



# BBI: A Ploy to Subvert Democracy through Deception

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After several weeks of speculative fake versions of the Building Bridges Initiative (BBI) taskforce's report, the real report was launched on Wednesday, 27 November 2019 at the Bomas of Kenya in Nairobi. The document turned out to be woolly. What is most apparent are the short-term political intentions of its authors.

At first glance, the BBI report appears to contain everything. It outlines what is wrong with Kenya today and calls for an urgent response. But a closer look at what it says reveals a chilling distrust of democracy. It is an attempt to sabotage democracy – a desire to return to a mythical old order of unquestioned authority and obsequious citizenry. This is most telling in the recommendation to take away from the residents of the city of Nairobi the right to be ruled by a governor of their choice, ostensibly because of the city's special status as the capital and as a diplomatic hub.

However, the BBI report's rhetoric ignores the problem at the core of Kenya's politics that precipitated "the handshake" between Uhuru Kenyatta and Raila Odinga in the first place. Its rhetoric on electoral competition masks the identity of the political formula and its nefarious mechanisms and protests that since 2007 have produced successive governments with huge political legitimacy deficits and which have left a lot destruction in their wake. By referring to the heart-rending rising cases of femicide, terrorism, divisive elections, the crises within the family,

indiscipline, and runaway corruption, the BBI report paints a picture of a once great nation now beleaguered and in decline.

Moreover, the report not only partly attributes Kenya's woes to the adoption of Western democratic models, but also seeks to reverse them. Whenever rights and responsibilities are mentioned in the report, *responsibilities* take precedence over *rights*. The BBI report laments that Kenya has become "a responsibility-light and rights-heavy society". The authors' obsession with the word responsibility points to the BBI's tentative political programme of action: rolling back a human rights-conscious society, curtailing human rights talk, and setting the public against non-governmental and civil society organisations - ostensibly the conduits of such rights ideas and talks.

The BBI is a revisionist project on many fronts. It outlines an ambitious plan that ostensibly seeks to take history to the heart of government. It appeals to Kenyans to look back, and embrace their past - history with a capital H as it were, ostensibly in the name of a desirable "official and inclusive national history of every community and stretching back a thousand years" that includes the creation of an Office of the Historian resident in the National Archive" and a return to "an egalitarian pre-colonial African past" (assuming there ever was one).

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BBI neither critically engages with Kenya's problematic historiography or politics, particularly presidential election politics that necessitated its formation in the first place. The BBI report seems to invoke history, just as it does the moral panic over current social problems besetting Kenya - a perfect cover for an ambitious multi-pronged short-term and long-term political project that mainly includes changing the structure of the executive arm of the government to suit a new political coalition. This political rhetoric lays the ground for conservative social reforms, the kind of reforms that could promote authoritarianism in the long term.

### **The Uthamaki crisis**

Simply put, Kenya is not in the kind of crisis the BBI report portrays. Arguably, Kenya's current constitution and social institutions can address or redress most of these problems. The crisis lies in Uthamaki - the ideology of the Gikuyu elite that led to three out of four Kenyan governments dominated mainly by the same Gikuyu elite. It's mainly a crisis of how Uthamaki can reproduce itself after Uhuru Kenyatta's disastrous economic record and of how to avert the possibility of having a president who is hostile to the elite's interests.

Arguably, it's a crisis which has no ready or credible response. It's the Uthamakists who are caught in several crises: they have no credible patriarchy-compliant succession plan that can guarantee their selfish interests after Uhuru Kenyatta's second and last term. Moreover, they no longer have a legitimating myth or ideology that can justify Uhuru Kenyatta's leading role in defining his own succession, especially after his dismal economic performance that has brought on a revolt against Uthamakists in his core constituency.

The Gikuyu elite who control state power have walked out of the "kumi kumi" deal, short-changed the Kalenjin elite, and are searching for a new partner and a new coalition deal, as well as new legitimating myths for the next government through the BBI process.

What's more, there is hardly sufficient time or resources to groom a formidable candidate who can mollify a disenchanting political base and steer the succession to Uthamakists' advantage. The government is broke. And Uthamakists are caught between the possibility of a dreaded William Ruto presidency or a reconstituted executive that could guarantee them representation, and give them more time to groom a suitable successor to Uhuru.

It wouldn't be a crisis if the presidency wasn't so consequential and if the incumbent trusted the uncertainties of a truly democratic process. But the Uthamakists don't trust a credible, free and fair election nor do they respect the outcome, as we have witnessed in recent elections.

## **Electoral coups**

Since 2007, the Uthamakists have found a working formula for seizing and keeping state power. It works, but only perfectly well when an Uthamakist is in power and has a strong preferred "home-grown" male candidate. It's the formula for the execution of an electoral coup d'état, perhaps Mwai Kibaki's most enduring legacy.

