The Anatomy of Kenya Inc: How the Colonial State Sustains and Re-Creates Itself

By Nicholas Githuku

The return to multipartyism in the early 1990s and the implementation of the 2010 constitution were seen by many as seminal moments in the democratisation of Kenya. However, in truth, they merely masked what essentially remains an unchanged bureaucratic-security state dating back to the colonial era that is today reproducing itself at the county level. The continuity and longevity of this state has chiefly been the product of an ideology of law and order created to protect the class and commercial interests of an African colonial elite.

For the colonial enterprise in Kenya to succeed, it needed local allies who would bring existing economic and political institutions into the newly created colonial order. However, this arrangement, which privileged the small white settler community, irrevocably corrupted and even usurped indigenous African authority and generated a collaborating class of African big men whose loyalty was no longer to kinship networks and ties but to the newly established colonial government.

Over time, the newfangled chiefly power and leadership of men like Koinange wa Mbiyu, Karuri wa Gakure, Njiri wa Karanja, Mumia of Wang'a, Ole Murumbi of the Maasai, Owuor Kere of Nyakach, Kinyanjui wa Gathirimu, Muhoho wa Gathecha, Michuki wa Kagwi and Ogola Ayieke resulted in a ready-made socioeconomic and political class to whom independence and state power could be entrusted in 1963.
It is therefore no coincidence that many of the politicians and senior government administrators who have dominated the top ranks of government and the civil service in post-colonial Kenya were scions of this class. These include the recently deceased Simeon Nyachae (son of Chief Musa Nyandusi), Joab Omino, the Mwendwa brothers (Eliud Ngala Mwendwa, who served as the Minister of Labour in Jomo Kenyatta’s cabinet, and Kitili Mwendwa, the first African Chief Justice of Kenya), John Njoroge Michuki, Kariuki wa Njiiri, Peter Mbiyu Koinange (son of Chief Koinange who also served as a powerful Kenyatta minister).

Although he was not himself the scion of a colonial-era chief, Jomo Kenyatta wisely married into chief Koinange wa Mbiyu’s family and, later, into that of Chief Muhoho wa Gathecha, thus founding one of Kenya’s foremost and lasting political dynasties. His immediate successor, Daniel arap Moi, established his own dynasty that is showing a similar political tenacity.

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Jomo and the presidents who succeeded him have all sung the same refrain of law and order that was sang in colonial times. For this class of big men, political stability and the peaceful maintenance of the status quo has been the singular objective. Through a masterful stroke of political genius, Moi repackaged it into the populist appeal of his Nyayo philosophy of love, peace and unity. Mwai Kibaki, for his part, hinted at it when he reminded people that Kenya was a working nation and that there was nothing for free. At every stage of its evolution, the Kenyan state has had a steady hand at the helm ensuring the continuity of the ideology of order.

However, ensuring the survival of this vision amid the political reality of the Kenyan state with its veneer of democracy demands the suppression of all alternatives articulated and championed through political dissent. Beyond its preoccupation with the preservation of power, the ideology of order is thus also committed to protecting the Kenyan state and its brand of democracy from the people.

‘The danger to democracy is the people’

One of the colonial state’s greatest fears is the masses. Colonial authorities, and later, independent Kenya’s African ruling elite, were afraid the hordes of have-nots might rebel and challenge the politics of law and order as they had in 1952. Therefore, the imperative was to coopt, exclude or crush all dissenting voices in society. This is a task that the political heirs of the colonial state — led by Kenyatta and the scions of chiefly power such as his attorney general Charles Njonjo — fulfilled to the hilt.

Having already been recognised as the rallying political symbol through whom the hopes of the European community, London’s commercial interests and continued military presence, and the ideology of order could be secured, Kenyatta had his task already cut out for him on the eve of independence. He faced-off with the Kenya Land and Freedom Army — the Mau Mau — who sought to create an equitable society by any means, including violence. Unsurprisingly, early during Kenyatta’s tenure at the helm, much of the time was spent coaxing fighters to leave the forest and surrender their weapons.
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On the whole, Kenyatta attempted to temper the high expectations of ordinary Kenyans with his calls for Harambee (pooling together), pleas to forgive and forget the past and, consistent with the ideology of order which he understood only too well, entreating people to celebrate and embrace “uhuru na kazi” (“freedom and work”) — an appeal later echoed by Kibaki.

Toward the end of Kenyatta’s tenure, as his faculties were dulled by age, his ideological lieutenant, Njonjo, a chiefly big man in his own right, held guard against “dangerous agitators”. Njonjo openly threatened to jail the radical novelist Ngugi wa Thiong’o who had just penned his incendiary novel, Petals of Blood which both London and Nairobi feared would inspire a revolution. The palpable and shared crowd-phobia by the custodians of the ideology of order shows they understood that “the danger to democracy is the people”, who had to be thwarted at every turn and by every means available to the state.

**Moral anarchy and the culture of impunity**

The colonial state was built not through consensus as a democracy, but by decree. Not only did the colonial system corrupt African traditional authority and contribute to the destruction of African morality — thus creating moral anarchy — but it also sowed the seeds of a political culture of impunity. Indeed, the colonial state was itself a result of impunity.

Two of Kenya’s largest corruption scandals, Goldenberg and Anglo Leasing, were enabled by this culture of impunity. The Goldenberg scandal, which occurred between 1990 and 1993 under Moi’s imperial presidency, entailed the government paying Goldenberg International special compensation for fictional exports of gold and diamonds. The total cost of the scandal is unknown, but some estimates indicate that up to 10 per cent of Kenya’s GDP was lost.

Anglo Leasing, which occurred between 1997 and 2003, involved payments to a British company under the guise of investing to improve Kenyan security services, such as $36 million for new high-technology “tamper-proof passports”. However, the scandal also involved payments to other fictitious corporate entities that were paid to supply naval ships and forensic laboratories. The fact that this scandal straddles both the Moi and Kibaki administrations is quite telling. It shows that high-level corruption in the country is deeply entrenched in the bureaucracy and is, therefore, systemic or institutionalised. Alluding to this repugnant systemic morass of corruption, John Githongo, the former anti-corruption tsar and whistleblower who served in the first half of Kibaki’s first administration as the Governance and Ethics Permanent Secretary, sadly observed in a public personal statement on May 2, 2019 that:

> “The Anglo Leasing model of misappropriation of resources from the Kenyan people has continued unabated since 2001. . . . Over the past six years in particular the plunder of public resources has accelerated to levels unprecedented in Kenyan history since independence. Increasingly the economic, political, social and very personal cost of this plunder by officials in positions of authority has been borne by the Kenyan people directly.”
The Uhuru Kenyatta government too has been rocked by several corruption scandals including the Eurobond scandal which entailed the mysterious disappearance of over $1 billion after Kenya issued its first sovereign bond in 2014. The amounts of money said to have gone missing under Uhuru Kenyatta are staggering. It is not surprising that skyrocketing corruption under President Kenyatta, the country’s fourth, dwarfs all previous corruption scandals.

