



PRESS RELEASE

Demand for Access to Information on Kenya's Debt Kenya Human Rights Commission & Wanjiru Gikonyo-V-CS National Treasury and Planning & Attorney General Constitutional Petition /E179/2022

5th May 2022

The Cabinet Secretary, National Treasury and Planning has been increasingly borrowing money on behalf of the national government and Kenyans, and has taken expensive loans bilaterally from States, international financial institutions, and corporations over the past decade.

The National Executive has also floated bonds both domestically and internationally as means of raising funds. However, the processes of borrowing through loans and raising sums through the floating of sovereign bonds has not been transparent as the Kenyan public is not involved in the process and is only left to rely on stories from the media.

Despite constitutional and legal provisions that require public disclosure of all aspects of public borrowing, the National Executive continues to operate in an opaque, and shadowy manner.

The Kenya Human Rights Commission (KHRC) and Wanjiru Gikonyo (*the National Coordinator of The Institute for Social Accountability - TISA*) have therefore filed a case at the High Court of Kenya in Nairobi seeking to **compel the production of information on Kenya's debt on treaties, agreements and contracts signed between Kenya and other States, and international financial institutions, or corporations.**

The Petitioners sought to obtain the information from the Cabinet Secretary National Treasury and Planning through a letter dated **7th February 2022**, but the request has been ignored to date.

The Petitioners claim that the refusal by the Cabinet Secretary, National Treasury and Planning to provide information and documents relating to Kenya sovereign bonds and other loans is unconstitutional because it contradicts:

- **Article 35 of the Constitution, that decrees that every citizen has the right of access to information held by the State.**
- **Article 201(a) which states that there shall be openness and accountability including public participation in (public) financial matters.**
- **Section 5 (e) of the Access to Information Act, which obligates public entities to publish on their websites or other suitable media any contracts they have signed.**
- **The principle of rule of law captured in Article 10 of the Constitution, which obligates that any treaties ratified by Kenya must be publicly available as items of domestic law.**
- **The principle of public participation which is assaulted when the State denies the public**



information through which they can meaningfully participate.

The overall concern that triggered this litigation is that the Cabinet Secretary, National Treasury and Planning continues to borrow in the name of the Republic of Kenya without being accountable to the public and without availing documents related to the borrowing to the public.

Government borrowing continues to present a concern as it has contributed to an uproar among the public owing to the **ever-increasing cost of living**. The obligation to avail these documents to the public is paramount since it is a constitutional and democratic requirement for citizens to engage actively and meaningfully on public finance and debt matters.

As our next steps, we welcome commentary opportunities, through the media, on the concerns raised, and are available to provide **evidence-based reports** to be used as news sources across all platforms.

Please find a link to a Citizen Manifesto that we worked on, expounding in detail the concerns and demands that we feel affect the Kenyan Citizen.

<https://resources.tisa.co.ke/wp-content/uploads/2022/04/Okoa-Uchumi-Campaign-Citizen-Manifesto.pdf>

###Okoa Uchumi Campaign###

The *Okoa Uchumi campaign* is a civil society initiative committed to the goal of accountability in Kenya's public debt management. The campaign is informed by the dire state of our debt management which has been marred by opacity, mismanagement, and flagrant violations of public finance requirements, which have contributed to the present economic crisis and debt trap.

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