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Date: 23 February 2021

To: **National Assembly of the Republic of Kenya,**  
C/O The Clerk,  
Kenya National Assembly,  
Parliament Buildings,  
P.O. Box 41842-00100,  
Nairobi.



**RE: PETITION TO THE PARLIAMENT UNDER ARTICLES 119 & 37 OF THE CONSTITUTION; PETITION IN VIEW OF PARLIAMENT (PROCEDURE) ACT OF 2012; AND STANDING ORDERS NO 219 & 223 OF THE NATIONAL ASSEMBLY ON CoK 2010 ARTICLE 211 - 214 UNDER CHAPTER 12: PUBLIC FINANCE (GOVERNMENT BORROWING, LOAN GUARANTEES AND PUBLIC DEBT) ASKING THE KENYAN GOVERNMENT TO REPUDIATE ALL THE DEBT AND DIVERT THE MONEY TO SOCIAL SERVICE PROVISION**

We, the undersigned, and organisations of Kenya, representing the small-scale farmers; grassroots CSOs on good governance and human rights, working towards the realization and respect of Article 43 of CoK 2010 "Economic and Social Rights" and Chapter 12 on Public Finance; Articles 211 to 214. We wish to state that it is in public interest that we lodge this petition.

We draw the attention of the House to the following:

**Contextual Background of Kenya Government Borrowing, Loaning and Public Debts;**

1. Recently, International Monetary Fund (IMF) pressurised the Kenya Government to include Sh3.4 trillion parastatal and county loans as part of the country's national debt<sup>1</sup>, a move that is set to increase the Kenyan debt from the current KES7 trillion to KES10.4 trillion passing the KES9 trillion set by Parliament.
2. According to the Treasury's Draft Budget Review and Outlook paper, Kenya expects to incur an extra KES1.82 trillion before June 2022 meaning that the total Kenyan debt could hit KES12 trillion by June 2022.



<sup>1</sup> Business Daily, Kenya Bows to IMF Pressure on Public Debt Disclosure. Available from: <<https://www.businessdailyafrica.com/bd/economy/kenya-imf-pressure-on-public-debt-disclosure-3253020>>. [20 January 2021].

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3. The Treasury has embarked on a bid to push for raising of the Kenyan Debt Ceiling from the current KES9 trillion to allow for more borrowing<sup>2</sup>.
4. These debts have been contracted in violation of the Principles of Public Finance Management under article 201 of the Constitution of Kenya 2010 stating that there should be openness and accountability, including public participation in financial matters, that public finance system should promote an equitable society, and in particular ensure that the burden of taxation is shared fairly, that the burdens and benefits of the use of resources and public borrowing should be shared equitably between present and future generations, that public money should be used in a prudent and responsible way and that financial management should be responsible, and fiscal reporting shall be clear meaning that they are illegal debts and should be repudiated.
5. These debts came with conditions and policy prescriptions that are grossly unfair, violate Kenyan laws, human rights standards, social justice and did not benefit the people of Kenya. Some of the conditions include, retrenchments, reduction of public and social expenditures, opening of borders, increased taxation and liberalization that have negative effects on the people of Kenya. Furthermore, the lenders have continued to issue loans to Kenya fully aware that the country is unable to service the loans without disrupting the provisions of basic social services meaning that they are illegitimate debts and should be repudiated.
6. These debts cannot be serviced without seriously impairing the ability or the capacity of the Kenyan Government to fulfil its basic human rights obligations, including healthcare, education, water and sanitation and adequate housing, or to invest in public meaning that they are unsustainable debts and should be repudiated.
7. These debts were incurred not in the interests of the people of Kenya but in the personal interest of a few people with full knowledge of the lenders that the funds would not benefit the people of Kenya and whose effects is to deny the Kenyan people their fundamental civil, political, economic, social and cultural rights as they are used to buy arms and suppress expression of the people of Kenya meaning that they are odious debts and should be repudiated.

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<sup>2</sup> Yatani in fresh push to raise debt cap as deficit hits Sh1 trillion. Available from: <<https://www.the-star.co.ke/news/2021-02-15-yatani-in-fresh-push-to-raise-debt-cap-as-deficit-hits-sh1-trillion/>>. [16 February 2021].

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It's against this backdrop that we appeal to the Honourable House to pass a resolution asking the Kenyan Government to repudiate all the Kenyan debt since they are **Illegal, Illegitimate, Unsustainable** and **Odious** and divert the money to provide social services.

**COPY TO: -**

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