



# The Devil and the Deep Blue Sea: Why Ruto and Raila Should Drop out of 2022 Race

By Rasna Warah



*“Never dress a deep wound superficially.” - Somali proverb*

A recent [article](#) by *The Elephant's* senior writer Dauti Kahura suggests that one of the main reasons why a sizeable number of Kikuyus are going to vote for William Ruto in 2022 is that they are afraid that if they don't - and especially if he loses or is forced out of the election race - Ruto will unleash terror on Kikuyus living in the Rift Valley, the kind of terror that Kikuyus in the region experienced when hundreds of them were killed and hundreds of thousands of them were displaced after the disputed 2007 election.

“It is the Kikuyu electorate that finds itself torn between the devil and the deep blue sea,” wrote Kahura. “Whatever option it takes, it will not be an easy choice because Ruto has presented the Kikuyus with the greatest dilemma. If they do not support Ruto, is there a risk that the violence of 2007/8 will be repeated?”

One Kikuyu lady told Kahura that she will definitely be voting for Ruto come 2022 because he was part of the deal that Uhuru Kenyatta made when the duo joined forces. In that sense, Kikuyus owe Ruto a political debt. “We entered into a pact with the Kalenjin people, that they would help our son capture power and protect our people in the Rift. In return, we would also lend our support to their

son after Uhuru's terms ended. It would now be disingenuous for the Kikuyu people to renege on that promise . . . it actually would be dangerous. I have relatives in the Rift and I can tell you they are not sitting pretty."

For those who are neither Kikuyu nor Kalenjin, this rationale sounds like pure and simple blackmail: "If you vote for me, I won't kill you." The horror of this thinking cannot be overstated. If this blackmailing tool is what Kalenjins (read Ruto) are going to be using to win the next election, then we are in a very bad place indeed. It not only mocks our democratic right to live wherever we choose but also entrenches a mindset that views Kenya as belonging to only two tribes - the Kikuyu and the Kalenjin - whose agendas we have to accept regardless of whether they are against our own interests. And we must honour every deal they make with each other to stay in power.

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It seems like a strange logic, but one that has become normalised in Kenya since 2013. Although many analysts insist that the UhuRuto victory was simply a mathematical probability, in that it united two of Kenya's largest ethnic groups into one formidable voting bloc, thereby outnumbering the opposition, many also believe that the alliance was a pact based on the threat of violence. In addition, by declaring the election as a "referendum against the ICC [International Criminal Court]", Uhuru and Ruto managed to galvanise two communities whose elites have held onto power since independence.

### **How did we get here?**

It all started when Justice Philip Waki handed over the secret list of names of the suspected perpetrators of the 2007/8 post-election violence to the African Union's envoy Kofi Annan in 2009. Kenya had the option to form a local tribunal within a year, but failed to do so. At that time, Raila Odinga, who was then the Prime Minister, had campaigned for the formation of such a tribunal, if for no other reason than that it would end speculation about the identity of the perpetrators.

When the ICC went ahead to charge the so-called Ocampo Six, including Uhuru Kenyatta and William Ruto, with crimes against humanity, Kalonzo Musyoka, who was then the Vice President, travelled to New York to try and convince the United Nations Security Council to defer the cases, ostensibly because "the ICC process has the potential to affect Kenya's fragile stability".

The whole episode was filled with intrigues and innuendos. Luis Moreno Ocampo's threat that he would "make an example of Kenya" sounded childish, vindictive and selective. As I have commented before, why did the ICC not go after Mwai Kibaki, who was in charge of the security forces that unleashed much of the 2007/2008 terror and Raila Odinga, who was the leader of the party to which William Ruto belonged, and who did nothing to stop the violence?

Annan's decision to hand over the secret list of names of the perpetrators to the ICC's Chief Prosecutor was probably made in good faith but had the net effect of shrouding the ICC cases in ambiguity and secrecy. This ambiguity was exploited by Uhuru and Ruto, whose 2013 election campaign was pegged on the claim that they had been "fixed" and scapegoated by the likes of Raila and others who were using the ICC to get rid of their political rivals.

In the end, the ICC ended up delivering the presidency to Uhuru and Ruto. If the court had not relentlessly pursued the Kenyan cases (and bungled them), and if, as many believe, the election had not been rigged or manipulated by the likes of Cambridge Analytica, there would be no Jubilee

government in place today. The ICC cases, therefore, had the unintended consequence of galvanising a nation against it.

