

# DRAFT

## MINUTES OF BREAKFAST MEETING OF CONSTITUTION OF KENYA REVIEW COMMISSION WITH SENIOR EDITORS OF MEDIA HOUSES AT SERENA HOTEL ON 6<sup>TH</sup> JULY, 2001.

**Present:** Com. Yash Pal Ghai - Chair  
Com. Salome Muigai  
Com. John Kangu  
Com. Hon. Amos Wako - ex-officio  
Com. Dr. Charles Maranga  
Com. Dr. K. Mosonik arap Korir  
Com. Dr. Abdirizak Nunow  
Com. Isaac Lenaola  
Com. Pastor Zablon Ayonga  
Com. Hon Phoebe Asiyo  
Com. Riunga Raiji  
Com. Dr. Wanjiku Kabira  
Com. Dr. M.A. Swazuri  
Com. Paul Wambua  
Com. Dr. Ooko Ombaka - Vice-Chair  
Com. Nancy Baraza  
Com. Alice Yano  
Com. Bishop Kariuki Njoroge  
Com. Domiziano Ratanya  
Com. Ibrahim Lethome Asmani  
Com. Abida Ali-Aroni - Vice-Chair  
Com. Zein Abubakar Abubakar  
Com. Kavetsa Adagala

**Minute 1/01** 6.30 – 7.00 a.m. – arrival of Commissioners and members of the Media.

**Minute 2/01** 7.00 – 7.30 a.m. – breakfast.

**Minute 3/01** **Introductions:**

Com. Abubakar Zein Abubakar introduced the Commissioners and informed participants that Com. Kavetsa Adagala was responsible for organising the breakfast. He then passed the mike around for representatives of Media Houses to introduce themselves. Media Houses represented were Kiss 100, Family Affair, KBC Television, People, Standard Newspapers, Weekly Forum, KTN, Associate Press, School for Minority Rights, Kenya Times, New Kenyan Magazine and Theatre Production, Nation Media Group, Associated Press.

Com. Abubakar then invited the Chair of the Constitution of Kenya Review Commission, Prof. Yash Pal Ghai, to give an address.

**Minute 4/01:** Prof. Yash Pal Ghai started by welcoming the guests from the different Media Houses. He said that the purpose of the meeting was to answer questions about the work of the Commission and to tell the Media about the amended constitution. It was also important to find ways of how the Commission and the Media could

work together. He reiterated the importance of a good constitution and that it was important for the Media to support the Commission and to report facts as opposed to gossip but added on the whole the Press has been very responsible. He said people of Kenya want a new constitution and a different way of governance.

Prof. Ghai said the Act requires the process of constitution review to be open and transparent. He said because people expect a good constitution the Press have a responsibility to make the public aware of the workings of the Commission as fairly as possible.

Prof. Ghai also said the Media could help in disseminating views and ideas to the public through civic education which means teaching the public on certain constitutional issues. Legislation requires the Commissioners to go round the country and report the views given and the Commission looked to the Media to inform them what the public was thinking and what their reactions are.

Prof. Ghai said there were different stages to the constitution review process which start with consulting with the public to get their views and to put these views into a draft constitution. The work of the Commission ceases after recommendations of this draft constitution. He said in collecting opinions it was important to stay off political and ethnicity differences in order to produce a good constitution in the interest of the country. He stated that the Commission was independent and detached from the day to day politics.

Prof. Ghai said that after public debate following a report to the national constitutional conference the role of the Commission then takes that of a secretariat and it will then be up to the constitutional conference to reject or approve the Commission's report to Parliament. The Act provides that if there is no consensus the Commission would work together with the Electoral Commission and if there is no consensus then there would be a referendum which together with decisions of the Commission would be presented to Parliament. If there is consensus at the national conference there will be no need for referendum and the draft will go straight to Parliament. He also said that a constitution can only be adopted by two-thirds vote in Parliament.