Flagrant and rampant corruption in the post-independence era has surprised even Kenya’s erstwhile rulers. Reacting to Anglo Leasing, the biggest scandal of the Kibaki era, Sir Edward Clay, the then British High Commissioner to Kenya, lamented that top figures of the hegemonic regime were eating “like gluttons” and vomiting “all over our shoes”.

This “eating” culture at various levels of the bureaucracy and in the high echelons of government is mirrored throughout society. Corruption permeates Kenyan society because it is the sort of society that the predatory state has created. In 2015, exasperated by rampant corruption, Dr Willy Mutunga, then Kenya’s Chief Justice of the Supreme Court of Kenya, concluded that Kenya had become a “bandit economy”. The respected and high-ranking jurist complained that corruption stretched from the very bottom to the very top of society. As an apparatus transforming society, the Kenyan predatory state has created a sukuma wiki bandit economy characterised by survival by any means necessary.

Indeed, corruption so permeates society that it scarcely leaves anyone untouched or unaffected. The unwritten code is expressed in the African proverb, “the goat eats where it is tethered”. It is, therefore, not surprising to find corruption and the trading of favours, bakshish, among lawmakers,
among revenue collection officials, among parents, teachers and students in schools and universities, among doctors, nurses and staff in hospitals, in the corridors of justice among judges and magistrates and even in the so-called disciplined forces including the police.

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The poor remuneration of public servants, a poor incentive system for hard and honest work (due to nepotism and ethnic discrimination) and socioeconomic frustrations caused by unemployment or underemployment, force ordinary citizens to resort to corruption. Working people, much like a tethered goat, tend to eat where they are “tethered”, or, put differently, use the nature of their work to look after themselves. Professional people, therefore, do not only find it necessary but also morally easy to exploit their professions or their workplace because of such tacit African cultural sanction of bakshish – acceptance of relatively small gifts or money in return for services rendered. In the meld of African traditional values and modernity in a society imbued by corruption, the line between gratitude and corruption is blurred.

In this way, therefore, the strategies adopted for material survival by school principals, the military, lawmakers, judges, magistrates, the police and other civil servants, people in the private sector, and even criminals, are not dissimilar from those used by leaders to accumulate power and wealth. Thus, the tempting image of innocent, by-standing masses, or viewing the Kenyan public as victims of grand corruption, is shattered. There is, therefore, no prospect of a united demand for clean government. It could even be said that very few Kenyans qualify to make such a demand.

State actors are considered the most corrupt in Kenya

Source: Afrobarometer

In Kenya, the bribes collected go by many words: bakshish, chai (tea) or kitu kidogo (something small). In this sukuma wiki bandit economy characterised by predatoriness, survival is at any cost. Hence, the civil servant and other officials who are poorly remunerated, or simply harbour an insatiable greed for riches, make their living or build their fortunes off the people they serve rather than from their meagre salaries.
Even heads of public schools are known to charge exorbitant tuition and illegally admit students, while in hospitals, necessities like mattresses and bed sheets, even prescription drugs, are known to be sold-off by poorly paid staff. At times, members of the police force, politicians and other public authorities, are forced to collude with the criminal underworld. Facing harsh laws or the lynch mob, young criminals have no choice but to kill or be killed, unleashing a veritable balance of urban terror. This can also be interpreted as an unlawful effort at a re-distribution of the resources hoarded by the rich in society. In major cities, rural areas and townships, local people engage in all sorts of vandalism of public service installations and petty theft. In other more remote localities, traditional raiding or cattle rustling, for example in the North Rift region and the North Eastern Province, this survival-by-all-means bandit economy translates into a form of political action.

Culturally and structurally, therefore, both the state and Kenyan society have mutually transformed each other, producing a national psyche characterised by moral anarchy and primal greed; the state and society mutually reinforce each other in entrenching unabated, runaway corruption, a culture of impunity, and politics of (dis)order.

Illustration: Gado

**The twin tyranny of political tribalism**

At the core of the bane of politics in post-independent Kenya is the twin tyranny of political tribalism. On the one hand is the tyranny of the masses, that is, the pressure that different ethnic groups — and seasonal and shifting ethnic-political alliances — place on their respective ethnic bigwigs. On the other is the tyranny of the ruling class that is responsible for the institutionalisation of grand malfaeasance. These two tyrannies feed off each other and are, as such, inextricably connected.
With political consciousness and organisation restricted only within the bounds of discrete, administratively designated “ethnic regions” during the colonial era and well into the postcolonial period, wealthy politicians have acted as guardians or custodians of their respective ethnic groups to the exclusion of all others within the political context of perceived stiff competition for public goods or state power.

The masses, as ethnic political “patrons” — either pursuing their real or perceived pan-ethnic interests — neither have tribal innocence nor are they innocent of the endless accumulation and concentration of power in the hands of the political elite without accountability, and the perpetuation of corruption. After all, when they act, whether at the ballot box or when they defend their ethnic elite “clients” even when they are accused of grand corruption, they do so simply along ethnic lines.

Both in the colonial and postcolonial periods, therefore, ethnicity (political tribalism) acts as the main vehicle through which dominance and the preservation of power and resources are achieved. In turn, ethnic political elites are beholden to “their own”; they are expected by their respective ethnic groups to defend and expand real or perceived pan-ethnic interests and opportunities with regard to the modern economic, or civic public, sector.

This, then, is the first tyrannical twin of political tribalism. A classic case of the tail wagging the dog or, as E.S.A. Odhiambo puts it in The Political Economy of Kenya, the logic of patron-client relationships turned upside down. According to Odhiambo, political entrepreneurs:

“Came to the threshold of state power with a specific objective. The bottom line for all of them was that they had to ‘deliver the goods’. . . . To maintain and reproduce their bases of power, they had to recruit, sustain, and reward their followers from time to time. . . . The peasants have the latitude, at elections, to shift their patronage. The fascination with the fact that the Kenyan member of Parliament is vulnerable at election time should acknowledge the fact of peasant choice as well as the peasants’ success at insisting on accountability by the parliamentary representative to his constituents. Put more directly, the masses put the leaders on the run to the gates of Parliament. ‘They invaded the state with society at their heels rather than imposed it on the people. They were accountable to an elected democracy’."

But at times, indeed, more often than not, and increasingly over the course of time, to do so — delivering public goods to sustain the support of their patrons, namely, their close individual supporters/enablers or cronies and tribes - politicians, as tribal clients, have no recourse but to seek to gain private capital out of the public domain. State coffers are, therefore, raided rather blatantly by the political elite in order to benefit their immediate and extended families (nepotism), ethnic communities (tribalism) and/or elite cronies and political allies.