Arguably, the Johann Kriegler Commission did not identify electoral coups nor did it offer sufficient remedy against them. Instead, the Kriegler reforms and the other security sector reforms were a mixed bag of harvest for Kenya's electoral coup d'état makers. The Kriegler Commission's report mainly sought to diffuse the claims and counterclaims of the winner of the disputed 2007 presidential election. It did so by claiming, contestably, that both sides stole the election, making it impossible to determine who won. But it dexterously avoided the question of how Mwai Kibaki ascended to power despite the 2007 presidential electoral contest being so muddled that one could not tell who the winner or loser of the election was.

The Kriegler commissioners kicked the can down the road. They recommended a raft of reforms on how to secure the integrity of future elections, especially reconstituting the electoral management body, and using technology and procedures for voting, vote-counting and tallying. It gave Kenyans a promissory note.

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Poignantly, the Kriegler Commission failed to locate the Electoral Commission of Kenya (ECK)'s fiasco at the Kenyatta International Conference Centre (KICC) within the country's history of the executive aiding the stealing of elections. The 2007 election-rigging was writ large on a national platform under the glare of the international media. It was switch-off-the-lights-swap-the-ballot-boxes, declare the government's preferred candidate the winner, and order police officers to beat up anyone who objects.

The success of the strategy rests on a deceptively simple logic: it is easier for a Returning Officer to declare an executive's preferred candidate the winner than it is to undo such a declaration - whether valid or not - through an election petition or a popular protest. Judges can be leaned on, intimidated or bribed to uphold such a victory. Not even a courageous Supreme Court bench like Justice Maraga's has changed this logic.

In recent times, this formula has had a patriarchal ethno-chauvinist Gikuyu presidential candidate as the core or as the constant, plus or minus one, two or three substitutable ethnic-other elite. If, however, the disgruntled elite left out of the incumbent's winning formula or coalition forms a

formidable coalition and unexpectedly wins the presidential election, you can still roll back their victory via the Independent Electoral and Boundaries Commission (IEBC) and the control and abuse of security forces. Then, with their backs to the wall, you can press the “losers” to accept half of the Executive’s loaf of bread.

Better still, you can launch a sleek media and academic campaign on a self-fulfilling prophecy of the incumbent’s developmental record or development portal or the invincibility of the demographic strength of the incumbent’s coalition. With the electoral body under your armpit and the multi-agency security forces at your beck and call, you can take the whole loaf of the executive bread after driving the opposition up the judicial cul-de-sac, with a nod from Western powers, the real custodians of Kenya’s state power who fear losing out to the Chinese on lucrative infrastructure projects and trade opportunities.

And presto, you are back as the status quo, standing tall atop the debris of broken institutions of liberal democracy, broken limbs, rapes, destroyed properties, and fresh graves after a general election, and ready for yet another round of this “democratic” three ring circus: the formation of a new coalition; an electoral theft; and a formal or informal power-sharing agreement. It works, but leaves the victor with a huge legitimacy deficit, especially when he reneges on the promise of *nusu mkate* or the commitment to hand over the whole loaf of bread midstream.

### **The kumi kumi promise**

A case in point is the Jubilee government’s crisis of legitimacy. The legitimating myth, which held the Jubilee’s core patriarchal, ethno-chauvinistic Gikuyu-Kalenjin elite pact and their respective constituencies, is in tatters. It was the myth of the “tyranny of numbers” and the promise of decades of an alternately Kikuyu/Kalenjin mainly male elite dominance over the rest of Kenyans. This is now a mirage, especially for William Ruto’s disbanded United Republican Party faction of the Jubilee government.

“We reluctantly but robustly supported the Uhuruto deal after political propagandists fabricated 07/08 PEV investigations. Some victims were depicted as villains. We justifiably sympathised, defended our own. That’s after quiet efforts by some of us to get a Raila-Uhuru alliance failed,” said Kabando wa Kadando in a thread of tweets, which suggests that William Ruto no longer fits as a variable in the next Mt. Kenya elite’s winning political formula.

“William Ruto, it seems, is very cunning and ambitious, while the Prince slept on the job,” says Kabando wa Kabando. “Ruto controlled both houses of Parliament and the executive. Anyone wanting a fix went to see Ruto. Even governors in trouble with the Senate! He fixed all. We still don’t know why Uhuru let it happen. Everyone knows ‘Annex’ became ‘Extortion Palace’. Well-oiled Sky Team ruled.”