Prof. Ghai reiterated that the purpose of the meeting was to discuss with the Media ways of helping one another to discharge their responsibilities to the public. He said he and the Commissioners will always be available for the Media and said the Press should organise a seminar to take the Media through the Act the Commission was operating upon. He assured the Media that the Commission would hold regular briefings with them to share their deliberations. In turn the Commission would like to know how the Media was working and the deadlines they had to meet so that the Commission can ensure continuity in the reporting relationship and establish good relations with senior staff. Prof. Ghai also suggested that Media Houses should assign one senior person to the Commission.

He ended by saying that the Commission has been working extremely hard in the past few weeks in preparation of public involvement in the process and the Commissioners are very committed to the functions they have to perform. Shortly they will be undertaking provincial forums and although they are working under a very strict financial budget they are trying to minimise the Commission expenses.

Prof. Ghai thanked the Media and invited their journalists to a press conference at County Hall at 4 p.m.

Com. Zein Abubakar introduced Com. Githu Muigai and invited Com. Adagala to chair the interaction/discussion session.

**Minute 5/01:** Com. Kavetsa Adagala thanked Prof. Ghai for his presentation. She then opened the floor for the Media to ask any questions or bring up any points that they wanted to discuss.

Representative of Weekly Forum appreciated the fact that the Commission was now in place. He pointed out that although Prof. Ghai says the Commission is willing to work with the Media, when Commissioners get very busy this idea may not work but hoped that the Commission would live by its promise to interact with the Media on key issues. He also expressed concern on the problem of constitutional culture that the Commission faces. He wanted to know if the Commission had a frame work within which to work.

In reply, Prof. Ghai said the purpose of the meeting was not to answer these difficult issues but to discuss collaboration between the Media and the Commission. He said the difficult issues could be discussed in the afternoon press conference.

Mr. Ndirangu said the Americans manage their time well and they are always available, but in this country people operated like gorillas and he wondered if the Commission will establish a room where a Commissioner would always be available to answer questions. He added that in his Media House they had already allocated a senior journalist to the work of the Commission. He also wanted to know if the Commission wants to be chased around by Media in cars or whether they will get a bus and put all the Press in one bus during their tours. There will also be news clashing between different Media and he wanted to know how the Commission was going to handle that.

A representative of Family Magazine wanted to know if the information officer who might be put in place by the Commission would have all the information that the Media would need.

A representative of Associated Press wanted to know if they were going to be given mobile numbers to use since land lines were very unreliable.

Mr. Okwembo reiterated Mr. Ndirangu's point about the information officer being available for the Media and wanted to know the chain of command of the Commission. He also pointed out that press conferences should be held in good time so that if there are queries on any issues there is time for them and he suggested 3.00 p.m. as a good time.

Prof. Ghai in reply said that the Commissioners will always have time for the Media as they see the Media as their partners in this exercise. He pointed out that this is the first time Kenyans are having a chance to comment on their constitution and the Commission is anxious that this is done accurately and hence the Commission would be working with the Media.

Prof. Ghai said the Commission will be moving to new premises at Kencom House and that there will be sufficient accommodation. There will be a room dedicated to the work of the Press with an information officer to work with the Media and who will be able to answer all questions as he will be properly briefed. He said the Commission will consider the question on adequate publicity outside Nairobi.

He said that while he will not stop any Commissioner from talking to the Press, the Commission will have some

ground rules internally when dealing with controversial issues. He appreciated the suggestion from the Press on having press releases by 3 p.m. and that the Press would be given mobile numbers that they can use.

Bishop Njoroge Kariuki thanked the Media and the Chair for their presentations but pointed out that the Media tend to talk too much about “Prof. Ghai” instead of talking about the whole Commission.

The Media felt that the Commission should hold a workshop with journalist as well especially as the members who attended the breakfast meeting were in senior positions and would not deal with the Commission on a day to day basis.

The Media also suggested that even when the Commission goes round the country, one Commissioner should be the spokesman of the Commission.

Com. Adagala reminded participants that in the Act. Prof. Ghai is ‘Chairperson’ and the Vices are ‘ Vice-Chairperson’.

She thanked the Media and asked them to communicate to the Kenyan public regarding the review process, civic education and all the different aspects of the review process.

She closed the meeting at 8.30 a.m..