

Most of the mechanisms and institutions put forward under the mediation agreement require transparency and openness to be effective. For example, the proposed Truth Justice and Reconciliation Commission would not function effectively in the face of an Official Secrets Regime.

The Mediation Agreement

Agenda Item IV of the mediation agreement prioritizes addressing the issue of transparency and accountability. A Freedom of Information Law will fulfil this aspect of the mediation agreement as it promises to usher in a new era of openness, transparency accountability in Kenya.

Anti-Corruption Tool

Similarly, the fight against corruption cannot be won in the face of an Official Secrets Act. Transparency and openness facilitated by a Freedom of Information Law will help curb corruption to a large extent. **CORRUPTION CANNOT EASILY TAKE PLACE IN THE PUBLIC GLARE.**

New Zealand, a commonwealth country, has had a Freedom of Information Law for the last 25 years and has continuously performed outstandingly in the Transparency International Perception Bribery Index, showing there is a strong correlation with freedom of information, transparency and corruption, or lack thereof.

Without open access to information, oversight bodies such as parliament and public auditors cannot monitor government. If secrecy rules, the government's decision to commit public resources will not be open to public scrutiny and informed criticism or approval. When officials know this, they will reward themselves, their cronies and special interest groups.

IF INFORMATION IS SECRET, NEITHER CIVIL SOCIETY NOR THE MEDIA CAN PERFORM THEIR WATCH-DOG ROLE EFFECTIVELY.

Tool for Development

Without Access to information development in Kenya will always be skewed. For all the devoted funds, LAF, CDF and others they will continually fail to alleviate poverty and bring about development because of a lack of access to information on the part of the people. **People cannot effectively participate without information.**

NOTE: Many of the least developed countries and those highly dependent on foreign aid do not have access to information laws, whilst democratic developed countries like Sweden, USA, and the UK all have functional Freedom of Information Laws. South Africa and India also have access to information regimes.

Protection of the Environment

Protection of the environment will only occur when there is a right of access to information. For all the participatory mechanisms set out in the Environmental Laws to be effective and to achieve sustainable development so that we have a better environment for our children there must be access to information.

Free and Independent Media

The Freedom of Information Law facilitates and enables the media to perform its watch dog role. The media is better able to scrutinize public officials and play its role in the development arena if they have access to information held by the Government.

Amartya Sen, economist Nobel Prize winner 1998 in his writing has shown that no country with a free press and a democratic government has ever suffered mass famine deaths. Famine kills ordinary people not the leaders. In dictatorships, ordinary people have neither vote nor voice. Sen's insight is that the denial of voice is the flipside of the denial of food. As he sees it, the goal of development is to enhance personal capabilities and expand human freedoms: freedom from hunger, freedom from want, freedom from disease.

Bluntly put a lack of freedom kills!
Ignorance and poor health kills more people than guns!

Promises to Keep

Access to information is a key pillar of democracy and will facilitate public participation in public affairs as noted by His Excellency, President Mwai Kibaki in 2005.

"...More importantly, the free flow of news and information is one of the hall marks of a functioning democracy. An informed society is able to better participate in design and execution of public policies. It is also more resourceful and creative in addressing social challenges. Such a society is therefore, better placed to increase productivity and prosperity."

"...My Government is, together with media and other stakeholders, drafting a Freedom of Information Act, to bring the legal framework in line with current realities. These and other initiatives are meant to enhance the ability of the people of Kenya to exchange ideas, question the Government, contribute to national development and be part of a truly democratic state."

URGENT ACTION

- We call upon the President, Hon. Mwai Kibaki and the Prime Minister, Hon. Raila Odinga who have always stood on the anti-corruption platform to champion the enactment of the Freedom of Information Law in Kenya in 2008.
- We ask the Minister for Information Hon. Samuel Poghiso together with the Attorney General, Hon. Amos Wako to move speedily to publish the Freedom of Information Bill, 2008 and table it before Parliament.
- We urge the Members of Parliament to prioritize and pass the Freedom of Information Bill 2008.
- We call upon all Kenyans to participate in the Governance of our Dear Country and call for the passage of the Freedom of Information Bill and to join hands in demanding for good governance and a corrupt free Kenya.

On this note, The Freedom of Information Network in Kenya is happy to invite you to a validation forum for the Proposed Draft Freedom of Information Bill, 2008 to be held on 27th June 2008, from 8.30am - 12.30pm at the Hilton Hotel, Nairobi.

Come and support your right to know!

The Freedom of Information Network includes, but is not limited to, the following organisations:-

International Commission of Jurists-Kenya (ICJ-Kenya),
Transparency International-Kenya (T.I.-Kenya),
FAHAMU,
ICT Consumers Association,
Kenya National Commission on Human Rights (KNCHR),
Institute for Law and Environmental Governance-Kenya (ILEG-Kenya),
Media Council of Kenya (MCK),
African Women's Development & Communication Network (FEMNET),
Legal Resources Foundation (LRF),
Kenya Human Rights Commission (KHRC),
Kenya Correspondence Association (KCA),
Association of Media Women in Kenya (AMWIK),
Kenya Parliamentary Journalists Association (KPJA),
Kenya Network of Grassroots Organisation (KENGGO),
The Centre for Law and Research International (CLARISON),
Name and Shame Corruption Networks Campaign (NASCON),
Association of Free and Independent Media,
Kenya Community Media Network (KCOMNET),
Centre for Governance and Development (CGD),
National Tax Payers Association (NTA).