This, then, is the second twin tyranny of political tribalism: rampant, massive and seemingly endemic institutionalised corruption unleashed on the nation by the political elite in their quest for the accumulation, concentration and perpetuation of power and (re)producing themselves. This is the conundrum of the twin tyranny of political tribalism. On the one hand, a collection of patron-tribes acting as rational actors exacting high expectations of public goods on their clients, their corresponding ethnic political elites. And on the other hand, insatiable politicians who exploit ethnicity and such tribal expectations and demands to profit by looting the public domain. There are, after all, no serious investigations into subsequent and ever increasing corruption scandals.

Tribal bigwigs are untouchable sacred cows even when implicated or involved in appalling corruption scandals. After all, they enjoy the unstinting support of their tribes who would rather be “eaten” by the hyena they think they know (a politician from their own ethnic group) than one they
neither really know nor care to know (a politician from a different ethnic group).

It is not surprising, therefore, that when it comes to fighting corruption, Kenyans are rather resigned to their fate. Politics, for the most part, is viewed as an inherently flawed and dirty game; a rather cynical acceptance that ordinary citizens can do nothing about it except vote for political tribalism. This languid attitude ensures that, collectively, ordinary people are unsafe and are, more often than not, not at the table but, rather, on the menu. And so goes the vicious cycle, the Kenyan political circus window-dressed as a paragon of Western democracy in Africa although multiparty elections are largely nothing more than ethnic contests that take place every five years.

**The Configuration of State Patronage / National Finance Grid (NFG)**

![Diagram](image.png)

Fig. 1. The distribution of state finance capital in the Kikuyu-centric Kenyatta state, 1963–1978.
The ideology of the propertied elite is thus shored up by the pervasive ideology of tribalism which defines the struggle and capture of state power. The corresponding democracy emanating from within such a political system is one in which the election-winning strategy is based purely on ethnic considerations. Political and economic competition in the context of tense inter-ethnic relations has a deleterious and blighting effect on a range of important institutions that generally give states their form, stability and longevity.

The highly ethnicised nature of Kenyan politics and the stultifying and stunting sway and monopoly of ethnic kingpins has historically created personality cults and hegemonic political dynasties that hark back to the very first collaborating class of African big men who were produced by the colonial order of the early 20th Century.

Culturally and structurally, therefore, both the state and Kenyan society have mutually transformed each other, producing a national psyche characterised by moral anarchy and primal greed.

Having reproduced itself over the years, this political class has consolidated a hegemony that enables it to flaunt, subvert or circumvent institutions based on democratic values such as the constitution that guarantees freedom of expression, freedom of conscience, freedom of meeting, freedom of association, the rule of law; a free and independent judiciary; an independent election commission; public integrity and control bodies; and the civil service, among others.

But it is the generic political party founded on principles or championing social issues of concern and pursuing clear ideological positions that has, arguably, borne the brunt of dynastic and tribal politics. In the face of political tribalism and dynastic politics, the democratic multiparty political system is weakened and stultified. Ethnicity, the fulcrum on which national politics revolves has, therefore, implied the inexorable death of the political party in Kenya.
This is the unspoken consequence of the double tragedy of the twin tyranny of political tribalism that exists beneath the thin veneer of the preponderant ideological insistence on “order”, a political “order” underpinned by moral anarchy and the assorted vagaries of political tribalism. One, moreover, that suppresses political dissent and one, therefore, that is, at once, anti-people and, thus, anti-democratic, chaotic and violent; and one that perpetuates the endless search for, and accumulation of, power accompanied by skyrocketing corruption. It is, alas, political disorder that is based on a false political stability enforced by the state security apparatus – regular and anti-riot police, intelligence services and the army.

In post-independent Kenya, therefore, the colonial ideology of order is sustained through the very means that were used at the state’s inception – force, authority, bureaucracy and power.
The formation of factions is part of group dynamics, and is therefore to be found in every society. However, it was 18th century Western Europe and its North American corollary that invented the idea of institutionalising factions into political parties — groups formally constituted by people who share some aspirations and who aim to capture state power in order to use it to put those aspirations into practice. Britain’s Conservative Party and the Democratic Party in the US were the earliest such formations. Thus party politics are an integral part of representative democracy as understood by the Western liberal democratic tradition. Nevertheless, Marxist regimes such as those in China, Cuba, the former Soviet Union and the former East Germany also adopted the idea of political parties, but in those countries single party rule was the norm.

The idea of political parties gained traction in the various colonial territories in Africa beginning with the formation of the African National Congress (ANC) in South Africa in 1912. The founders of the ANC were influenced by African American political thinkers with whom they associated in their visits to the US.

**Political organisations during the colonial period in Kenya**

Kenya’s first indigenous political organisation, the East African Association (EAA), formed in 1919, had a leadership comprising different ethnic groups – Kikuyu, Luo, Kamba, the various communities later subsumed under “Luhya”, and some Ugandans, then the dominant ethnic groups in Nairobi. Its political programme entailed protests against the hut-tax, forced labour, and the *kipande* (passbook). However, following the EAA-led Nairobi mass action of 1922 and the subsequent arrest and deportation of three of EAA’s leaders, Harry Thuku, Waiganjo Ndotono and George Mugekenyi, the colonial government seemed to have resolved not to encourage countrywide African political activity, but rather ethnic associations. The subsequent period thus saw the proliferation of such ethnic bodies as the Kikuyu Central Association, Kikuyu Provincial Association, Kavirondo Taxpayers Association, North Kavirondo Tax-payers Association, Taita Hills Association, and the Ukamba Members Association.

In 1944, the colonial government appointed Eliud Mathu as the African representative to the Legislative Council (LegCo). On the advice of the governor, the Kenya African Study Union (KASU) was formed as a colonywide African body with which the lone African member could consult.
However, the Africans changed its name to the Kenya African Union (KAU), insisting that their grievances did not need study but rather organisation.

In 1947, James Gichuru stepped down as chairman of KAU in favour of Jomo Kenyatta whose mandate was to establish it as a countrywide political forum. However, there were serious disparities in political awareness, and the colonial government continued to encourage the masses to think of the welfare of their own ethnic groups rather than that of the country as a whole. Besides, KAU’s links with other communities were often strained because of what was perceived as Kikuyu domination of the organisation. By 1950, KAU was largely moribund because, through the Mau Mau Uprising, Africans challenged the entire basis of colonial rule instead of seeking piecemeal reforms. In June 1953, the colonial government banned KAU after it concluded that radicalisation was inevitable in any countrywide African political organisation.

