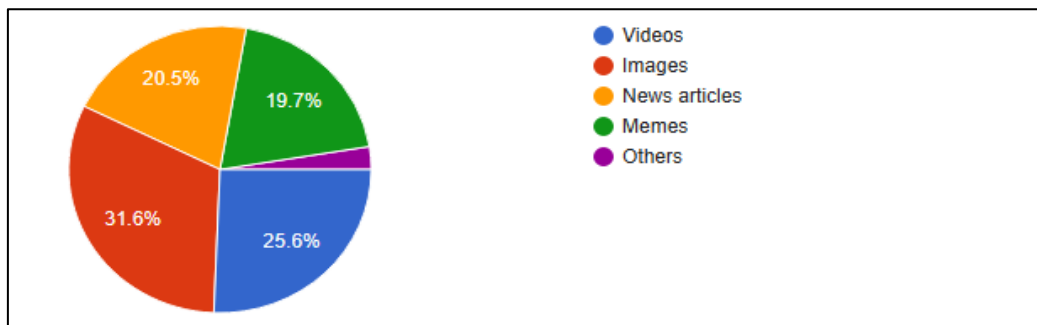


Figure 2: Elements of Fake News in the last general elections

One key respondent remarked that “fake news remains a major tool for settling political scores.”

Characteristics of the fake News Content:

We asked: “What features/characteristics of the use of fake news in the 2022 General Election in Kenya were most prevalent?”

The survey revealed that most of the fake news was as a result of fabricated journalism (an indictment to journalists for poor gate keeping). This was followed by sponsored content, typical of a highly charged political contest where candidates spend money to influence voters. The third was clickbait and lastly satire.

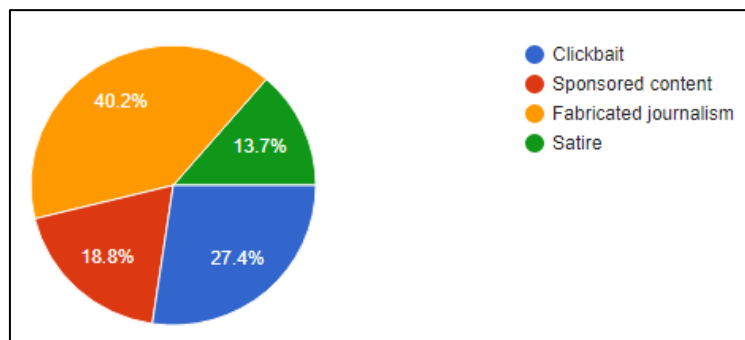


Figure 3: Characteristics of the fake News Content

Tiktok was cited as the platform where people falsely interpreted speeches made in local language by translating them to English to influence certain perceptions of people and institutions. The English translation was inaccurate and politically motivated. On Twitter, hashtags reigned supreme around events and key issues that political handlers wanted to focus on, to paint their competitors in a certain light.

A key informant put the challenge on the media financial constraints. “It’s been rather challenging than most election cycles because the media houses, by dint of either ownership, commercial interests or political affiliation had very clear bias. Transparency around paid news articles is something that needs to be addressed”, the informant remarked.

Intention of Memes used as Fake News in the 2022 Kenyan General Elections:

Memes employ both images and videos and are usually circulated online inviting participation through the creation of derivatives. As such they act as visual rhetoric and that keep on constructing meaning (Huntington, 2013). Richard Dawkins (2006) who coined the term “Meme” and came up with the meme theory saw them as the “new replicators” saying that they replicate through imitation. We took a keen interest in memes since they had the ability to combine a number of the elements (video, images, news articles etc) in the propagation of fake news.

We asked: “What did you find puzzling/interesting/worthy in the use of memes in the 2022 General Elections?” Interestingly, most of the respondents associated them with spreading rumors, stereotypes and innuendos as well as being part of political humour. One feels that an opportunity is lost in the use of memes to correct fake news.