Unfortunately, the social and economic cost of the UhuRuto political union has been unacceptably high. Kalenjin and Kikuyu politicians interpreted the truce between the two communities as a licence for theft and impunity. Members of the Jubilee government have been implicated in a looting spree of public coffers of a magnitude that has not been witnessed since the Moi years. Some would argue that the looting today is unprecedented, and has even surpassed that of the Moi era - a position that is supported by data coming out of the Auditor General's office.

The lesson we might learn from this saga is that if political reconciliation between two groups results in the political and economic exclusion of other groups, there is no guarantee that electoral or other types of violence will not remain an option for the disenfranchised - with or without the ICC. The article by Kahura also suggests that the pact between the Kikuyu and the Kalenjin is built on a fragile foundation that can easily be destabilised by the threat of future violence.

The ICC cases against Uhuru and Ruto collapsed due to lack of sufficient evidence. It is entirely possible that key witnesses were intimidated, killed or silenced in other ways. However, Kenyans also know that the perpetrators of the violence are still walking freely in Nairobi, Naivasha, Nakuru, Eldoret, Kisumu and other places. Men who gang-raped grandmothers and chopped off their neighbours' hands have not been arrested or charged with any crime, nor have they been ostracised by their communities.

Nor did Kenya establish Rwanda-style "Gacaca" courts to bring about reconciliation among aggrieved parties. The wounds of 2007/2008 have thus not yet healed. If true, the claim by William Ruto during a recent interview on NTV that the ICC case against him is being revived by his opponents to finish him will not heal these wounds either as many communities, not just the Kikuyu, also lost loved ones during that dark period. It would be naïve to believe that the ICC will deliver justice to the post-election violence victims because Ruto is now back in the dock.

### **The original sin**

However, Kenyans' wounds run deeper than the 2007/2008 trauma. These wounds can only heal if processes are put in place and serious efforts are made to address the structural and systemic causes of violence and greed in our society.

Structural and systemic violence has been part of Kenya's DNA since before independence, and has often manifested itself in the forced eviction or displacement of people from their land. British colonialism in Kenya was in essence a violent land grab.

The first large-scale post-independence land grab began during the first few years of Jomo Kenyatta's presidency when a resettlement scheme was implemented to "buy back" one million acres of land from white settlers in order to resettle displaced (mostly Kikuyu) Kenyans. Kenyatta had argued then that since the British colonialists and white settlers had taken land away from indigenous African communities, they were obliged to fund a large-scale settlement programme - using long-term loans with easy repayment conditions - to provide land to the landless.

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However, a group led by Oginga Odinga, Bildad Kaggia and Paul Ngei opposed the buying of land for

resettlement; they argued that Africans could not buy back land that was originally theirs, a contention that did not go down well with Kenyatta because “there were no free things and that land was not free, but must be purchased”. Kenyatta’s position mirrored that of the outgoing British colonial administration that made it clear that “African settlers could not get free land but were expected to either purchase it directly with their money or borrow the loan that was to be repaid to the British government”.

This first betrayal would be followed by many others. As the scheme operated on a “willing-seller-willing-buyer” basis, hundreds of thousands of people, particularly in the coast and Rift Valley regions, remained landless.

Interestingly, the scheme also offered loans to Africans who were not landless. In this group fell a select group of people who had been loyal to the colonial administration – the so-called homeguards – who gobbled up prime land in Central Kenya and the Rift Valley. Among this group were provincial commissioners, ministers, permanent secretaries and others within Kenyatta’s inner circle who would go on to become Kenya’s new ruling elite.

According to the report of the Truth, Justice and Reconciliation Commission (TJRC), “rich businessmen and businesswomen, rich and powerful politicians who were loyal to the colonial administration, managed to acquire thousands of acres at the expense of the poor and the landless.” Hence, “instead of redressing land-related injustices perpetrated by the colonialists on Africans, the resettlement process created a privileged class of African elites, leaving those who had suffered land alienation either on tiny unproductive pieces of land or landless.”

These alienated “lesser Kikuyus”, particularly those residing in the Rift Valley, have remained vulnerable to violence perpetrated by other ethnic groups as well as by their own ethnic group. (Recall the politically-instigated “ethnic cleansing” in the Rift Valley in the 1990s during the Moi regime and the shoot-to-kill-Mungiki order given by the late John Michuki in 2007.)

