



# The ship has sailed but I am not moving on

By Kenyatta Otieno



In January 2018, The Star newspaper splashed the headline [\*The Ship has Sailed, It is time to Move on\*](#). The report quotes the US ambassador to Kenya Robert Godec urging Kenyans to stop discussions on the 2017 election and rally behind President Uhuru Kenyatta's four pillar development agenda. That was the first time I was hearing of these pillars, from a foreigner. It got me thinking, yes the October 26<sup>th</sup> repeat presidential election were concluded and Uhuru was declared the winner and sworn in, hence the legal president. I still have problems with its legitimacy even when I can do nothing about it. That is why I declare that Godec can move on because I am not moving on.

I have always believed in the Kenyan dream, even when things were not going so well. Kenya is way ahead of countries in the region despite our institutionalized tribalism and corruption. As a robust market based economy in Africa, with the right leadership we can do wonders. As of August 2017, the belief was shattered, resuscitated by the Supreme Court then killed again by end of October. For the first time, after despising people who leave Kenya for odd jobs abroad, I was ready to go and wash dishes in the West just to get away. The direction the country has taken makes me doubt if my children's pursuit of happiness in this country is guaranteed.

A few years ago, I met Mutiso in Kisumu. Mutiso left his home in the former Eastern Province in the early eighties as a teenager and has never gone back since but I did not ask him why. He is now a small-scale businessman in Kisumu, married to a Luo and settled in Muhoroni area of Kisumu County. He told me how he proudly took up the name Onyango and it is only the advent of mobile

phone money transfer that blew his cover to many of his friends in Kisumu. His experience cemented my belief that the Kenyan nation-state dream is valid despite all this madness. I had even contemplated coming up with a TV show to showcase such stories until 2017 happened.

Nowadays, my heart is no longer neutral. I may not be a great admirer of Raila Odinga's brand of leadership but I have immense respect for the man. I respect him for his consistent belief in good governance, which is rare in African politics. Raila was at the forefront in agitating for introduction of multiparty politics in Kenya in the late 80s. He served two stints totaling 10 years in detention for the same before joining parliament in 1992. He was part of a team that pushed for the enactment of a new constitution that culminated in the promulgation of our new constitution in 2010.

On the other hand, I could not place a finger on one thing either Uhuru Kenyatta or William Ruto believes in or stand for. There is nothing to attribute to the two Jubilee Party leaders except a penchant for amassing wealth for wealth's sake. Uhuru Kenyatta was running his family's vast business interests before coming to politics. The first thing that comes to mind when one hears the name William Ruto -is land, which ironically the Kenyatta family owns in excess. A court ordered Ruto to return land he illegally acquired from one Adrian Muteshi an internally displaced person in 2013. One of Ruto's business interests was adversely mentioned in attempts to grab the Langata Road primary school playground in Nairobi in 2015. If someone has not done basic stuff to uplift his community as a private citizen or junior civil servant, they will not learn to do it when they have power. This informed my decision to back the NASA coalition in the 2017 general elections.

So towards 2017 general elections I felt a deep apprehension. Deep down I believed that the Kenyan dream was viable and that lack of astute political leadership had denied us a chance to live up to our collective potential. Against this hope, I somehow knew that Raila was going to win but Jubilee Coalition was not going to hand over power. With a heavy heart, I tried to play out several scenarios and I feared for my country.

I supported Raila Odinga's decision to pull out of the repeat election in October called by the Supreme Court. Nothing was going to change under an IEBC (Independent Electoral and Boundaries Commission) that had disobeyed a Supreme Court order to open its servers for scrutiny. International media outlets reported turnouts of between 27% and 30%. IEBC first reported a 48% turnout then posted a 42% final turnout. Kandara MP, Alice Wahome was caught on camera trying to force a returning officer to change figures which reinforced my suspicions that IEBC headquarters did not get actual figures.

Two deaths within two weeks either side of the August 8<sup>th</sup> election date blew up my long held belief in the Kenyan dream. On 31<sup>st</sup> July the body of IEBC Acting ICT Manager Mr. Chris Musando was found in Kiambu County. His autopsy report later confirmed his death was caused by strangulation after torture. On 15<sup>th</sup> August, six-month-old Baby Pendo who slipped into a coma after suffering head injuries from a police raid to her home in Kisumu's Nyalenda slums breathed her last. If there was a thin layer of hope, the blood of these two washed it away.

Chris Musando was in the media assuring Kenyans that the upcoming election backed by an electronic transmission system was secure and tamper proof. Whatever happened after the votes had been cast and counted a week later and the subsequent annulment by the Supreme Court leaves no doubt where fingers of suspicion should point. There were several ways of 'dealing with' Musando for standing in the way of those who wished to bungle the polls. The choice of elimination shows the kind of people operating behind the veil of the Kenyan system. I believe the government knows who killed Musando because it is the job of the government to know. But I am old enough not to hold my breath waiting for someone to be charged in court for the murder.

Baby Pendo's death cut deep. Here is a couple who struggled to get a baby after several miscarriages and waited for a few years. I am a Sunday school teacher and my belief in children as the future of society inspires me to teach children every Sunday despite my stutter. The police initially ignored people's outcry then later launched an investigation into her death but as I said earlier I won't be holding my breath. Two days before Pendo died, police shot dead nine-year-old Moraa Nyarangi in Mathare in Nairobi. In November, a stray bullet in Embakasi area of Nairobi killed seven-year-old Godfrey Mutinda. In Kisumu several children were hospitalized after tear gas was lobbed into a nursery school compound. In total Kenya National Commission on Human Rights reported that the police at the height of 2017 elections drama killed seven children. Nelson Mandela said there is no keener revelation of a nation's soul than the way in which it treats her children. We have lost our soul as a nation.