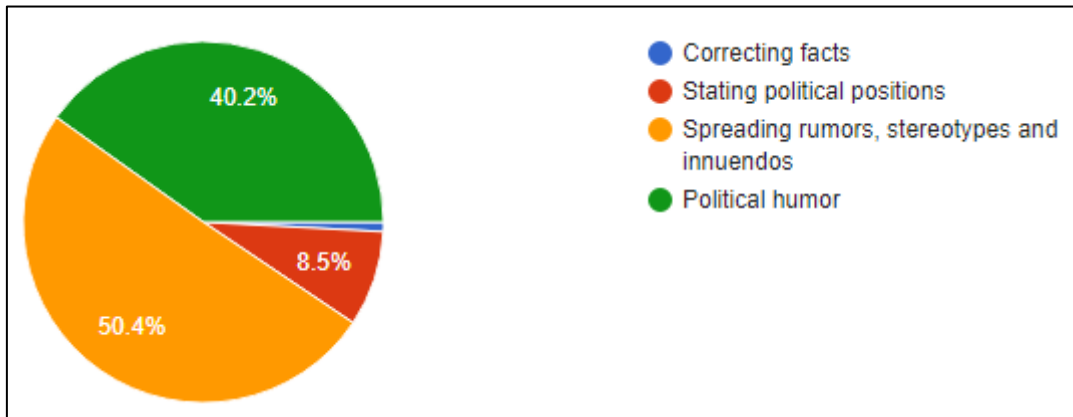


Figure 4: Intention of Memes used as Fake News in the 2022 Kenyan General Elections

“They were very rampant but the content was either satirical or parody with an intention of being harmful. However, it is difficult to punish them since they were more satirically inclined”, a key informant stated.

RECOMMENDATIONS

The study found that gate keeping in media is a weak link in the fight against fake news as fabricated content was cited as a key feature. This is especially because the respondents were journalists who would be more informed about newsroom content processes and structures. While dwindling revenues in media houses was cited as a reason to take help to fill some gaps, it

does not justify sensational reporting in general and specific to an election.

Social media is clearly a tool for spreading fake news as it has weak community guidelines and gatekeeping mechanisms. “Fake news is widespread especially due to the prevalence of social media which is poorly regulated and unfortunately some mainstream media houses have found themselves falling victim. Necessary measures need to be taken urgently to curb this vice,” a key informant remarked.

We thus asked: “What should be done to mitigate the 'Fake News' phenomenon in Kenya?”

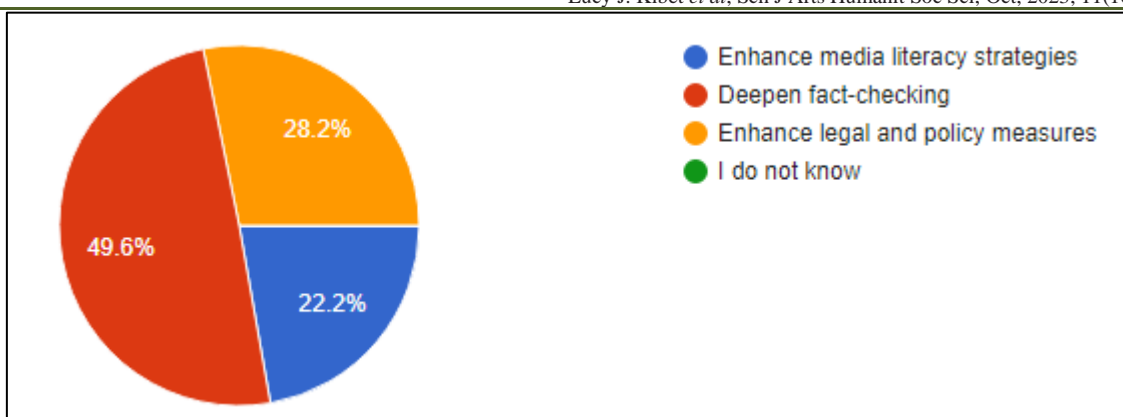


Figure V: Measures to be taken

The respondents were unequivocal that deepening fact-checking is the most important way in reducing fake news incidences. One key informant added that there is a need to target vernacular media and content. “There was a bit of fact-checking targeting the bigger communities like Kikuyu, Luhya, Kalenjin and Luo. However, many others were not and this is an area that needs attention”.