From 1953 to 1956, the colonial government imposed a total ban on African political organisation. However, with the Lyttelton Constitution — which provided for increased African representation — in the offing, the colonial government decided to permit the formation of district political associations (except in the Central Province which was still under the state of Emergency and where the government would permit nothing more than an advisory council of loyalists). Argwings-Kodhek had formed the Kenya African National Congress to cut across district and ethnic lines, but the government would not register it, so its name was changed to the Nairobi District African Congress.

Consequently, the period leading up to independence in 1963 saw a proliferation of regional, ethnic and even clan-based political organisations: Mombasa African Democratic Union (MADU), Taita African Democratic Union (TADU), Abagusu Association of South Nyanza District (AASND), Maasai United Front Alliance (MA), Kalenjin Peoples Alliance (KPA), Baluhya Political Union (BPU), Rift Valley Peoples Congress (RVPC), Tom Mboya’s Nairobi People Convention (NPC), Argwings-Kodhek’s Nairobi African District Council (NADC), Masinde Muliro’s Kenya Peoples Party (KPP), Paul Ngei’s Akamba Peoples Party (APP) later named African Peoples Party (APP) and others.

However, between 1955 and 1963, there developed a countrywide movement led by non-Mau Mau African politicians who appealed to a vision of Kenya as a single people striving to free themselves from the shackles of colonialism. Nevertheless, it was a fragmented movement, partly because the different peoples of Kenya had an uneven political development, becoming politically active at different times. The difficulties of communication and discouragement from the colonial government also contributed to the weakness of the movement.

Nevertheless, on the eve of Kenya’s independence in 1963, the numerous ethnically-based political parties coalesced into two blocks that became the Kenya African National Union (KANU), whose membership mainly came from the Kikuyu and the Luo, and the Kenya African Democratic Union (KADU) which mainly had support from the pastoralist communities such as the Kalenjin, Maasai, Samburu, and Turkana, as well as the Giriama of the Coast and sections of the Luhya of Western Kenya. During the 1963 elections, on the eve of independence, KADU only secured control over two out of the eight regions, namely, the Rift Valley and the Coast.

**KANU under Jomo Kenyatta**

Although at his release from detention in 1961 Jomo Kenyatta was not keen to join KANU, he ended up as its leader through the machinations of its operatives. He ascended to state power on its ticket at Kenya’s independence, first as Prime Minister, then as President. As Prime Minister, Kenyatta was directly answerable to Parliament, and it is this accountability that he systematically undermined.
First, the KANU government initiated a series of constitutional amendments and subsidiary legislation that concentrated power in the hands of the central government at the expense of the regional governments entrenched in the Independence Constitution. This KANU easily achieved because KADU was greatly disadvantaged numerically in Parliament. Thus within the first year of independence, KANU undermined the regional governments by withholding funds due to them, passing legislation to circumvent their powers, and forcing major changes to the constitution by threatening and preparing to hold a referendum if the Senate – in which KADU could block the proposals – did not accede to the changes.

It was clear to KADU that it was outnumbered and outmanoeuvred, and that the prospects for enforcing the compromise federalist Independence Constitution were grim. It was also clear to KADU that it was highly unlikely that it would win power through subsequent elections. Consequently, KADU dissolved and joined KANU, resulting in Kenya becoming a de facto single-party state at the beginning of 1964. These amendments produced a strong provincial administration which became an instrument of central control.

Second, with the restraining power of the opposition party KADU out of the way, KANU initiated amendments that produced a hybrid constitution, replacing the parliamentary system of governance in the Independence Constitution with a strong executive presidency without the checks and balances entailed in the separation of powers. Thus KANU quickly created a highly centralised, authoritarian system in the fashion of the colonial state.

In 1966, Oginga Odinga, the Luo leader at the time, who had hitherto been the Vice President of both the country and KANU, lost both posts due to a series of political manoeuvres aimed at his political marginalisation. Odinga responded by forming a political party — the Kenya Peoples Union (KPU) — in April of the same year. KPU was a loose coalition of KANU-B “radicals” and trade-union leaders. Although a fifth of the sitting MPs initially supported it, KPU was widely perceived as a Luo party. This was mainly due to the fact that Kenyatta and his cohorts, using the hegemonic state-owned mass media, waged a highly effective propaganda war against it.

Kenyatta took every opportunity to promote the belief that all his political opponents came from Oginga Odinga’s Luo community. Through a series of state-sponsored machinations, KPU performed dismally in the so-called little elections of 1966 occasioned by the new rule, expediently put in place by KANU, that all MPs who joined KPU had to seek a fresh mandate from the electorate.

During the 1969 General Election, KANU was for the first time unopposed. Those who were nominated by the party in the party primaries — where they were held — were declared automatically elected as MPs, and in the case of Kenyatta, President. Thus during the 1969 general election, Kenyatta also established the practice where only he would be the presidential candidate, and where members of his inner circle would also be unopposed in their bids to recapture parliamentary seats.

During Kenyatta’s visit to Kisumu in October 1969, just three months after the assassination of Thomas Joseph Mboya (Tom Mboya), a large Luo crowd reportedly threatened Kenyatta’s security, and was fired on by the presidential security guards in what later came to be known as the “Kisumu massacre”, resulting in the death of forty-three people. In an explanatory statement, the government accused KPU of being subversive, intentionally stirring up inter-ethnic strife, and of accepting foreign money to promote “anti-national” activities. Soon after this incident, the Attorney-General, Charles Njonjo, banned KPU under Legal Notice No.239 of 30th October 1969, and Kenya again became a de facto one-party state. Several KPU leaders and MPs were immediately apprehended and detained.
In 1973, the Gikuyu, Embu and Meru Association (GEMA) was formed with Kenyatta’s consent. In a chapter in *Ethnicity and Democracy in Africa*, the immediate former Attorney-General Prof. Githu Muigai, explains that GEMA had a two-pronged mission: to strengthen the immediate ethnic base of the Kenyatta state by incorporating the Embu and Meru into a union with the Kikuyu, and to circumvent KANU’s party apparatus in the mobilisation of political support among these groups. While posing as a cultural organisation, GEMA virtually replaced KANU as the vehicle for political activity for most of the Kikuyu power elite. Consequently, many other ethnic groups formed “cultural groups” of their own such as the Luo Union and the New Akamba Union. As Prof. Muigai further observes, with the formation of GEMA, the façade of “nationalism” within KANU had broken down irretrievably.

In October 1975, Martin Shikuku, then MP for Butere, declared on the floor of Parliament that “anyone trying to lower the dignity of Parliament is trying to kill it the way KANU has been killed”. When Clement Lubembe, then Assistant Minister for Tourism and Wildlife, demanded that Shikuku substantiate his claim that KANU had been killed, the then Deputy Speaker, Jean-Marie Seroney, stated: “According to Parliamentary procedures, there is no need to substantiate what is obvious.” Consequently, Shikuku and Seroney were detained without trial, and were only released after Kenyatta’s death in 1978.

