



# Building Bridges or Walls? BBI Charades Masquerading as ‘Public Consultations’

By Akoko Akech



It finally docked on our shores, the shores of the Nam Lolwe, on the 6<sup>th</sup> of June 2019. Unlike the old steamer, MV Alestes, it blew no loud horn to announce its arrival at the port of Kisumu to tell all within the vicinity to steer clear of the waterway and berth. Rather, it glided smoothly into Kisumu City at the end of a financial year, when government departments hurry to close the books. It crept up on the residents of the city, stealthily like a crocodile. The 35<sup>th</sup> of the expected 47 Building Bridges Initiative (BBI) “public consultation” meetings was upon us.

“I got a call from the County Commissioners about a month ago. Something like this cannot be done through an open invitation. The whole of Kisumu would have been here,” said a young man with a chuckle, his face beaming with mischief, the smirk of someone proud of his high connections and who had been let into a well-kept *siri-kali*. We were queuing for tea and snacks at the Acacia hotel, Kisumu’s high-end hotel where the BBI commissioners were holding a “consultation” meeting on how to build a new Kenya.

I, too, would have missed the meeting, had I not seen in good time a WhatsApp message from a friend who’s a Kisumu government insider. The message had been sent in the wee hours of the morning that Thursday. In keeping with the rising personality cults of Kenya’s county governors, and their penchant for frivolous publicity, the e-invitation card I got bore Professor Anyang’ Nyongo’s

picture, smiling, donning a white shirt and a red necktie, and holding a jacket flung over his left shoulder, held tenderly by his index finger. *Warwakou duto!* (All are welcome!), said the e-card.

As we sat down for tea and snacks, a clergyman wearing a white flowing robe and a red scalp cap (signifying his high position in the one of the many African-instituted Christian churches in Western Kenya) said, "I wouldn't have known who sent me the money. I got an M-Pesa transfer of 2,028 shillings from a Samuel Otieno but I couldn't tell who that is until the lady spoke."

That lady he was referring to was an amiable and handsome woman dressed in a white, loose-fitting linen suit who had spoken towards the end of the meeting, shortly before the closing prayer - the ubiquitous Christian prayer that has become mandatory at public events, which always reminds one that many Kenyans, especially state and public officers, are yet to come to terms with the 2010 Constitution of Kenya, even with the shortest of its articles, Article 8, that states that "there shall be no State religion". She told the officially invited participants that "*if you check your phones, M-pesa imeingia [the Sh2000 transport refund] plus Sh28 ya kuitoa. Usikuje kama ulikua na Fuliza, the money has been chewed.*"

The BBI task force is run like a tight deep state ship. But there is nothing transparent or charming about its process of public consultations. Unlike the recent commissions, whose meetings and deliberations were widely publicised, the BBI meetings are carefully and secretly organised, and their deliberations are hardly made public through the radio or the daily newspapers.

BBI has neither a known physical address nor a web page. Nor an expressly parliament-sanctioned legal existence and a budget line. It has an email address only. It works mostly as a sad reminder that despite its enormous constitutional powers, the Kenyan Parliament is yet to exercise effective control over the Office of the President, especially over the conduct of the provincial administration in midwifing political transitions such as the BBI and its latest women-only "popular movement" wing, Team Embrace.

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Although the activities of the BBI have largely escaped or studiously evaded public scrutiny, the Kisumu event gives us a glimpse into how it works. Its consultative forum was surreal. It had a creepy feeling of an odd combination of a typical District Commissioner-organised public holiday event - with all its attendant display of anxieties over the security of the VIP and crowd control - and a typical NGO seminar at a five-star hotel, but with neither the benefits of a skilled moderator nor an appropriate teaching methodology of getting the best out of the competing and conflicting views of the representative of the various groups present at the meeting.

It was an eerily odd public event. Like a typical District or Provincial Commissioner-organised event, it drew in government officials and civil servants, including the starched khaki, big silver button, crimson red epaulets, and stick-wielding types, such as high-ranking police officers and provincial administrators, who patrolled the corridors of the hotel. While the presence of baton-wielding Administration Police officers at an open-field public event, in jungle-green camouflage uniforms, standing strategically in front of a crowd of spectators, and policing the imaginary wall between the seated and sheltered elite and the sweating crowd conveyed a sense of security and control, the conspicuous presence of the AP officers armed with the G-3 rifles or AK-47 rifles sent a chill down one's spine. It evoked anxiety and fear rather than security and safety, which were amplified by the

antics of an order-obsessed deputy county commander who wore a chocolate brown suit and stood like a sentry at the entrance of the second door to the conference room, alternately keeping an eye on the goings-on along the corridor and in the conference room.

