

PRESS STATEMENT

Media Contact
Paul J. Oyier | Lorine Achieng
Media Council of Kenya
Tel: +254-20-2737058 | +254-722 74 99 44 | +254-723 795020
Email: communications@mediacouncil.or.ke

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FOR IMMEDIATE RELEASE

GOVERNORS' STATEMENT IN BAD FAITH AND A THREAT TO MEDIA FREEDOM

The Media Council of Kenya (MCK) takes great exception at the content of a statement issued by the Council of Governors (CoG) on Tuesday 8th September, 2020 regarding the media's coverage of alleged corruption in County Governments and in particular the alleged involvement of Governors in such impropriety.

The statement reads in part:

“We also take note that the media has continued to recklessly publish unverified information linking Governor to corruption...we note today's publication in the *Daily Nation* newspaper and hereby state that due to the unprofessional conduct by the media, we have resolved that no County Government will advertise with the Nation Media Group Ltd., until the situation is rectified...”

While the MCK respects the CoG's right to express its views and opinions on the media, it wishes to clarify that the media in Kenya is co-regulated by the government and media stakeholders as outlined in the Media Council Act of 2013. The basis of this regulation is the *Code of Conduct for the Practice of Journalism in Kenya* whose provisions are very clear.

Any complaint against any journalist or media enterprise is to be channeled to the Media Complaints Commission operating under the auspices of the Media Council of Kenya for determination and appropriate action. These are the stipulations of the law and regulations governing the media sector, which binds the public, government and media itself.

Accordingly, the CoG cannot of its own accord term the media as unprofessional. Such action amounts to taking the law into their own hands and proceeding to pronounce judgement on an issue it is not made to prosecute. The correct action would be for the CoG to lodge its complaint to the Media Complaints Commission to determine the matter guided by the ethical code of journalism appended to the media law in Kenya.

The Council of Governors' pronouncement that “...no County Government will advertise...” is meant to intimidate and bully East Africa's largest media house into submission, and by extension ensure alignment with their agenda by other media houses. This is not only unfortunate, but a direct affront

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on the freedom and independence of the media, as safeguarded in Articles 34 and 35 of the Constitution, which these same Governors took an oath to protect. Public money should never be used as tool of control and manipulation by those entrusted with its usage. This supposed sanction by the Governors calls into question the very process and rationale for financial decision-making at the county-level.

Furthermore, the CoG's use of the word "rectified" is not only ill-advised, but calculated to give the impression that journalists and media enterprises are subject to rectifying actions outside the laid down procedures for the management of complaints against the media. Nothing could be further from the truth.

It is our considered view that both County Governments and the media sector or Fourth Estate have an important role to play in serving and informing the public, respectively, without fear or favour. Given the great public interest in the delivery of services at the county-level, county governments will by their very position and nature attract media attention, especially on allegations of corruption and impropriety.

The Governors need to be cognizant of the fact that they are accountable to the public for the use of funds in their respective counties, and the public through the media have every right to question, hold them to account and even to hold divergent views than those propagated by their communications machinery.

For this reason, there is need for temperance on the sentiments expressed by the CoG and for their proposed actions and sanctions to be anchored in lawful conduct.

Unfortunately, the statement by the CoG has the potential of singling out journalists for potential intimidation, harassment and denial of access to important county offices and functions. This is simply a continuation of the blatant disregard for media freedom and access to information demonstrated by both county executives and assemblies.

By way of this communication, the Council of Governors should note quite clearly that the Media Council of Kenya and media stakeholders as a whole, will hold them responsible for any attacks, intimidation, harassment and interference with the work of journalists in their respective jurisdictions.

The Council of Governors should withdraw its statement and instead work within the laid down procedures for filing and determination of media complaints.

A handwritten signature in black ink, appearing to read "David Omwoyo Omwoyo", written in a cursive style.

David Omwoyo Omwoyo
Chief Executive Officer & Secretary to the Council

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