**KANU under Daniel arap Moi**

Two years before Kenyatta’s death, more than twenty MPs sought to amend the section of Kenya’s constitution which stipulated that the vice president would become the interim president should the incumbent become incapacitated or die. Although the “Change the Constitution Movement” involved MPs from across the country, members of GEMA were among the most vociferous in seeking to block Daniel arap Moi’s succession in this way. Thus, upon assuming the Presidency, Moi set about reducing the influence of GEMA, especially its leaders who had been closest to his predecessor. Whereas Kenyatta had by-passed KANU, Moi revitalised and mainstreamed it, using it as the institution through which his networks would be built. By so doing, he undercut the power of established ethno-regional political leaders, and made the party an instrument of personal control.

Besides, Moi persecuted advocates of reform among university lecturers, university students, lawyers and religious leaders, many of whom were arrested, tortured, detained without trial, or arraigned in court to answer to trumped up charges and subsequently face long prison sentences, and all this forced some of them into exile.

Furthermore, Moi co-opted into KANU the Central Organisation of Trade Unions (COTU), *Maendeleo ya Wanawake* (the countrywide women’s organisation), and any other organisation that he viewed as a potential alternative locus of political power. At one point during Moi’s reign, the provincial administration even harassed people who did not have KANU membership cards in their possessions in markets, bus stops and other public places. I remember my father purchasing these cards to give to all his grown-up children in a bid to help them avoid such harassment. MPs lived under the fear of being expelled from KANU — which would mean automatic loss of their parliamentary seats — and so outdid one another in singing Moi’s and KANU’s dubious praises inside and outside Parliament. On the Voice of Kenya (VOK), the state-run radio station which enjoyed a monopoly, songs in praise of Moi and KANU and others castigating dissenters were played after every news broadcast.

Moi only conceded to restore multi-party politics at the end of 1991 due to the effects of his mismanagement of the economy coupled with the end of the Cold War, both of which increased internal and external pressure for reform. Nevertheless, he declared that people would understand that he was a “professor of politics”, and went on to emphasise that he would encourage the formation of as many parties as possible — a clear indication that he was determined to fragment
the opposition in order to hang on to power for as long as possible. Indeed, the opposition unity that had influenced the change was not to last, as ethnically-based parties sprang up all over the country, enabling Moi to win both the 1992 and 1997 elections. Furthermore, the Moi regime was reluctant to put in place the legal infrastructure for a truly multiparty democracy, and the same was later to prove true of the Kibaki regime that took over power on 30th December 2002.

**Parties as obstacles to democratisation**

In a chapter in *A Companion to African Philosophy*, Makerere University philosophy professor Edward Wamala outlines three shortcomings of the multi-party system of government in Ganda society in particular, and in Africa in general.

First, the party system destroys consensus by de-emphasising the role of the individual in political action. Put simply, the party replaces “the people”. Consequently, a politician holding public office does not really have loyalty to the people whom he or she purportedly represents, but rather to the sponsoring party. The same being true of politicians in opposing parties, no room is left for consensus building. We have often witnessed parties disagreeing for no other reason than that they must appear to hold opposing views, thereby promoting confrontation rather than consensus.

Second, in order to acquire power or retain it, political parties act on the notorious Machiavellian principle that the end justifies the means, thereby draining political practice of ethical considerations that had been a key feature of traditional political practice. We are thus left with materialistic considerations that foster the welfare not of the society at large, but rather of certain suitably aligned individuals and groups.

Third, as only a few members at the top of a party wield power, even the parties that command the majority and therefore form the government are in reality ruled by a handful of persons. As such, personal rule, after seeming to have been eliminated by putting aside monarchs and chiefs, makes a return to the political arena of the Western-type state. Thus the KANU-NDP “co-operation” and ultimate “merger” was the result of the rapprochement between Daniel arap Moi and Raila Odinga; the Grand Coalition Government was formed as a result of the decision of Mwai Kibaki and Raila Odinga; The Handshake and the Building Bridges Initiative was the result of private consultations between Raila Odinga and Uhuru Kenyatta. In all these cases, party organs were only convened to ratify what the party leaders had already decided, and dissenters threatened with disciplinary action. We have very recently seen the same approach in the debate on the allocation of revenue, where what was supposed to be the opposition party acquiesced to the ruling party’s view simply because of the Handshake and the Building Bridges Initiative.

In my youth, I was convinced that if only multi-party rule would be restored in Kenya, autocracy would be a thing of the past. With hindsight, however, it is now clear to me that just as middlemen enjoy the bulk of the fruit of the sweat of our small-scale farmers, so party leaders enjoy the massive political capital generated by the people. In short, party politics, whether with one, two or many parties in place, hinder true democratisation by perpetuating political elitism and autocracy.

**Towards a no-party system of governance**

In *Cultural Universals and Particulars*, the Ghanaian philosopher Kwasi Wiredu advances the view that the no-party system has evident advantages over the multi-party system:

When representatives are not constrained by considerations regarding the fortunes of power-driven parties they will be more inclined in council to reason more objectively and listen more open-mindedly. And in any deliberative body in which sensitivity to the merits of ideas is a driving force,
circumstances are unlikely to select any one group for consistent marginalisation in the process of decision-making. Apart from anything else, such marginalisation would be an affront to the fundamental human rights of decisional representation.

However, Yoweri Museveni’s “no-party system” which he instituted when he took power in Uganda in 1986 was simply a one-party system in disguise. Indeed, in his *Sowing the Mustard Seed*, Museveni unintentionally reveals a party orientation in his analysis of his electoral victory in 1996: “Although I was campaigning as an individual, I had been leading the movement for 26 years. Therefore, the success of the NRM and my success were intertwined.”

Our various peoples had clear democratic practices in their pre-colonial political formations without the inconvenience of political parties. For example, Prof. Wamala, in the chapter already cited, informs us that the Kabaka of the Baganda could not go against the decision of the Elders. It is high time we learned from our indigenous heritages.

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**The Anatomy of Kenya Inc: How the Colonial State Sustains and Re-Creates Itself**

By Nicholas Githuku
The furore over Kapsaret MP Oscar Sudi’s recent comments regarding the first family has left many Kenyan women baffled, not least because Kenyan men are not known to be great defenders of women or their body parts. It has been alleged – and the media has erroneously reported – that, in alluding to her breasts, Mr Sudi insulted Mama Ngina, the former first lady and mother of the current president, Uhuru Kenyatta.