The police brutality during the 2017 election season was a stark reminder that the state identified my kind as Luo by extraction and not Kenyan. Since late last year, I have been writing a series on the Luo relationship with the government for *Nairobi Law Monthly*. When I was writing the second part, I found myself using the third person plural pronoun "they" when referring to Luos. I edited it to 'we'. In my published piece, I realized I had referred to Luos in third person. I was born in Nakuru but schooled in the former Western province of Kenya. This gave me a nationalist outlook and the feeling of the insider standing out-looking within the Luo-national context.

After 8<sup>th</sup> of August, I realized that the government measures Luos on a different scale. The levels of police brutality meted out against demonstrators in Luo Nyanza failed to assuage my doubts. Dead bodies discovered in bags floating on Lake Victoria after police were reported requesting for body bags in Kisumu was proof of a calculated move to kill and not contain demonstrators. The invasion of homes, the reports from Nairobi slums of militia gangs pulling people out of their houses at night and killing were hallmarks of a sinister plot against opponents of the Jubilee Party government.

What police fail to take cognizance of is that they rarely catch the actual demonstrators. It is innocent people going about their business who get cornered when police close in on fleeing demonstrators. I can bet most of the victims of police brutality during the post-election violence were not actively taking part in the demonstrations. The evidence is in the number of children who died in that period.

NASA supporters then called for the creation of The Peoples' Republic of Kenya from NASA supporting counties leaving the rest as Central Republic of Kenya. They even designed a flag for the new republic. The calls tagged my heartstrings and I soon became a secessionist. This is not the first time such ideas are coming up. There was the push by ethnic Somalis to secede to Greater Somalia after independence. The secessionist movement was crushed during the Shifta war of 1963-1967. Kikuyu leaders also toyed with the idea at the height of tribal clashes in Rift Valley between 1991 and 1992. Mombasa Republican Council recently called for secession of coast province. This time round, the secession calls are emanating from western Kenya.

The systematic marginalization of some parts of Kenya is one reason for the calls for secession. Unresolved political assassinations since independence cannot go unmentioned. The methodical design to keep political power in the hands of two communities is pushing some of us to be separationists. In various social media forums I find Kenyans giving in to the reality that their votes never count during elections. You cannot separate political power from state patronage even with the advent of devolution. Marginalization in Kenya walks hand in hand with political exclusion. Three Kikuyus and one Kalenjin have led the Kenyan government in our fifty-four years of independence. Moi who is a Kalenjin ruled for 24 years while Kenyatta I, Mwai Kibaki and Kenyatta II - who are Kikuyu's - share thirty years between them. In Kenya, political power skews economic growth. This is why the adage out here is Kikuyus and Kalenjins are hard working while the rest of

the other Kenyan tribes are lazy and poor. Exclusion from the centre of power has given us more millionaires in the political class than in business.

The Jubilee Party and government made 2017 look like a Raila problem. The use of brutal forces on his supporters especially Luos who make only 30% of his base is tyrannical. This selective treatment engrains the feeling of resentment in his support base thus leaving secession as a dignified option. When people feel that they do not belong, despondency creeps in leading to likelihood of instability. The constitution gives a road map for a section of Kenya to secede if they want to.

Suppressing the will of the people, which I believe happened in 2013 and 2017, has negative effects on the social and economic development of a country. The most rapid growth in Kenya was witnessed between 2003 and 2013 despite the effects of 2008 post-election violence. This is because Kenyans felt they had won or lost the 2002 elections fairly. The joy and optimism trickled down to business and social spheres with positive effects. The converse is true; electoral manipulation leaves people with negative energy or just enough energy to barely survive. Traction will be very minimal regardless of what the government of the day does. This is why the calls to forget the 2017 elections and talk development will not bear any fruit.

In the midst of this political standoff, some people are proposing further reforms to our electoral laws. The law is innocent, let us keep the law out of it and look each other squarely in the eye. The law is only as good as the people executing it and it has no power to change the hearts of men. There was the IPPG (Inter Parties Parliamentary Group) push that changed election laws in 1997; we had further changes in 2008 then the promulgation of a very progressive constitution in 2010.

Then in 2016 NASA led a push to send home IEBC commissioners and repealed our election laws again. In mid-2017 Senior Counsel and Siaya County Senator James Orendo wagged his index finger, blinked in his characteristic style then proclaimed that Jubilee Coalition would lose the August election. He was basing his point on a court ruling that votes counted at the polling station and announced at the constituency would be final. He was deluded, what happened between August and November in spite of the changed electoral laws in place must have left NASA bewildered. Our problem is not lack of good laws, so reforms will still be futile.

In pursuit of their selfish interests, foreign envoys are pushing for moving on or a power sharing deal. The unseen hand of foreign masters can be felt in the cherry picking of issues they choose to speak against. Gone are the days when the west stood by democratic, human rights and good governance values as they pushed for their interests. Today China has taught them that their economic interests supersede everything. The push by the envoys for a political settlement without auditing 2017 elections will not solve the problem. We cannot insist on swimming in the baby pool because some people fear to swim in the ocean. We have to move from taking care of politicians' interests and demand what is good for Kenya.

The biggest problem is once a mistake has been committed in the course of a nation's development; it takes a generation (about 25 years) to turn things around. The expelled Tutsis who went to Uganda as children in the late fifties and those born in exile in the sixties invaded Rwanda as RPF (Rwandan Patriotic Front) in 1990. The children born in Burkina Faso after Blaise Campaore murdered Thomas Sankara in 1987 came of age and drove Campaore out of power in 2014. Righting our wrongs will take us a long time.

The ship may have sailed but this time round I am neither accepting nor moving on.

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