The Gikuyu elite who control state power have walked out of the “kumi kumi” deal, short-changed the Kalenjin elite, and are searching for a new partner and a new coalition deal, as well as new legitimating myths for the next government through the BBI process. They’ve reneged on the “kumi kumi” promise – the promise of a ten-year William Ruto rule following Uhuru Kenyatta’s two five-year presidential terms in office. The Kalenjin are seemingly out of the incumbent’s equation, and William Ruto’s presidential prospect is increasingly looks dim.

### **Disastrous economic performance**

However, substituting Raila Odinga for William Ruto in the incumbent’s victory formula would have been easy but for Uhuru Kenyatta’s disastrous economic performance, the inflexible constitutional

provision of the executive, and the burden of history, especially the legacy of Gatundu oaths and the unethical campaigns of the recently closely-fought presidential elections.

Before the Jubilee government took Kenya into the deep suffocating waters of debt through reckless borrowing of commercial loans heavily padded with bribes, and drove out SMEs out of business, Uhuru was sold as the filthy rich presidential candidate who will invariably will run a clean government because he doesn't need money. Unlike his mentor Daniel arap Moi, and like his predecessors Jomo Kenyatta and Mwai Kibaki, he was the archetypical Gikuyu with a magical economic touch who would make everyone prosperous.

But, after six years in power, the economy is listing and a revolt is brewing. He's no longer the "People's Prince" among those impoverished by the Jubilee government's reckless economic choices and unprecedented levels of corruption. The economic downturn has left the president mostly with the coercive instruments of state power with which to intimidate the disgruntled pesky "Tanga Tanga" opponents who are stirring the Central Kenya revolt, and with little fiscal room for a persuasive response to the economic woes fueling the rebellion. This has given his Tanga Tanga critics wide room to chart their own destiny without the Prince and driven the Uthamakists into the arms of a previous implacable foe for help: the much demonised Raila Odinga and his ODM party.

### **Raila: A hard sell**

But Raila Odinga has never been an easy sell among the Gikuyu. He was briefly a *njamba nene* among the Gikuyu after playing a decisive role in Mwai Kibaki's victory in 2002. However, in the intervening period between 2003 and 2017, during which Raila Odinga ran for the presidency three times, he has been demonised and characterised as the ultimate enemy of the Gikuyu bourgeoisie, peasants and working class.

As Kabando wa Kabando says, "Central Kenya's fear of Raila is real. Like Boers feared Mandela. We must courageously crash unjustified phobia. Raila is feared because our grandparents were oathed that Jaramogi was bad. In 2002 Raila was 'our' hero. 2005-8 Ruto was 'our' enemy. We shall, for Kenya, embrace Raila."

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Raila Odinga and the ODM party may be a hard sell in Central Kenya, but he can be trusted to do the heavy lifting of reforming the executive. He's been a champion of the parliamentary system of government for long, which is also, as the late John Michuki pointed out, the Uthamakist default position on executive reforms when one of their own is not in State House or, in this instance, when prospects of losing state power looms. And a new political coalition of Uthamaki and the ODM party also provides a ready-made self-fulfilling prophecy or narrative of an electoral victory that a compromised IEBC can deliver.

The BBI brief is to seek to legitimate a previously unthinkable Uthamaki-compliant presidential succession plan, and it does this through historical revisionism. If Uthamaki's core constituency is shaky, and William Ruto has to be replaced with Raila Odinga because Ruto now poses a greater threat to the Gikuyu bourgeoisie than Raila Odinga, but excites a significant cross-section of Gikuyu petit bourgeoisie, the peasants and the working class, then Uhuru must look for a new legitimating story, especially one that conveniently leaves out Ruto, and brings back Raila into the Uthamakist

winning political formula.

Or, better still, a new legitimating myth is being created – one that simultaneously leaves Ruto out while portraying him as the originator of the Jubilee government's economic sins. This gives the impression of casting out the “*kusema, kutenga na ku-tender*” tenderpreneur tendencies within the Jubilee government while laying claim to the “pedigree” that Ruto lacks.

### **A mythical past**

The BBI's first communiqué and report spins a mythical Kenyan past, an exclusive patriotic patrimony of the scions of Kenya's founding fathers. Uhuru Kenyatta and Raila Odinga are the sons of the Republic of Kenya's first president and vice president, respectively. The BBI seems to have rediscovered the unfulfilled dreams and promises of Kenya's independence, and has answered the oracle's call to complete the so-called Kenya's founding fathers' independence journey.

In its first March 9, 2018 communiqué, which caught many by surprise, the BBI was billed as the rediscovery of the unfulfilled promises and ideals of Kenya's Independence. It also conjured a mythical historical past and assigned Uhuru Kenyatta and Raila Odinga a larger-than-life leading role in shaping Kenya's destiny.

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The communiqué claimed that “Kenya has constantly sought to live up to its promise and dreams its founding mothers and fathers had for us,” as if there was ever a common political vision shared by all.

