

**REMARKS BY DR. BITANGE NDEMO, PERMANENT SECRETARY, MINISTRY OF  
INFORMATION AND COMMUNICATIONS, DURING THE OFFICIAL OPENING OF  
THE RETREAT ON THE PROPOSED MEDIA BILL 2010 TASKFORCE HELD ON  
14<sup>TH</sup> APRIL 2011 AT LAKE ELEMENTAITA LODGE NAIVASHA**

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**Members of the Proposed Media Bill 2010 Taskforce  
Stakeholders represented here today  
Invited guests  
Ladies and gentlemen**

I am delighted to join you this morning at the official opening of this retreat convened to fine-tune two important legal instruments in the ICT sector, namely the Media Bill 2010 and the Independent Communications Commission of Kenya Bill 2010. The revision of the two laws has been necessitated largely by the need to align the operations of the Media Council of Kenya and the Communications Commission of Kenya with the new constitution. I wish to thank you all for finding time off your busy schedules to participate in this important meeting.

Kenya today has arguably one of the most progressive constitutions in the African region. Our constitution lays a good foundation for our country to free itself from the shackles of want and deprivation by way of securing the basic rights of the citizenry through a comprehensive Bill of Rights. It also limits the hitherto overbearing powers of the State and subjugates them to the collective will of the people of Kenya. To ensure that Kenyans enjoy the benefits envisaged by the new constitution, undivided focus needs to be made in drafting the requisite supporting legislation. I wish to assure you that the Government is doing everything within its powers to ensure the required laws are enacted and where necessary the necessary revisions on the existing laws are undertaken. The two bills we are going to discuss during this three-day retreat bear this fact out.

Ladies and gentlemen, the media plays a central role in the democratic process. They empower the citizenry to make informed decisions regarding players in the political process. They can act as an avenue for self-expression or a vehicle for voters to reach out to politicians. The media can also offer politicians a platform of making information available to the public at minimal cost. A free media can also play an important role in ensuring that citizens take their elected leadership to account, and thus contribute in expanding the democratic space. However, for the media to deliver these and other benefits, they must be responsible, well resourced or remunerated and most importantly guided by professional ethics.

Experience has indeed showed that irresponsible media can be a menace to society. This reality stems for the unquestioning trust that the public has on the media especially in this part of the world, where the media are the only available source of information. As we can all remember, Rwanda experienced difficulties of unprecedented proportions in 1984 largely due to irresponsible media. Closer home, some concerns have also been raised regarding the complicity of some sections our media in the post-election violence that rocked the country in 2008. It is therefore in the interest of the Government and the Kenyan people to have a responsible, professional and ethical practice of journalism in the country.

The Media Bill 2010 seeks to make some changes to the Media Act 2007 with a view to strengthening the legal framework for the ethical and professional practice of journalism in the country. Some of the proposals in the Media Bill 2010 are informed by weaknesses identified in the implementation of the Media Act 2007. The Bill, as currently crafted, reflects Government thinking, although we have had the benefit of receiving preliminary input from certain sections of the industry. The Government does not have monopoly of ideas and knowledge on this subject, and we are indeed happy to provide stakeholders, like yourselves, with this opportunity to input into and enrich this crucial Bill.

In respect to the Independent Communications Commission of Kenya [ICCK] Bill 2010, the focus of this piece of legislation is to strengthen the Communications Commission of Kenya by shielding it from all forms of vested interests in order to effectively discharge its mandate. It also provides for greater accountability and transparency in the discharge of CCK's regulatory mandate.

CCK, as presently constituted, has conferred tremendous benefits to the Kenyan society. The proposed changes under the ICCK Bill 2010 are meant to infuse more dynamism in the Commission, and to ensure CCK operates within the framework of the new constitution.

The media landscape in Kenya spans over 89 FM radio and 19 TV free to air broadcast stations, as well as a number of subscription broadcasters. Our deliberations for these two days hold the key to striking a balance between independence of the regulator and the Government's responsibility to pursue public policy objectives. Extensive discussion of the Bills will also go a long way in striking a balance between potentially conflicting rights of the media, society and the individual.

As I conclude, I wish to note here that the my Ministry is counting on you to clean up the two Bills and to ensure that they are in tandem with Articles 34 and 35 of the constitution, which guarantee Freedom of the Media and Access to Information. It is my hope that where the bills do not meet the minimum thresholds of best practice you shall assist us to attain them. Having said that, I am aware that in many cases, the best solution will be very culturally specific and I challenge you to model these drafts to suit our circumstances in the best interests of the country.

With those remarks, it is now my pleasure to declare this retreat convened to discuss the Media Bill 2010 and the Independent Communications Commission of Kenya 2010 officially open.

I thank you for your attention.

*[Delivered by Charles J. K. Njoroge, EBS, Director-General, CCK, on behalf of the PS, Ministry of Information and Communication]*