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Unlike a typical NGO forum, there were no hand-written sign up sheets; the organisers simply ticked off the names of the participants on a printed list of invited participants, each sheet bearing the names of only the invited participants from each of the sub-counties of Kisumu County. Luckily, the uninvited (those not vetted by the Provincial Administration) could also walk into the meeting and listen to the proceeding, without signing up.

But like a typical NGO or government event, the meeting was adorned with big banners, which, despite promising dialogue or debate, served more to mark the boundary between the powerful commissioners' high table and the jam-packed seminar room than to remind the commissioners of their vision and mission. Pleasantly, a female Kenyan sign language interpreter was hard at work, diligently translating the proceedings of the meeting.

The commissioners took turns to frame the problem, to ask questions, and to offer solutions and ways-forward, slicing up their audience into several categories: geographical, generational, gender, political, minority, and disability, soliciting from each participant, a solution for the evils bedeviling Kenya but barely giving the participants a chance to compose their thoughts or debate many contentious views vying for attention.

Nearly all the participants - except the governor, a Member of Parliament (Oduma Awour) and a former Member of Parliament (Prof Ayiecho Olweny) - were given less than three minutes to talk about items on the 9-item agenda, which prompted Father Samuel of the Catholic Peace and Justice Commission to say, "If the we want BBI to succeed, we need to allow people to freely express themselves, not shut down." But the Commission did not heed to his plea. "We know what has happened, we need the solution. This is not the right forum for venting," Prof. Oloo Adams responded curtly.

Except for Dr Florence Omosa's very brief experiment with the Socratic approach, which questioned, teased out the inconsistencies and tested the appropriateness of a solutions offered by the participants, most of the commissioners found a ready-made formula for the classification of problems bedeviling Kenya by categorising them into neat labels: gender, age, geography, and social exclusion (including disability). Their idea of "participation" was to have a member from each category speak about their issues, as if the problem facing them was defined purely by their gender, age, geographical location, or level of social exclusion. Diversity, when in the hands of the securocrats and the commissioners, was reduced to a convenient tool of bureaucracy, generating more controversies than debate.

In a welcome break with the previous briskly sessions, Dr Omosa intoned politely and firmly, "Why do we fight during elections? We don't trust each other, what should we do so that life goes on? What must happen so that we don't have so many baby Pensos? Give me specific recommendations."

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Not satisfied with the quick, not-well-thought-out responses, Dr Omosa observed, “I know, it’s not meant to be a dialogue, but I must ask you, how can the elders be the solution [to divisive elections], yet they champion exclusive ethnic leadership?” She was responding to a participant’s suggestion that a greater role for community elders in the management of elections is the solution to the tensions Kenyans experience in general elections. “Disband the IEBC [Independent Electoral and Boundaries Commission],” opined another participant.

Instead of a facilitating dialogue and debate, the meeting became a forum for contentious hard line views: “Kenya should go for a parliamentary system of government,” said one participant. “The constitution of Kenya has turned Kenya into a killing field,” asserted another. “Bring back the death sentence; let the murderers be locked without bail.” “Arrest and lock up the corrupt without bail,” Prof. Ayiecho Olweny, a former Member of Parliament, pleaded passionately. “We want “Luo kit gi Timbegi” brought back to in our curriculum,” said one participant. “Send the children back home to learn Dholuo,” said another. Ms Grace Jowi Jobita from Muhoroni, paraphrasing the Bible, stated, “If it is your eye that’s causing you a problem, my first recommendation is, let them be castrated, second, let them be castrated, and third, let them be castrated.”

There was also a call to “review the social ethics and education curriculum” in order to address the dearth of ethics among Kenyan youth and the rising cases of violence against women, including rampant cases of rape and defilement. “Amend the Chief’s Act. Our society is yearning for the past order, and is uncomfortable with the recent changes,” said retired Paramount Chief Paul Odera.

Mr Mathews Owili, the Kisumu County’s deputy governor, concurred with Prof Anyang’ Nyong’o that Kenya needs a parliamentary system of government, but also asked, “If the Prime Minister can be compelled by law to form a government that reflects the face of Kenya, can the Prime Minister be compelled to treat all Kenyans as equals?”

Struck by the repeated demands for more laws that would ensure diversity in public appointments, especially at the top levels of Kenya’s state power, Senator Amos Wako, the former long-serving Attorney General, pointed out, “The law already provides for that...the constitution makes reference to the face of Kenya in more than 22 Articles. What I want is, how can we ensure that the law, the constitution is respected by whomever?”

“The problem may not be Chapter Six [on leadership and integrity], but the law to enable, enforce the chapter. Perhaps the law enacted to enable this chapter does not reflect the letter and the spirit of the constitution of Kenya, 2010,” added Senator Wako.