When I first heard about this on social media, I thought it was yet another typically crude example of Kenyan misogyny. There are countless examples of Kenyan men, particularly politicians, insulting and deriding women. Female politicians and activists are a favourite target. Women who dare to defy patriarchal norms do not find a comfortable home here. In fact, they have to fight tooth and nail to be recognised.

The late President Daniel arap Moi, for instance, once referred to Nobel laureate Wangari Maathai as a woman who had “dudus in her head” when she was protesting the building of a tall office block in Uhuru Park. Recently, Mutahi Ngunyi, a State House operative, referred to Martha Karua, a former Minister of Justice and a presidential candidate in the 2013 election, as “a grandmother with average intelligence and a bloated ego” after she gave a TV interview that challenged the president and Raila Odinga to come clean on the motives behind their rapprochement. (Note: Ngunyi’s use of the word “grandmother” was to suggest that Karua had reached her sell-by date and that she should focus on family matters, not politics. In this case, the insulting of grandmothers was not viewed as hate speech by the authorities.)

Those of us who have cared to listen to the speech that caused so much uproar in the country will agree that Sudi did not insult Mama Ngina’s breasts. He merely stated that Uhuru Kenyatta should not believe that the breasts that he sucked are better than the breasts that Sudi sucked.

What Sudi was simply trying to say (and which got lost in the state’s accusations of “hate speech” and “incitement”) was that all Kenyans are equal and that Uhuru and his family should not believe that they are more important than the rest of Kenyans or that the country belongs to them.

In any other period in our political history, these comments might even be considered heroic – an act of rebellion against hegemonic forces. I would go further to say that Sudi has the right to freedom of expression, which is guaranteed by our constitution, so he can say what he wants as long as his
utterances are not inflammatory or based on lies. After all, did the young Jomo not say similar things against the British in London’s famous Hyde Park? Is this not what the Mau Mau were saying to the British colonialists when they took up arms against them? Is this not what was conveyed to President Moi during the “Second Liberation” protests? Did Raila Odinga (who was once the leader of the opposition) not challenge election results several times because he wanted Mwai Kibaki and Uhuru Kenyatta to know that Kenya does not belong to just one tribe or to one political party? Fighting for your rights is guaranteed by the 2010 constitution.

But then you have to remember that it was during Jomo Kenyatta’s time that insulting the first family became a criminal offence. Jomo’s Machiavellian Attorney General Charles Njonjo deemed that even imagining the death of the president was punishable. Are we returning to those days of the imperial presidency?

Before I return to the issue of breasts and their significance in the Kenyan imagination, let us recall how we got to this place.

**Faustian pact**

You may remember that prior to the 2013 elections, Uhuru Kenyatta made a Faustian pact (some call it a marriage of convenience) with William Ruto – his fellow indictee at the International Criminal Court (ICC). The deal – amplified by the likes of Cambridge Analytica, which manipulated a highly gullible electorate – was that the election should be viewed as “a referendum against the ICC”. Part of the pact was that if the duo won the presidency, Uhuru would rule the country for ten years and then hand over to Ruto for the next ten years. In other words, Jubilee – their coalition party – would rule Kenya for the next two decades.

But maybe promising to honour a deal was not part of that deal. That Faustian pact has been broken. Ruto has now been relegated to the sidelines following another Faustian pact called the Building Bridges Initiative (BBI) that has brought Raila into the Uhuru fold, and which has resulted in an orchestrated assault against Ruto. Some might say that it is Kikuyu privilege and hegemony reasserting itself by coopting dissent. Others say it is a way of healing past wounds and uniting a country fractured by political divisions and disillusionment. Only time will tell which scenario will unfold.

Unfortunately, this pact might lead to more, not less violence. The government’s unreasonably aggressive response to Sudi’s comments, complete with police raids on Sudi’s home, and the open defiance of Sudi’s Kalenjin supporters, who threaten to go to war to defend their leader, suggest that we might be on the brink of a civil war. As one Kenyan on Twitter wryly commented, BBI has turned into a “Burning Bridges Initiative”.

The “handshake” between Uhuru and Raila, instead of easing tensions, has created different forms of polarisation. Ruto’s Kalenjin supporters feel betrayed. Opposition and civil society activists who would have come to Sudi’s defence are now taking sides; those who might have defended his right to free speech are now silent because speaking up might be construed as siding with Ruto. These fractures are most evident on social media.

Let us be very clear on one fact, which somehow gets conveniently brushed under the carpet. The 2013 election was premised on fear. Fear that if the Kalenjin and the Kikuyu do not unite, there will be a constant threat of violence and mass displacement of Kikuyus in the Rift Valley. Fear that historical injustices will resurface as a rallying cry during elections – a scenario that neither the Kikuyu nor the Kalenjin elite want because both have blood on their hands.
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, some believe that the alliance between the two politicians was based more on primal instincts that had to do with self-preservation vis-à-vis the ICC, and the general fear in the country that the 2013 election would be as bloody, if not more, than the 2007 one, as the issues that turned Kenyatta’s Kikuyu ethnic group against Ruto’s Kalenjin in 2007/8, and vice versa, had still not been resolved.

“Though tribe was the watchword in this [2013] election, their alliance, and their victory, was nationalistic, not tribal,” wrote James Verini, a Foreign Policy contributor based in Nairobi. “Their unspoken but resounding message was this: Yes, we killed. We killed for you, for Kenya. And we’ll kill again. It’s the most seductive platform in politics.”

At that time, anti-corruption crusader John Githongo said that the wounds of the violence in the Rift Valley – the site of most of the ethnic conflicts that have taken place during every election cycle since the first multiparty elections in 1992 – had still not healed, despite the public hand-holding and hugging among the Jubilee Alliance’s leaders. “Those who doubt his [Ruto’s] grip and the extent of his leverage need only consider the fact that despite the alliance of ‘peace’ and ‘reconciliation’ between the Gikuyu and the Kalenjin that now prevails, Rift Valley IDPs are not racing back to farms from which they were evicted in 2008. All of us know, quietly and without too much fuss, that we aren’t even close. It is such inconveniences that interrupt the ‘move on’ narrative for now,” he wrote in African Arguments on 22 May 2013.

Breasts in the Kenyan imagination

The Faustian pact between Uhuru and Ruto, and now between Uhuru and Raila, has lessons for Kenyans. In the classic German legend from which this pact gets its name, Faust is a highly successful but dissatisfied man who makes a pact with the devil, exchanging his soul for unlimited knowledge and worldly pleasures. By selling his soul to the devil, Faust is condemned to “The Eternal Empty”. However, female spirits of the earth intervene on his behalf and forgive him for his foolish mistake. Faust suffers some tragedies because of his folly, but in the end he is granted redemption and his soul ascends to heaven in the presence of God and the Virgin Mother. (One moral of the story: female energy is more powerful than the devil.)

