

Kenyan media bill raises concerns

Proposed Kenyan media bill raises so many concerns regarding the undermining of media independence that media watchdog organisation IPI approached the country's president, Mwai Kibaki, direct.

Nairobi – In a letter from the organisation's director, Johann P. Fritz, to the East African nation's leader, IPI (a global network of editors, media executives and leading journalists in over 120 countries) expressed deep concern over the Kenyan government's decision to introduce a Bill undermining the media's independence in Kenya.

The Media Bill 2007 establishes a statutory, but self-regulatory, press council known as the Media Council Kenya (MCK). The Bill also provides for a complaints committee that has the power to remove a journalist from a registered list or deny a journalist accreditation.

It is proposed that the MCK will have 15 members drawn from journalists, media owners, the Kenyan Law Society and Trade Unions, among others. The chair will be appointed by the Minister of Information and Communications and may come from outside the media profession.

Aside from these provisions, the Bill provides for a statutory code of ethics, and a defence in law for journalists seeking to protect the confidentiality of their sources.

True intentions?

The Bill has raised concerns among the media and other groups about the government's true intentions. Paul Muite, the chair of the Parliamentary Committee on Administration of Justice has said that the Bill is an attempt to ". . . control and gag the media."

The letter from IPI says that while the organisation welcomes the protection of sources proposed in the Bill it believes that the best means of regulating the media is through the creation of voluntary and self-regulatory mechanisms. The organisation is concerned over the involvement of the Minister of Information and the minister's role in appointing the chair. "Indeed, if the media is to fulfill its democratic role of scrutinising those in power, it must be at arm's length from all political institutions," the letter states.

It goes on to say that the minister's involvement in choosing the MCK's members, as well as the chair, undermines this principle and raises the possibility of a politically biased council beholden to the Minister of Information and Communication.

"Moreover, the fact that the MCK is created by legislation will inevitably damage the presumption of independence that the media need to perform their role within Kenyan society," it says.

Complaints committee raises most concerns

However, it is in the area of the complaints committee that the IPI is most concerned:

"IPI is extremely worried by the decision to create a registration list, which in effect amounts to a licensing

system for journalists via the back door. The registration of journalists is open to abuse and may create self-censorship among the profession.

“IPI also believes that media councils and related bodies exist for the purpose of self-regulation and the improvement of best practices among media organisations; they should not be created with the intention of punishing journalists.

The organisation is concerned that the proposed complaints committee is directly aimed at those members of the media profession who are most vulnerable to government pressure, namely individual editors and journalists. “This reinforces IPI's view that the Bill is partly designed to seek retribution for the media's work,” the letter states.

Bill will only heighten tensions

In support of its concerns, the IPI points to the current Kenyan media environment, in which the media have faced increasing pressure from the Kenyan government and there have been a number of arrests and prosecutions of journalists.

“The decision to finally introduce the Media Bill, therefore, seems to arise from a desire to avoid the negative publicity of police raids and the criminal prosecutions of journalists,” the letter states.

IPI believes, however, that the passage of the Media Bill 2007 will only heighten tensions between government and media and encourage the view among the international community that the Bill's intention is to silence media who publish or broadcast uncomfortable and embarrassing stories.

“With the above in mind, IPI calls on the government to halt the Bill's passage and to work closely with the media and professional organisations to create a system of independent and voluntary self-regulating mechanisms that maintain the media at arm's length from the government.”

Source: [IFEX](#)