However, BBI commissioners stuck to their nine-point agenda, briskly running through each item on their tick-off list, even when the more discerning participants, such as Senator Amos Wako, sensed that the problem might not be more laws, as some were suggesting, but a more complicated political process i.e. the lack of good laws and constitutionalism.

Anxious that this meeting might not yield much, Sheikh Masoud pointed out that “*Kikao bila matunda ni ufisadi*,” cautioning both the commissioners and the participants at the meeting that if the BBI initiative, like past initiatives such as the Truth Justice and Reconciliation Commission (TJRC), yields nothing, then the participants at BBI public consultation meetings would be complicit in yet another act of corruption.

The TJRC report is silent on or whitewashes some critical aspects of Kenya's evil past. For example, Volume 11 of the TJRC report airbrushes the 1969 Kisumu massacre out of Kenya's register of post-independence political massacres. The BBI too looks like yet another lost opportunity to revisit Kenya's evil past and exorcise the ghosts that haunt Kenya's post-independence politics.

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The BBI's is a lost cause because it embodies the worst carry-overs from the undemocratic provincial administration's coercive and manipulative tendencies while pretending to promote progressive and inclusive practices. The BBI seems yet another lost opportunity because the elite have set its course, and are championing narrow, selfish and convenient political causes that hardly go deep enough into the roots of the knotty questions of justice many Kenyans yearn for, and which were not given a fair hearing at the Kisumu forum.

Boniface Akach, a Kondele-based front-line human rights activist, who only learnt of the BBI meeting accidentally while attending a "solidarity" meeting at the same hotel, wrote the following on his Facebook account: "The on-going public participation exercise by BBI is a mockery, a waste of public resources and a rubber-stamping exercise. How can such a public exercise be taken to the Acacia Hotel, a five-star rated hotel, despite other more conducive and accessible spaces being available? The invite-only event is so restricted, with NIS and Police all over. The mobilisation across sub-counties is so well designed apart from Kisumu Central (wajuaji). Mobilisation was strictly done by the Kisumu County Commissioner. But we are not surprised, we all know that the aim the referendum is meant to settle scores as it creates opportunity for recycled, rejected political friends."

Perhaps, as Akach points out, the perfunctory public consultation meetings, like the one held in Kisumu County, are merely an alibi for a pre-determined political course and cause. In Kisumu, there was a clear divide between the demands made by the ODM elite, on the one hand, and popular demands by the people of Kisumu County, on the other.

According to Kisumu County Governor Prof. Anyang' Nyong'o and the ODM branch leaders, what's at stake is a referendum to turn Kenya into a proper parliamentary system of government. However, to others, it's the unfinished business of political violence and justice for the victims of political violence.

"We want inclusivity in compensation. We lost lives in 2007 and again in 2017. Some people were compensated, but not people from this region. We need inclusive compensation for people like baby Pendo," said Victor Nyasaya. A representative of the National IDP network also expressed a similar concern. "The 2007 IDPs in Kisumu were paid only three thousand shillings, unlike those from Nakuru who were paid ten thousand shillings," he lamented.

In many ways, the BBI "consultation" made a mockery of the constitution-sanctioned idea of public participation, a realisation that was not lost on many of the participants attending the Kisumu forum. It was a charade. Melania Jackie, representing the youth, lamented, "We were not involved in the process of formulating public policies. Not the Universal Health Care, not the Huduma Number, we were only given deadlines. No civic education. We don't have a youth on the BBI high table, even a token of representation.

*“Na tuna ambiwa hii sio baraza,”* Mitchelle Otieno lamented on Facebook, adding that “the BBI team ought to have held the meeting in Kondele and not Acacia hotel. We lost lives in Kondele, Nyalenda, Manyatta, and not Acacia.”

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Orengo Ben Wamaya, who represented Bunge la Mwananchi at the meeting, thundered, “Public participation is never done in a five-star hotel.”

If the TJRC report offers the residents of Kisumu an official amnesia for the 1969 massacre in exchange for the recognition of the years of economic marginalisation which followed it, then what will the BBI report yield? Will it offer restorative justice or compensations for lost life, limb and property to the recent victims of political violence? Who will foot the bill? The perpetrators and the principal beneficiaries of political violence now occupying high offices or the Kenyan taxpayers yet again? Will it be sufficient and equitable? Will there be yet another opportunity for a trade-off between some measures of restorative justice and political support for a new political coalition, like the Uhuruto 2013 bargain? Will it offer retributive justice? Will it recommend memorialisation of the victims of past political evils or yet again endorse a tacit collective amnesia and unofficial amnesty for the perpetrators and principal beneficiaries of the past political evils?

Who decides?

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