

Kenya

The corruption of the political elite

As South Africa gears itself up for the 2009 elections, Kenya has become embroiled in intense violence and conflict triggered by a dispute over election results held in December 2007. In trying to understand the origins and evolution of the Kenyan crisis, we take a glimpse at a diary written by a trade unionist.



31 DECEMBER 2007

Yesterday, the Electoral Commission of Kenya (ECK) announced President Mwai Kibaki as the winner of the presidential elections which were held on 27 December. These elections have taken place in a tense, yet controlled atmosphere. Generally speaking, the casting of the votes has been done in a fair way. Nevertheless some incidents have been reported, such as the fact that the most important opponent to Kibaki, Honorable Raila Odinga was not featured on the list at his poll station in Kibera. Fortunately, this 'omission' could be repaired swiftly.

Problems began with the counting and tallying of the votes at the ECK. Altogether, three ballot papers had to be returned as the local elections (as well as elections for members of Parliament) were also taking place. To save money, these three elections are held together. The normal procedure is that the presidential elections are handled first, then the MP elections and finally the elections for local council members. Several experts remarked that it was

strange that from a great number of polling stations and constituencies the results of the MP's elections were reported, but not the outcome of the presidential elections.

At the beginning of the second day of voting, the nation expected that the final results would be reported and the winner of the presidential elections announced. From the beginning Odinga had a small advantage over Kibaki, but this increased substantially on 29 December from half a million to a million votes. At the same time more and more complaints of counting irregularities were reported. The ECK was also blamed for reporting different figures to those being reported at the polling stations. Rumours about delays in the announcement began to spread, contributing to rising tensions.

In front of our house, I saw groups of very young demonstrators coming from Kibera and marching to the city centre where they were dispersed with tear gas by the General Service Unit (GSU), a special branch of semi military police force, established by former

President Arap Moi, to deal with riots. Protests and riots began with the looting in the centre of Mombasa. The next day it appeared that two Kenyans had been killed and many wounded.

The afternoon before the results were released, Odinga's lead of 400 000 votes ahead of Kibaki seems to have been reduced to only 38 000. These provisional results inflicted new unrest in the country and everywhere more police were deployed to suppress the outbursts of violence and frustration.

Meanwhile, the results of the parliamentary seats revealed a big defeat for the Kibaki administration with 23 of the Ministers and Assistant Ministers being defeated by their opponents in their constituencies. It clearly showed how the electorate had expressed its dissatisfaction with the performance of their government.

The ECK was supposed to announce the outcome of the presidential elections at 8h30 yesterday morning. Nobody was surprised that this announcement was delayed. Kenyans were taken by



surprise when opposition leader, Odinga issued a press statement indicating that he had evidence to suggest that the ECK had announced false figures to the advantage of Kibaki. He demanded the presence of the party agents and the media with the re-tallying of all results.

The PNU reacted to Odinga's statement with accusations that he was a firebrand who was throwing Kenya into turmoil. The PNU stated that Odinga should accept the results of the ECK and for the PNU a re-counting or a re-tallying or any other verification of the results was not needed. This further exacerbated rising tensions in the country. A few hours later the ECK arrived at the pressroom in the KICC building to announce the final results.

In the meantime Francis Atwoli, the General Secretary of the Central Organisation of Trade Unions (Kenya) issued a press statement on behalf of the organised workers of Kenya, in which he emphasised the independence and impartiality of the federation and urged the main political parties to work together

with the ECK in a transparent way to resolve the issues giving rise to the conflict.

At 4h30pm, ECK chairman Samuel Kivuito started to announce the results of the remaining constituencies. Odinga entered the pressroom escorted by two high-ranking military officers and about 20 officers of the GSU, clearly not at his request. This caused great consternation among ODM members. Despite this, Kivuito continued announcing the results as if nothing was happening. A dispute arose over one result, leading to the ECK chairman and commissioners leaving the pressroom. They went with KBC, the state broadcasting company and the international observers present at the KICC building to Kivuito's room where he declared Kibaki the winner of the presidential elections with a lead of 231 728 votes over Odinga.

KBC television reported that Kibaki would be sworn in shortly. Immediately thereafter, the cameras at State House recorded a very hasty (and small) swearing in ceremony in which even the playing of the

national anthem was skipped. It was quite different to the ceremony held five years ago, when masses gathered in Uhuru Park to see Kibaki taking over the presidency from Moi.

In his speech, Kibaki urged his opponent to 'accept the credible outcome of the elections and to respect the true verdict of the Kenyan voters.' He also indicated that his new government would cooperate with 'friendly' parties. But with only 43 of the 210 seats in Parliament he has no other option but to enter into coalitions with other parties, even with the opposition, ODM which is likely to end up with 105 seats. Immediately after this almost secret swearing in ceremony, Kenya exploded.

The country was overcome by riots leading to many deaths. Everywhere houses, buildings and other properties were set on fire or destroyed. Thousands of people have been displaced from their houses. Odinga has called for calm and restraint but the effect left much wanting as he also announced that he would be sworn in the next day in Uhuru Park in an alternative ceremony.