When Kenyatta died in 1978, there was a fear that his successor, President Daniel arap Moi, would reverse the Kenyatta-era land-related and other injustices by targeting Kikuyu elites who had benefitted from Kenyatta’s patronage. This fear, however, was unfounded – not only did Moi follow in Kenyatta’s footsteps by grabbing land for himself, he also entrenched a patronage network that mostly benefitted members of his own ethnic group, the Kalenjin.

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Having experienced violence during the Moi regime, and having suffered under Kikuyu leadership (not even Mwai Kibaki could protect the Kikuyus in the Rift during the post-election violence of 2007/8) why would these Kikuyus now trust Moi’s protégé William Ruto and a (former?) Uhuru ally to protect them?

And if indeed, as Kahura notes, the choice is between the “devil and the deep blue sea”, why choose someone whose reputation is tainted with corruption and other misdeeds, including Youth for Kanu 92 shenanigans, not to mention crimes against humanity? Ruto is known to be a scheming and vindictive politician, a man who has the capacity to crush anyone opposed to him. Do we need someone with such a Machiavellian temperament at the helm?

## Hoodwinking exercise

As for Raila, after the famous “handshake” between him and Uhuru, even some of his most ardent supporters are questioning whether he ran an opportunistic and cynical campaign as leader of the opposition and whether his main objective has always been to gain political power, not to fight for the rights of ordinary Kenyans. Many Kenyans are still recovering from his about-turn after being sworn in as the “People’s President” on 30 January 2018 at a rally attended by thousands, and after so many lives had been lost unnecessarily, including that of Baby Pendo.

Listening to the Building Bridges Initiative (BBI) rally in Mombasa on 25 January this year, one got the impression that none of the politicians present at the rally had any political ambitions, that Kenya was now one big happy family where everyone was expected to get along and think about the country first.

Politicians present at the rally, including Raila and his lieutenant James Orengo, urged wananchi not to think too much about the 2022 elections but to focus on nation-building. The rhetoric had an eerie resemblance to the “accept and move on” mantra of the Jubilee government when it took power in 2013. It was a hoodwinking exercise that made people believe that every single politician on the podium that day was not preparing a war chest with which to retain their seats in the next polls.

What was also omitted was the fact that the Independent Electoral and Boundaries Commission (IEBC) remains as inept and as corrupt as it was during the 2013 and 2017 elections, and that what worries Kenyans is whether they can trust this electoral body to conduct a free and fair election in 2022.

The endorsement of BBI by Kipchumba Murkomen, a diehard Ruto supporter, also suggested that the BBI was a national project that had nothing to do with personal ambition. The cooption of Ruto’s allies into the BBI fold could be just a survival tactic (or perhaps a form of deception?) to ensure that they do not miss out on the “eating”. As development consultant Jerotich Seii so aptly put it on Twitter, “The slices of the 2022 Succession Pie just got a little thinner because Tanga Tanga has brought itself firmly into the mix.”

Kilifi governor Amason Kingi emphasised that historical land injustices in the coast region must be addressed by the BBI, but there was no mention of the post-election violence victims, many of whom are still displaced, nor of the fact that the government of Mwai Kibaki spent millions of shillings on the TJRC whose recommendations on historical and other injustices have yet to be implemented.

The BBI is being sold to us as a project that in one fell swoop will wipe out all the evils in our society, including tribalism. But as other commentators have noted, if the Ndung’u Land Commission’s report and the TJRC report could not bring about radical reforms in Kenya, what hope is there that the BBI will? There is simply no political will to bring about reforms, particularly on land, because too many rich and powerful people will be adversely affected.

Between the devil and the deep blue sea, the only option in this case would be to choose neither. For the sake of Kenya, both Raila and Ruto should step aside and let someone who has a clean governance record vie for the top leadership in 2022. This would make the Uhuru succession politics less toxic and less polarised.

This leader’s top priorities would be to steer the country out of the deep economic morass that the Jubilee administration headed by Uhuru Kenyatta has got us into and to slay the twin dragons of corruption and tribalism that have bedevilled this country since independence. Hopefully, he or she will also be committed to implementing the myriad recommendations that have come out of the

umpteen reports and commissions that aimed to make Kenya a more just and inclusive country.

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