



#OKOAMOMBASA

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🐦 @OkoaMombasa

f OkoaMombasa

December 16, 2019

The Principal Secretary,  
Ministry of Transport, Infrastructure Housing,  
Urban Development and Public Works,  
Transcom House  
Ngong road  
P.O Box 52692 - 00200  
Nairobi.

The Managing Director,  
Kenya Ports Authority,  
P.O. Box 95009-80104,  
Mombasa.

The Managing Director,  
Kenya Railways,  
P.O Box 30121-00100  
Nairobi.

The Director General,  
Kenya National Bureau of Statistics,  
Herufi House, Lt Tumbo Lane  
P.O. Box 30266-00100,  
Nairobi.

The Registrar General,  
State Law Office,  
Sheria House, Harambee Avenue  
P.O. Box 40112-00100,  
Nairobi.

**Request for information under Article 33 and 35 of the Constitution of Kenya and the Access to Information Act, 2016**

I am a citizen of Kenya and a member of Okoa Mombasa Coalition. I am writing to request the following information from your various Government and State entities in accordance with Articles 33 and 35 of the Constitution and the Access to Information Act, 2016.

	<b>Description</b>	<b>Period</b>	<b>Form of access</b>
1.	<p>Agreements entered between the government of Kenya (GOK) or any Kenyan State or public agency with all service providers and or third parties (including foreign government/state) in regard to the Standard Gauge Railway (SGR), including:</p> <ul style="list-style-type: none"> <li>a. All contracts for the carrying out of feasibility studies relating the construction, operation and servicing of the SGR:</li> <li>b. Any and all documents relating to expression of interest for the financing, construction, management, operation and servicing of SGR prepared by the GOK or state/public agency or a third party on behalf of the GOK;</li> <li>c. Contracts and or Memorandum of Understanding (MOU) between GOK and any third party relating to the financing, construction, management, provision of operating stock, operation and maintenance/servicing of SGR.</li> <li>d. All agreements and contracts entered into including loan agreements, concession agreements, guarantees and/or collateral for financing, construction, management, operation and maintenance/servicing of the SGR.</li> <li>e. Any concessions, agreements and or MOU relating to the operation of the SGR including               <ul style="list-style-type: none"> <li>1. Take or Pay Agreement between Kenya Railways and Kenya Ports Authority.</li> </ul> </li> </ul>		Certified copies

	2. Agreement with Africa Star Railway Operation Company Ltd.		
2.	All documents considering relating to the viability, economic, social, cultural and environmental impacts, including: <ul style="list-style-type: none"> <li>a. Feasibility studies</li> <li>b. Strategic Environmental Assessment</li> <li>c. Environmental Social Impact Assessment</li> <li>d. Cultural Heritage Assessment</li> </ul>		
3.	Memorandum of Understanding between the Government of Kenya or a State/Public Agency and Kenya National Shipping Line, Mediterranean Shipping Company or any of its subsidiaries or affiliates, or any other private entity relating to the management and/or operation of Container Terminal 2 (CT2) Port of Mombasa, including all annexures and associated documents.		Certified copies
3.	Statistics around cargo handling at the Port of Mombasa (ICD Nairobi, Dry Port Naivasha etc.) including but not limited to the amount of cargo handled at the Port, Port storage capacity, amount of cargo loaded on SGR, SGR cargo capacity, number of trains per day.	From commencement of SGR services (passenger and cargo) to date.	Certified copies, online (Entities' website – proactive disclosure)
4.	Details of registration of Africa Star Railway Operation Company Ltd including but not limited to: <ul style="list-style-type: none"> <li>1. Particulars of registration,</li> <li>2. Details of all shareholders</li> <li>3. Proportion of shareholding for each shareholder.</li> </ul>		Certified copies

I am prepared to collect this information in person and undertake to pay the costs incurred for the reproduction of the information as per the Access to Information Act.

It is my view that the information I seek is information the state should have disclosed without any prompting based on positive and proactive disclosure obligations under Article 35 of the Constitution because it is information that is of importance to the public.

I request that you avail this information as soon as possible, but in any event, no later than 21 days from the date of receipt of this application, pursuant to section 9 of the Access to Information Act.

Kind regards,

A handwritten signature in blue ink that reads "Khelef Khalifa". The signature is written in a cursive style and is set against a light yellow rectangular background.

Khelef Khalifa,  
Chairman MUHURI  
On behalf of Okoa Mombasa

cc.

The Chairperson,  
Commission on Administrative Justice,  
2<sup>nd</sup> Floor, West End Towers,  
Opposite Aga Khan High School off Waiyaki Way – Westlands,  
P.O Box 20414-00200,  
Nairobi.