CALL FOR RESEARCH PAPERS FOR THE RESEARCH COMPETITION AND AKMCC E-JOURNAL

THE 13TH EDITION OF THE ALL-KENYAN MOOT COURT COMPETITION

10TH MARCH 2025 -14TH MARCH 2025

THEME: TIDES OF CHANGE: SAFEGUARDING HUMAN RIGHTS AND ENHANCING GOVERNMENT ACCOUNTABILITY IN THE DIGITAL ERA.

Over the years, the Kenyan Government has endeavoured to enhance national development. In a bid to transform Kenya into an industrialised middle-income country, Kenya adopted Vision 2030. In line with the goals of Vision 2030, the state has spearheaded the construction of modern infrastructure such as the Nairobi expressway, the Standard Gauge Railway, and the establishment of affordable houses. The government has also splashed millions of dollars into science and research, to unlock Kenya's Development potential.

Most of the development projects are implemented using the revenue collected by the government. The revenue primarily includes taxes such as, income tax, Value-added-tax (VAT) and excise duties and is collected by the Kenya Revenue Authority. This revenue is equitably distributed to various sectors pursuant to Articles 202 and 203 of the Constitution of Kenya. High perks are allocated to education, healthcare, Judiciary and a large amount to the recurrent expenditure consisting of salaries for the civil servants. The amount is often insufficient, prompting the government to borrow externally to ensure sustainability.

Borrowing of funds is an inherent issue in Kenya. However, the political class has exploited this capacity by raising the debt ceiling for their own interest. The country has secured trillions of shillings in loans, leading to a rise in servicing costs. In the 2017/2018 financial year, 44% of the national revenue was allocated to debt servicing, which surged to 53% in the 2021/2022 financial year. Various studies demonstrate that the total debt service charges significantly exceeded the development expenditures by a very big margin.

At the beginning of each financial year, the government has always formulated a Finance Bill alongside the National Budget. The Bill serves as a critical legislative tool that regulates how businesses should be conducted during a financial year. In this context, the government of Kenya introduced the Finance Bill 2024, to generate sufficient revenue for both economic growth through development projects and the servicing of debts simultaneously. However, this was met with discontent among Kenyans who perceived it as an attempt by the government to exploit them. For an already suppressed citizen, Kenyans would have to tighten their belts further to survive the harsh realities.

The Finance Bill 2024 introduced a series of contentious tax measures aimed at addressing Kenya's fiscal challenges. Key aspects include new taxes and increase in VAT on petroleum products from 8% to 16% and higher excise duties on essential commodities. The government also sought to increase withholding tax on green bonds which has been significant in financing climate-friendly projects. These projects include the production of modern improved cookstoves as spearheaded by the Green Climate Fund (a UN project). The withholding tax rates were proposed at 5% for residents and 15% for non-residents. This would significantly scare away potential investors from considering Kenya as a green bond investment market.

Similarly, the government's attempt to introduce the Eco Levy was met with a lot of opposition because it would increase the price of commodities. The eco levy sought to impose a levy on technological products and plastics that are harmful to the environment, to prevent further degradation of the environment. Although this aligns with the ***polluter pays principle***, the manufacturers are likely to pass the costs to the consumers increasing the cost of living.

It is unfortunate that the Bill was not exposed to sufficient public participation and as a result, demonstrations erupted across the country. Thousands of people took to the streets to detest the Finance Bill 2024 which they labelled as oppressive. The demonstration garnered global

attention as citizens invoked article 1 of the 2010 constitution which states 'all power belongs to the people of Kenya and it shall be exercised directly or through their representatives.

Social media played a crucial role in organising and amplifying the protests. Digital platforms such as X, Facebook and WhatsApp were used to mobilize participants, coordinate logistics, and disseminate information. Noticeably, the mobilisation was spearheaded by young people popularly referred to as the Gen-Z. They utilised hashtags such as #Reject Finance Bill 2024 and #Occupy Parliament to foster a sense of collective action among demonstrators. This digital mobilisation reflects a growing trend where technology is leveraged to drive social and political change.

Activists such as Morara Kebaso, have also embraced social media to hold the government accountable by debunking unfulfilled projects launched by the government. The use of digital tools enabled rapid and widespread dissemination of information, allowing for real-time updates and coordination among protestors.

However, this also brought challenges. During this period, the contact details of several Members of Parliament were shared online for 'greetings' effectively resulting in an online attack. This raised concerns about the effectiveness of data privacy law in Kenya. Furthermore, private data belonging to 'rogue 'policemen was leaked to the public as a warning to them and their families. Questions arose about the source of this information and how it was accessed.

It is against this background that the 13th edition of the AKMCC seeks to deliberate on very alive, yet controversial issues affecting Kenyans. To this extent, the AKMCC invites research papers focused on the following sub-themes;

1. The impact of the withdrawn Finance Bill 2024 on Fiscal sustainability vis a vis civil political rights.
2. The role of eco-levy as a progressive economic tool to effectively address environmental protection while ensuring the protection of human rights.
3. The role of technology in exercising the freedom of expression and its implications on privacy and data protection.
4. A critic of the legislative role of the Kenyan Parliament in ensuring good governance through transparency, accountability, and public participation.

N.B.

Kindly note that the best research papers will be incorporated into Volume (III) of the AKMCC E-Journal. It will also contain scholarly written articles from interested authors. All research papers should be submitted to allkenyanmoot@ku.ac.ke on or before 10th January 2025.

Researchers participating in the AKMCC 13th Edition research competition can access the rules and guidelines on the All-Kenyan Moot Court Competition Website.

Authors submitting papers for the AKMCC E-journal and not participating in the research competition can also access the rules and guidelines on the All-Kenyan Moot Court Competition Website.

In case of any questions, kindly reach out to the;

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