

Mr. Joseph Kinyua,
Secretary to the Cabinet,
Nairobi, Kenya.

RECEIVED
18/12/2019

Dear Mr. Kinyua,

Re: Request for Information Regarding Building Bridges Initiative (BBI) and Building Bridges to Unity Advisory Taskforce

This is a request for information under Articles 33 and 35 of the Constitution of Kenya and the Access to Information Act, 2016. The request for information is made by the following:

Yash Ghai - A Director and Chairman of the Board of the Katiba Institute; an organization duly registered in Kenya as a company limited by guarantee. I am a citizen of Kenya. I make this request on my own behalf and on behalf of Katiba Institute.

Khelef Khalifa – Chairman of the Board of Muslims for Human Rights (MUHURI); an organization duly registered in Kenya as a non-governmental organization. I am a citizen of Kenya. I make this request on my own behalf and on behalf of MUHURI.

Kelvin Mogeni - Chairman of the International Commission of Jurists Kenya (ICJ-Kenya) Council; ICJ-Kenya is an organization duly registered in Kenya as a society. I am a citizen of Kenya. I make this request on my own behalf and on behalf of ICJ-Kenya.

Background and Context

As you will recall, on May 24th, 2018, you signed Gazette Notice No. 5154 notifying the public of the establishment of the Building Bridges to Unity Taskforce (Taskforce). On November 26th, 2019, the Taskforce issued a report dated October 23, 2019 and titled “Building Bridges to a United Kenya: from a nation of blood ties to a nation of ideals.

We have also noted the content of the BBI Report which ubiquitously underlines the need for transparency, openness and accountability by government and its officers. We especially note the content of paragraph 131 of the Report which states:

131. Many Kenyans told the Taskforce that it is the lure of illicit financial gain through the holding of elected or appointed positions that drives much of the aggressive and negative ethnicization and even militarisation of political competition. The majority would agree that the stability and success of Kenya’s constitutional order depends a great deal on the integrity and transparency of Kenyan leadership at every level and branch of Government. It is

therefore imperative for this provision in the constitution to have enough teeth to shape the membership and behavior of the leadership class.

Our request is bolstered further, by the belief that BBI processes should be subject to the accountability, openness and transparency that the BBI Taskforce underlines as necessary ethos anchoring the “New” Kenya.

Request

In view of the foregoing please provide us with the following information:

a. Resources of the BBI and the Taskforce

1. How much public money did the Taskforce use in executing the mandate specified in Gazette Notice 5154 of May 24th, 2018?
2. Where was the monies in (1) above appropriated from?
3. Which public officer authorized the appropriation/expenditure of the monies under (1) above?
4. Under what authority of the law did the public officer authorize the expenditure of the monies in (1) above?
5. Provide us with a comprehensive breakdown of the specific lines of expenditure by the taskforce, including but not limited to a record of:
 - i. All monies paid or payable to the members and staff (particularized to each member/staff) of the taskforce as salaries, allowances, honoraria, gratuities or for any other reason of their being members/staff of the taskforce;
 - ii. Any and all monies paid to third parties and the reasons for such payments, including but not limited to:
 - iii. Monies paid to persons co-opted by and all consultants hired by the Taskforce with an indication on the names of each person paid; and
 - iv. Monies paid to all suppliers and service providers (particularized to each supplier/service provider) procured by the Taskforce or procured by any government body in relation to any and all work of the taskforce, including the handing over of the Taskforce Report at State House Nairobi on November 26, 2019 and the launch of the Taskforce Report at the Bomas of Kenya on November 27, 2019.

b. BBI Future Activities

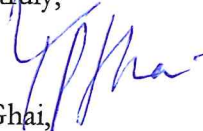
6. Have future activities for the taskforce or BBI process:
 - i. Been contemplated/approved?
 - ii. If yes to (i) above, which one(s)? Please provide us with official documentation/communication to this effect?
 - iii. Have any public funds been allocated for future BBI activities?
 - iv. If yes to (iii) how much and by whom? Please provide relevant official documentation.

c. Legality of the Taskforce

1. Under what law(s) and specific provisions of the law was the taskforce appointed?
2. What law(s) and specific provisions of the law gave the taskforce the authority to undertake its work?
3. Under what law(s) and specific provisions of the law was the work of the taskforce regulated;
4. Under what law did the President make appointments to the Taskforce?
5. What law provided for the criteria used to select/nominate and appoint the various members of the taskforce?
6. Was a competitive process engaged in selecting the persons appointed to the Taskforce?
7. If yes to (6) above, please provide us with copies of the public notice/advertisement for recruitment to the Taskforce; copies of applications of each person appointed to the taskforce; names of person(s) forming the selection committee; and records of the selection committee communicating, to the appointing authority, selection of the various individuals to join the Taskforce;
8. Please provide us with names of all persons co-opted under Clause 4 of the Gazette Notice no. 5154 and copies of their terms of reference/engagement letters.

We request receipt of the information through email or physical delivery to the address provided within 21 days of service of this letter. We look forward to your prompt response.

Yours truly,



Yash Ghai,

Director and Chairman of the Board of the Katiba Institute.



Khelef Khalifa,

Chairman of the Board of MUHURI.



Kelvin Mogeni,

Chairman of ICJ-Kenya Council.

*E-mails – info@katibainstitute.org; info@muhuri.org; info@icj-kenya.org * Physical address –
Katiba Institute, Rose Avenue, Off Argwings Kodhek Road, Hurlingham, Nairobi.