3 JANUARY 2008

The radio reports that demonstrators are on their way to Uhuru Park where the ODM was organising a peaceful demonstration. This means that today is again a day of huge losses for the business community. The chairman of the Kenya Business Council indicated that the country loses an estimated 4.1 billion Kenya shillings a day with the violence and disruptions.

So much insanity, so much fatality. It makes me feel so sad. In the newspapers, you read about bodies being dumped in ditches and the slaughtering of people in the most

horrible way. More than 500 000 Kenyans have been displaced over the last days and 5 000 have fled to Uganda. The terror which traumatised Rwanda goes through my head.

Earlier today, I heard on the radio that the government was not interested in a mediation process proposed by the President of Ghana and Chairman of the AU, John Kufour, as it was Kenya's internal problem.

Later, for the first time after his almost secret swearing in ceremony, Kibaki addressed his people. He expressed his deep concern about the situation and repeated that he was the legal winner of the elections. Whoever disagrees, he says, should go to High Court. He forgot to say that he had brought in four new judges into High Court just before the elections. This is well known in Kenya, but not elsewhere.

4 JANUARY 2008

Desmond Tutu is meeting the leadership of ODM and of the ruling PNU (Party of Non Understanding as my brother-in-law explained to me). Tutu alone will probably not make it. Coordinated efforts from other parts of the world will be needed to make Kibaki and his group understand that his policy, based on lies can no longer be tolerated in the present globalised world.

31 JANUARY 2008

The last few days the news is almost entirely filled with the mediation efforts of Kofi Annan and his team and of course the very bizarre and suspicious murder of the newly sworn-in ODM MP Emilitus Mugabe. The police claimed his murder was not politically motivated but a criminal murder. The ODM demanded an independent investigation and violence immediately flared up again.

This all happened while Annan tried to get both parties to agree on an agenda for the mediation process. The newspapers are all expressing hope that the mediation process will re-unite the Kenyan people. Amidst this hope, yet another ODM MP, David Kimutai too, was found shot dead. The police immediately said the murder was a 'crime of passion' and that the suspected murderer, a traffic police officer, was arrested. He appeared on the evening news smiling and looking confident and relaxed. His body language was telling me a lot: there is much more behind it.

1 FEBRUARY 2008

Early this morning I listened to a horrendous programme by a BBC reporter who visited the Rift Valley, the region most affected by what can be defined as ethnic violence. The reporter talked with a Kikuyu youngster who lost his father and two brothers. They went to church where they were locked in a trap when a group of Kalenjin youths set the church on fire. Then the reporter interviewed an 18-year-old boy who had participated in the slaughtering. The reporter wanted to know if this violence was ordered from above. He responded: 'The Kikuyus have stolen the presidential elections. We cannot tolerate that the Kikuyus are imposing their will on the 42 other tribes here in Kenya. The violence was a reaction to the outcome of these rigged elections and the elders did not stop us.'

The reporter wanted to know if the violence could have been avoided if the elders would have forbidden them. 'In our culture we have to listen to our elders. But as they did not tell us to stop, we knew that they agreed. But as soon as Kibaki steps down, the Kikuyu can come back and we can live together

peacefully...The Kikuyu had to be killed to let Kibaki feel what he has done to us.'

Some elder Kalenjin are very revengeful and the hatred against the Kikuyu is deeply rooted. 'The Rift Valley is our region. Why has this government only appointed Kikuyus as District Officers in the whole region?' one of them asks.

His question has a history which goes back to the early years of Kenya's independence. The vast estates and farms of the white settlers were taken over by Kenyatta and his leadership. Many Kikuyus who were small-scale farmers or employed as agricultural workers were sent to the Rift Valley, a huge area where the Kalenjin were living, mainly as cattle-breeders and herdsmen. Arap Moi, as one of the leaders of the Kalenjin, was appointed as the Vice-President under Kenyatta to enable him to organise the necessary pacification between the Kalenjin and the Kikuyus. When he took over the presidency from Kenyatta, he managed to maintain the co-existence between the two tribes for many years. He gave the Kalenjin important positions in the state as compensation for the invasion of their land by the Kikuyus. As a result, the Kalenjin became overrepresented in the army, police and civil service.

However, by the end of the 80s and beginning of the 90s, a new wave of land evictions affected the Rift Valley and the region of Trans Mara. Over this period, at least 500 000 Kenyans were displaced. Father Kaiser, the assassinated American priest who lived in Kenya since 1964, was the only person who became the spokesperson of all these victims. For the rest the world kept silent.