We might be tempted to believe that the attacks on Sudi and his ilk are invoking female power. The fact that so many Kenyans (including elderly Kikuyu women who have threatened to strip in front of Sudi) have come out in defence of Mama Ngina’s breasts might suggest that we have reached a Faustian moment. Or perhaps we have evolved into a country that actually cares about women and their dignity.

But let us not fool ourselves. For one thing, Mama Ngina, arguably the richest woman in Kenya, is hardly “Wanjiku”. I do not recall her ever defending the rights of poor Kenyan women, or women in general. Two, we are not invoking female energy here to seek redemption. If Kenyan politicians, including Sudi, really cared about women, the two-thirds gender rule would have been enforced in parliament by now.

What we are doing is weaponising the former first lady’s breasts. And sexualizing them, which is very un-African. As Sylvia Tamale writes in African Sexualities, African women’s sexualities were the antithesis of European mores of sex and beauty. Traditional African women had no problems displaying their breasts because breasts in African culture were not objects of sexual desire or titillation; they had one primary purpose – feeding an infant. So talking about breasts was no different from talking about a nose or a leg. If Sudi had “insulted” Mama Ngina’s ear, would we be
so upset? The African breast became the object of forbidden fantasy and fetishisation during colonialism when Christian missionaries began their “civilizing mission” in Africa.

In fact, in certain African societies, nakedness was associated with defiance. The Kenyan mothers of political prisoners who “cursed” the Moi government in the early 1990s by stripping at Uhuru Park – because seeing your mother naked is considered a curse in certain Kenyan communities – were not displaying their sexuality; they were displaying their anger. They were defying Moi. Kenyans with a political conscience saw them as heroines. In fact, these mothers will forever remain as symbols of defiance in the annals of Kenyan history.

Maybe now is the Faustian moment when positive female energy can be invoked, not to redeem those who have made selfish pacts, but to take Kenyans down a more enlightened path.

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The Anatomy of Kenya Inc: How the Colonial State Sustains and Re-Creates Itself

By Nicholas Githuku
The current clamour by a certain section of the political class across the board to change Kenya’s constitution is not anything new; we have been here before. Two years before the death of Kenya’s first president, Jomo Kenyatta, in August 1978, and after the hotly contested 1974 general election, this clamour reached its zenith, with its protagonists coming out openly to hold public barazas across the country to caution people about the danger of having one Daniel arap Moi succeeding Jomo. This group wanted the constitution changed so that a vice president could not automatically become president upon the death of the president, an amendment that would have made it impossible for Moi to succeed Jomo. Moi was a Kalenjin from Baringo and the so-called “Kiambu Mafia” despised him and could not in their wildest dreams countenance the fact that a non-Kikuyu could ascend to State House.
Nearly forty years later, in February 2018, a little-known and first time MP for Tiaty constituency in Baringo County, received wide media coverage when, out of the blue, he proposed changes to Kenya’s 2010 constitution. The 45-year-old MP, William Kamket, through his Constitution Amendment Bill 2018, advocated for the inclusion of a powerful position of prime minister and the scrapping of the position of deputy president. (The current constitution is hardly a decade old, having been promulgated on August 27, 2010.)

Less than a month later, on March 9, President Uhuru Kenyatta and his strident political nemesis, Raila Amolo Odinga, in a surprise manoeuvre, appeared on the steps of Harambee House – the seat of government – to declare a political détente by publicly shaking hands and smiling broadly for the cameras. Soon after, Raila, who had successfully petitioned Uhuru’s contentious presidential win on August 8, 2017 at the Supreme Court, only to stay away from the fresh presidential election on October 26, 2017, started agitating for constitutional change.

Through the Building Bridges Initiative (BBI) formed immediately after the handshake, Raila has repeatedly said he is advocating for a future “all inclusive” government that will be devoid of cycles of violence that invariably manifest themselves every election year. The former prime minister, who has been tasked with spearheading BBI – a body made up of both President Uhuru and Raila’s circle of confidantes – has said that the Initiative will come up with suggestions on areas in the constitution that need to be changed. Since then, there have been additional disparate voices supporting this clamour for change, among them the National Council of Churches of Kenya (NCCK) and the Kenya Conference of Catholic Bishops (KCCB).

The Kiambu Mafia

But we have been here before. Barely two years into his imperial presidency, the septuagenarian Jomo Kenyatta surrounded himself with political honchos from Kiambu, who in due course were to infamously acquire the sobriquet Kiambu Mafia. The group consisted of Jomo’s inner kitchen cabinet; among the most powerful were his brother-in-law Mbiyu Koinange, the de facto leader, his nephew Dr. Njoroge Mungai and James Gichuru, who, during Kenyatta’s detention years acted as the president of the KANU party, holding fort until 1960 when he vacated the seat for Kenyatta after the latter’s release from prison. It is this Kiambu Mafia that saw to it that political power was firmly established and consolidated among and within an emerging Kiambu cabal, so much so that the cabal boasted that “Uthamaki ndugakera Chania.” (“The political kingdom will never see the light of day beyond Chania.”) Chania is the river that flows through Thika town. It is the river that divides Kiambu County from Murang’a.

With cracks beginning to emerge between Mzee Kenyatta and his first vice president, Jaramogi Oginga Odinga, as early as 1965, the president and the cabal felt confident enough to take on Jaramogi and his band of supporters in the ruling party KANU. First, to show his disaffection and to dissociate from Jaramogi, Kenyatta did away with the Luo cap that Jaramogi had gifted him, which Kenyatta often proudly wore.
It was in the aftermath of this disagreement that the scheming of the Kiambu Mafia, with the full knowledge of the president, came into full view when it called for a KANU conference in Limuru town in 1966. With the sleight of hand of the cabal’s project now exposed, the mandarins, with the help of the brilliant, cosmopolitan and, urbane politician Tom Mboya (who happened to be a Luo), warily crafted the idea of eight vice presidents to tame and humiliate Jaramogi. The eight vice presidential slots were divided among the then eight provinces of the country.

The deliberate picking of Limuru town in Kiambu District as opposed to holding the meeting in Nairobi, the capital city, was very telling. Was Mzee Kenyatta and the Kiambu Mafia telling all and sundry that the country’s Uthamaki now rested in Kiambu District?

**Mysterious deaths and political assassinations**

However, the ideology of Uthamaki (based on the idea that only people from the Kikuyu ethnic group are entitled to run the country) only gained feverish currency among the Kikuyus after the assassination of the mercurial Minister of Economic Planning and Development, Thomas Joseph Mboya on July 5, 1969, at the tender age of 39. It was around this time that the famous 1969 oath-taking was secretly and hurriedly organised to ostensibly bind the Kikuyu community to defend its Uthamaki from *andu aa ruguru* (communities from Western Kenya).

