

Vital role media must play to push along law review

DEBATE ON THE VEXED issue of constitution review is getting hotter by the day. All kinds of voices from politicians to special interest lobbyists are competing to be heard. People with nothing of value to say have started speaking out loud and often, while others are thinking of how to derail the process or to move goalposts with an eye firmly fixed on the presidential succession.

None of this should be allowed to happen, and yet the debate cannot, and must not, be suppressed, for this would negate one of the vital tenets of a people's constitution — freedom of expression.

This is where the media comes in. What role should it play to ensure this vital document is ready by the set time table, and that it is owned by the majority of Kenyans? How can the media become a force for positive change instead of becoming a mouth-piece for demagogues, obstructionists and professional champions of the people?

There are important functions that we in the profession should undertake to help along the process.

We must seize the moment and guide debate on constitutional issues. Too often, journalists have failed to carry out this proactive role, waiting only to report every utterance of the so-called newsmakers, however vile and unhelpful.

The media should consider it a duty to demystify the constitution-making process. It is the duty of the media to explain to Kenyans that a constitution is not a political tool for either the Government or the opposition, but that it is a document that will ensure they are governed well, now and in the future.

As the voice of the people, the media must continue to advise the Government (a role it already undertakes with some relish) on where it is going wrong. For instance, it would be extremely dangerous for constitution-making to be perceived as a Government project.

We journalists must consistently tick-off those in Government or in the opposition who may continue speaking as though the document is a party manifes-

to or a policy paper. It is neither.

On the other hand, journalists must question the motives of chronic nay-sayers — those politicians and activists who will oppose everything for the sake of it.

Civil society players have an important role to play in such an important venture — perhaps more vital than is realised. It would be foolhardy to ignore their voice, just as it would be nonsensical to talk of de-linking constitution-making from politicians. However, neither of these groups should be allowed to dominate debate on the review as has happened in the past.

Not all Kenyans can afford to buy newspapers and read for themselves due to poverty, illiteracy or both. Unfortunately, they are not only the majority voters; they are also the most easily manipulated by demagogues.

But their opinions can be easily and positively influenced by what they hear on radio, especially the vernacular FM stations. This is the medium that can be extensively used to disseminate the who, what, when and why of constitution review.

UNFORTUNATELY, AS DEMONSTRATED in the run-up to the 2005 constitution review referendum and the last elections, this was one medium extensively used to preach negative ethnicity, communal hatred, and even political violence.

Perhaps the most important development in the country is that the political situation is different from any other in Kenya's history. As a result, given good will from all players, the constitution review process should succeed without acrimony, suspicion and grandstanding.

After all, most of the important players are now represented in government, we

are nowhere near an election year, and the President has no intention of succeeding himself and would have no stake in pushing for a constitution that did not satisfy the majority of Kenyans.

This is one message that media could successfully push. Perhaps the place to start is to interrogate the relevant Bills already tabled in Parliament.

Whatever their flaws, the Constitution of Kenya Review Bill and the Constitution of Kenya (Amendment) Bill are a necessary first step in the process. But many Kenyans still do not know what they are about. They cannot remain ignorant and still be expected to play their rightful role in writing a constitution.

It will also be necessary for the media to debunk all the myths bandied about during the referendum campaign — and they are too many to list here.

Are we sure, for instance, that Kenyans want a majimbo system versus the more balanced devolution? Does the Land Reform Bill now published adequately cover all land issues as discussed at Bomas? Is it true that Kenyans agreed on 80 per cent of the contents of Bomas and other constitution drafts that preceded the referendum, and only 20 per cent remained in contention? And if so, how far have the reforms already carried out or proposed by policy-makers in the Grand Coalition Government gone to ensure that we need not try to reinvent the wheel?

These are areas that the media could start exploring and explaining. We in the profession have the moral duty to ensure there is a new constitution by next year, which addresses all the issues that caused our country's descent into hell in the early part of the year.

Greater equity in the distribution of national resources, creation of employment, land ownership reforms, electoral reforms, and the creation of more representative and accountable institutions of governance, and war against corruption and impunity need not wait for another tsunami like the one that struck us after the disputed election results.

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