In 2002, when Kibaki and his National Rainbow Coalition won the



elections, the historical arrangement between the Kalenjin and the Kikuyu was soon terminated. The most influential people behind Kibaki were a group of powerful Kikuyu entrepreneurs known as 'the Mount Kenya Mafia'. It is said that they were behind the cancelling of the Memorandum of Understanding Kibaki had agreed to with the LDP of Odinga. Thereafter, Kibaki's vow to give Kenyans a new Constitution 'within 100 days', was broken. After more than two years, he presented a very poor version of the thoroughly discussed draft proposal in a Referendum to the Kenyan people. Kibaki and his followers suffered a major defeat. Subsequently he dismissed all the members of the government who had campaigned against his proposal (the No-voters were called the Oranges). Slowly, the Kikuyus took over the key positions in his government and replaced many Kalenjin in various areas of government. It was the end of a brief period of parliamentary democracy and Kibaki's dictatorship started, under the old Constitution which before, was so vigorously rejected by the Kenyan people.

This is how the Orange Democratic Movement (ODM) was established. Amongst them was also the world champion of all opportunistic politicians, Kalonzo Musyoka who is now the Vice-President in Kibaki's team. He left ODM and formed a rival party ODM-Kenya to put himself up as a

candidate for the presidential elections. The voters answered his aspirations to become their President with more than a smashing defeat.

In short, there is a long and complex history behind the horrible story of the Kalenjin as highlighted by the BBC reporter and it explains why a solution for the land question is put on Annan's agenda to end the conflict here.

In the afternoon, we could enjoy life coverage on TV of the press statement by UN General Secretary, Ban Ki-Moon who expressed his solidarity with the Kenyan people and said that the violence 'is unacceptable. It has to stop.' He encouraged all parties to cooperate with Annan's efforts to restore peace. The UN's support for the AU's mediation initiative placed additional pressure on the parties to cooperate. However, at the AU summit, Kibaki reiterated that he was the duly elected President and that ODM - the instigator of the violence - was free to appeal to the High Court.

4 FEBRUARY 2008

Today the parties continued with the negotiation process. At the request of Annan, Cyril Ramaphosa came to Nairobi last Friday to give support to the process. This morning Ramaphosa went back to South Africa after the government claimed he had business contacts with Odinga. Ramaphosa denied

these contacts and relationships but for him the signal was crystal clear, without mutual confidence and trust in his role as mediator, he should not even try. So he saved face and took the first flight back to Johannesburg.

The systematic rejection of any responsibility for the present very critical situation has no limits. The PNU is undoubtedly involved in this violence. It was evident during the election campaign. Every day the media reports on the inhumane conditions facing those displaced by the violence and living in camps. The camps are not safe with women being attacked and raped by intruders. They depend on the government which fails to provide much needed assistance and security. The deplorable situation in the camps provided trade union leader Francis Atwoli with the opportunity to call on government to solve the humanitarian crisis. If government could not, then Kibaki should resign. It was the first time that Atwoli came out against Kibaki so clearly. Probably his concerns about the 500 000 jobs which will be lost if the violence is not ended very soon, contributed to the position adopted. The hardest hit sectors include tourism, transport and agriculture. Atwoli has negotiated an agreement with the Federation of Kenyan Employers (FKE) that the workers in these sectors will not be dismissed, but sent on temporary leave until the situation normalises.

During the last few days I found out that it is very complicated to use the term 'ethnic violence'. There are more than 40 ethnic groups in Kenya, out of a population of 34 million. The largest groupings include the Kikuyus (22%), Luhya (14%), Luo (13%), Kalenjin (12%) and Kamba (11%). Its diversity is part of the country's history.

However, since independence the country knows elite of politicians, who uninterruptedly have pursued only one interest - their unlimited accumulation of wealth, at any price. They were very comfortably served by the dictatorships of Kenyatta and Moi. Never forget how the human rights under these 'Fathers' of the nation have been

violated. And how many opponents with a different opinion, have been silenced.

Over the last five years, the richest people within the political system have increased their wealth tremendously with the use of an unparalleled corruptive system. The poor have only become poorer while Kenyans have become

disappointed that their vote for change has not materialised. The same is true for the belief that corruption would end and justice prevail. Who hoped that the dictatorial power built up and sharpened to perfection under the Moi regime would be decentralised and taken back with more freedom for all Kenyans to further develop the country economically, socially and culturally. In essence the political conflict here is a class conflict. Odinga and his coalition partners united in ODM symbolise the hope for change of the 'have-nots' while Kibaki and his PNU represents the status quo.

It is a dreadful stalemate which can only be resolved when economic deprivation makes room for social justice. When the prosperity in this country is shared equally. Those who do not want to take this road can easily play the ethnic card of divisions. There are differences but that was never the problem, it is more a source of cultural richness. It is all about the unscrupulous and shameless politics which project these differences in hateful, hostile and irreconcilable stereotypes that divide the have-nots in traumatising violent conflicts.

Those of us who believe in real democracy, not the pretence of it here, hope that the democratic spirit that brought thousands out to vote will prevail, and be deepened. The political elite of both major parties have been exposed. They will sell any of their principles in order to be in office, where they can squander the nation's resources. A thriving and broad-based civil society movement, embracing the unions, women's and community groups, faith-based coalitions and human rights organisations is needed now more than ever. Only these forces are capable of saving us from the parliamentary tyrants!