It is equally important to enhance legal and policy measures to ably fight fake news. As was discussed in the literature review, the Kenyan laws focus on disinformation, yet misinformation and mal-information also occur to a huge scale. For instance, one proposal made was to mirror German law which compels social media platforms to delete fake news within 24 hours. If not, the platforms would have to pay fines of up to 50 million Euros. Another policy proposal made is to take legal action against fake news purveyors.

Media and digital literacy were also cited as important intervention mechanisms that should be rolled out, with a focus on local languages. “Many people consuming local language content often wholly believe what they hear from media platforms including mainstream media. They are unable to detect fake news and end up being misled. They need to be empowered with media literacy skills,” a key informant affirmed.

Institutions that are fighting fake news should prioritize reach and countering them as fast as possible. This can be done by replying or commenting to those who published the fake news content and using mediums and formats that move faster, like using mobile technologies. One suggested format was radio drama, capitalizing on high radio audiences or reach in the country.

Social media platforms also have a big role to play to improve moderation. Respondents remarked that they hardly have adequate moderators and when they do, they often concentrate on elections and leave other important periods which are equally important. The vetting of Facebook on political ads before being

approved was lauded as one positive move that should be deepened. Furthermore, the use of artificial intelligence tools should be moderated since they fail to capture words and phrases that are localized and harmful and pass for good content yet they are hateful or harmful and should be removed.

Mainstream media has been challenged to use their access to news makers and leaders to do quicker verification and actively have fact-checking desks. One fact checker affirmed that a properly functioning fact-checking desk should have at least four different roles. This includes the fact-checker, a researcher, an editor and publisher. However, most mainstream media have one person doing all this, which leads to poor journalism content. Since they also have a bigger reach and trust, they should train and retain staff to ensure they give the public more value.

Collaboration among media houses to build a community of fact-checkers was another suggestion, with respondents lauding an initiative by the Media Council of Kenya (MCK) on fact checking. The regulator created a platform where claims and fact-checks can be sourced by any media and republished to their audiences.

It was also noted that media houses and critical public infrastructure on elections should create robust monitoring systems to monitor platforms that mimic theirs. This phenomenon which the Computer Misuse and Cybercrimes law calls cybersquatting misleads people since they use logos and accounts closely resembling the true accounts, making people believe them.

Another policy recommendation is to teach fact-checking as a general course in institutions of higher learning. It should not be focused to journalists alone since everyone consumes and creates it while also falling victims. But if taught how to debunk and know them, they can easily counter or fail to believe them.

CONCLUSION

The 2022 general election is now gone, but to date, there are so many unanswered questions about the concepts that were used, especially by the two key parties to disenfranchise Kenyans along the lines of *Hustlers vs. Dynasty*. During the campaign period nothing really seemed to matter even when it was clear some facts were missing in the information that was being shared by politicians. This is part of the modern-day story of fake news. And it matters, or, it should matter in democracy and policy discussions.

Like Covid – 19, fake news is the new normal and is a pandemic too. It has disrupted so much in our lives, partly because it runs on platforms that in themselves characterize a disruption of the normal way we receive and consume information. Fake news has impacted the journalism industry. These days media houses have to set up fact checking desks to counter misinformation. This means added costs of production in the production lines and all. Fake news has also impacted on democracy and democratic discourse. This happens so much during elections. But it has also made most of us the boy who cried wolf. We have made so many false alerts; sometimes consciously, sometimes unconsciously as we merely forward content without a second thought. Again, every time we have disagreed with certain facts, we have been quick to label it as fake news.

Indeed, fake news is a legal, societal and public policy issue and more focus on it needs to be done. But the future lies in focusing on the new forms of fake news especially in what has come to be referred to as post – truth. We live in times when people don't seem interested in the real and factual story and will do anything to distort reality to fit their frames of analysis. This is the post-truth project that should pick from where the fake news engagement is at the moment.

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