What triumphed after “Independence,” especially after 1965, wasn't what the KANU coalition fought for and promised at independence; it was what Oginga Odinga would fight against for the rest of his life with little success – Jomo Kenyatta's ethno-centric authoritarian one-party state system.

The communiqué also gives Kenya a mythical history. It talks about a mythical pre-colonial “Kenya” that was peaceful and conflict-free, and later despoiled by colonialism, which the founding mothers and fathers fought and defeated with the promise of creating a united nation.

These are the myths that legitimize the Uhuru-Raila partnership's exclusive claim to shepherding the Uhuru succession politics. The BBI did not seek to make amends for the sins of the founding fathers, as the congratulatory speeches at the Bomas of Kenya during the launch of the BBI report demonstrated.

The jubilant mood at Bomas of Kenya was almost spoilt by Senator Kipchumba Murkomen, who is neither a Masinde Muliro reincarnate nor a Junet Mohammed or a Tom Mboya reincarnate by any stretch of imagination. Murkomen's plea for fair representation of both supporting and opposing sides, and his belligerent call for minorities' voices to be heard was a complaint that reminded one of KADU's plea to respect dissenting voices – a cardinal democratic value that KADU (more than KANU) stood for and championed briefly.

The founding fathers' myth might bridge the political chasm between the Uthamakist and the much-demonised Raila Odinga's political constituencies, and perhaps bury the Gikuyu bourgeoisie's fear of a Raila Odinga leadership. But a victory by any means necessary against a Ruto-led coalition of the disgruntled would make Uhuru's opinion of Raila Odinga quoted in the *Washington Post* after

NASA's boycott of the repeat 2017 elections ring true: "There is sadness in the decision of my opponent. He fought for decades to make Kenya a multiparty democracy. His opposition to one-party rule and his devotion to winning democracy for Kenya cannot be questioned."

The desire by the Deep State to steady Uhuru Kenyatta's succession ship, and guide it through the William Ruto-stirred rough and turbulent political waters by balancing Raila's political ambitions against Ruto's hasn't put wind behind Raila's sails. But it has assigned to Raila a critical role in Uthamaki's rebirth project, much to the chagrin of some of Uhuru's die-hard supporters who have been brought up on a steady diet of "*Uthamaki ni witu, thamaki ni ciao*".

The BBI's Bomas show was a ploy. It was a mock test of a political formula that sabotages Kenya's democracy, always with the same predictable tragic results every five-year electoral cycle. Though billed as historic, it was in reality the Deep State's preview of the coming John Michuki "liver-juggling" show.

### **A new supporting cast**

The BBI report inspires little confidence, but serves as a reminder that Kenya is stuck in a deep political rut - held hostage by a cabal of ethno-chauvinists who have perfected the art of subverting democracy and political deception by introducing a new supporting cast of enemies-turned-allies.

That Raila Odinga is aiding and abetting such political calculations (which have repeatedly cost him the presidency) is tragic. It's a capitulation to the evils of seizing and controlling state power; not a triumph of patriotism over self-interest.

Kenya might be playing Russian roulette in the next presidential election, not with Raila Odinga's single bullet, but with a half-loaded revolver, particularly if we go back to the Supreme Court to preserve what millions of Kenyans can't effectively and collectively resist. If Kenya is stuck only with patriarchal options and craves a home-grown solution, then it has to polish up KADU's plinths instead of mythologising the patrimony of the KANU founding father's dream and promise.

The evils that KADU stalwarts such Ronald Ngala and Masinde Muliro warned us against have metastasised in Kenya's body politic. But at least KADU got the diagnosis right: ethnic dominance in the commanding heights of state bureaucracy by one or two ethnic groups is injurious to the interests of those they exclude. KADU's prescriptions for the cure - a federal system of government, equitable development, a Bill of Rights, and a multiparty system of government - came close to what Kenyans have been earnestly debating since 1992.

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It seems the powers that be have turned the evils KADU warned us against into an advantageous political formula. Perhaps the key question one would ask the incumbent and his Western supporters is: Is it ethical to continually stage an electoral coup d'état under the guise of a presidential electoral competition? How many more such coups can Kenya survive?

Kenya's political problem is not competition as such but rather the lack of ethical competition and the violence it engenders on both sides of any political divide - from the party primaries of various political parties and electoral positions to the presidential election. It's the current electoral system

that lends itself to the electoral coups plots.

Until the Kenyans who benefit from minority rule and electoral coups give up their advantages or those who oppose illegitimate minority rule mount a resistance, BBI-like proposals will always be made. Unfortunately, the deadly recasting of who is the new or not-so-new ethnic enemy or ally of the ethnic-chauvinistic minorities who control state power will not yield democratic ideals. This is the tragedy of “Uhuru”.

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