“The secretive oathing of 1969 was the zenith of Uthamaki consolidation,” Nelson Mwangi Gichohi, the former all-powerful Nakuru District Commissioner, once told me. “Most of the oathing was concentrated in Gatundu division. There was also oathing in Nyandarua District, but I will be lying if I tell you I know the specific locations.” (Gichohi died at the age of 96 and was buried on October 5, 2018 at his Nyandarua farm.)

The Mafia was wary of any politician who remotely seemed like he would succeed the aging monarch Jomo Kenyatta who had suffered his first stroke in 1969.

KADU, which stood for Kenya African Democratic Union, had been an opposition party in the lead-up to the 1963 general elections. Its chief protagonists, among others, were Ronald Gideon Ngala and Daniel arap Moi. The party propagated a “majimbo” constitution that would be based on federalism, a system of government that was favoured by the “White Highlands” British settlers who wanted regions to have more autonomy.

On January 29, 1969, five months before Mboya was gunned down on Government Road (today Moi Avenue) at 1.00pm as he stepped out of a chemist’s shop. But five months before, [Clement Michael
George Argwings Kodhek was involved in a fatal accident at the junction of the present-day Wood Avenue and Argwings Kodhek Road. He was 46 years old when he died.

Meticulous and suave, Kodhek, a UK-educated barrister, had been Jomo’s lawyer at his trial in Kapenguria in 1952, alongside Dennis Pritt, a Queen’s Council (QC) and Achhroo Ram Kapila, among others. At the time of his death, Kodhek, whose English names’ initials were turned into a play of words by his Luo people – *Chiedo Mor Gem* (meaning the oil of Gem), was the Minister for Foreign Affairs and the MP for Gem.

On December 12, 1972, Ronald Ngala, who had been KADU’s president and a founding member before the party was dissolved in 1964 to join KANU, was involved in a mysterious freak accident at Konza, 15km from the Machakos town junction. Thirteen days later, on Christmas Day, the former Minister of Power and Communications died at the Kenyatta National Hospital aged 49. Nobody has ever explained why Ngala, who traditionally celebrated Jamhuri (independence) Day with the president, was travelling to his coastal home on that Jamhuri day.

In March 1975, the Uthamaki “hyenas ate one of their own”, as the politician John Keen put it. The badly mutilated body of Josiah Mwangi Kariuki (popularly known as JM), the 46-year-old MP for Nyandarua North and an Assistant Minister in the Office of the President, was found in the Ngong Hills Forest. JM’s eyes had been gouged out and his lifeless body had been left in a path frequented by hyenas.

“Furious Nyeri Kikuyus immediately accused the Kiambu Mafia of killing JM,” recalled Gichohi. Although JM’s rural home was in Ol Kalou, where he had a big farm, his ancestral origins were in Nyeri. The Kikuyus from Nyeri vividly recalled what the Kiambu Mafia had said in 1966 – that Uthamaki would never transcend River Chania.

Gichohi narrated how three years before the death of Jomo, the Kiambu Mafia, suffering from “psychological insecurities generated by the founding president’s ill health”, felt sufficiently threatened by JM’s rising popularity countrywide to the extent that they decided to put a stop to his presidential ambitions. On many occasions, said the late Nakuru DC, the Mafia had warned JM to cease his political ambitions but he ignored them.

The formation of a parliamentary select committee to investigate the death of JM was aimed at assuaging the hurt nationalist feelings of a majority of Kenyans who identified with JM. It also sought to exonerate Jomo’s government from suspicions that it had ordered the killing of the populist politician. The select committee was chaired by Elijah Mwangale, the then the MP for Bungoma East. To seemingly lend credence to the committee, it included some of JM’s friends like...
Waruru Kanja.

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The committee’s final report incriminated Mbiyu Koinange, the then Minister of State in the Office of the President and Jomo’s bosom buddy and brother-in-law. Furious that the Mwangale-led committee had dragged Mbiyu’s name in the report, Jomo is reported to have said that to have Koinange’s name in the report was like having his own name there. The president trashed the report, which also led to the sacking of cabinet ministers John Keen, Masinde Muliro and Peter Kibisu. Keen was the Assistant Minister for Agriculture and the MP for Kajiado North. Masinde was the Minister of Co-operatives and the MP for Kitale East. Kibisu was the Assistant Minister for Labour and the MP for Vihiga. They all were accused of endorsing and supporting the report.

Within just six years, the Kiambu Mafia had snuffed out the lives and political careers of two political heavy weights – Tom Mboya and JM Kariuki. Jaramogi Oginga Odinga, the former vice president, was put under house arrest between 1969 and 1971. Still, the years between 1970 and 1976 were dicey times for the Kiambu Mafia. Mzee Kenyatta’s health was failing by the day, and it was just a matter of time before they woke up to the fact that he was no more.

To the extent that they did not want to be caught flat-footed, the Mafia must have realised that it was impossible to eliminate every possible threatening political force, so they cleverly came up with a political scheme: the creation of a party within a party. The creation of Gikuyu Embu Meru Association (GEMA) by the Kiambu Mafia apparently coincided with the weakening of the ruling party KANU. GEMA, which was supposed to be a welfare organisation in theory, was in fact a vehicle for the Kiambu political protagonists’ scheme to propagate Uthamaki philosophy as they sought to strangle KANU’s nationalist credentials, which were a direct threat to their devious plan.

**The “Change-the-Constitution” movement**

As Mzee Kenyatta’s health was deteriorating quickly, the Kiambu Mafia hatched another plan towards the end of 1976: the Change-the-Constitution mantra. With a constitution that expressly said that in the event that the president was incapacitated or suddenly died, the vice president would automatically take over the reigns of power, the Kiambu Mafia fought tooth and nail to stop Daniel arap Moi from succeeding Mzee Kenyatta.

The front man for the group was Dickson Kihika Kimani, the MP for Nakuru North and the controversial leader of the Ngwataniro Mutukanio land buying company. In September, 1976, the group, led by the political operator Kimani, held its first meeting in Nakuru to propose that the rules of succession be modified. A month later, Kihika, whose base was Nakuru but who had aligned himself with the Kiambu Mafia, repeated the assertion on October 3 in Limuru as he held a fund-raising meeting.

The activities of the Change-the-Constitution protagonists were stopped by the all-powerful Attorney General, “Sir” Charles Njonjo, who, two days later, issued a terse statement: “It is a criminal offence for any person to encompass, imagine, devise, or intend the death or deposition of the President.”
Kenyatta followed Njonjo’s statement with his own from State House: “The government reiterates its earlier statement by the Attorney General.” Thus the Uthamaki project of the GEMA/Change-the-Constitution group of 1976 had been nipped in the bud.

Before his fall from grace in 1983, Charles Njonjo, the influential and powerful Attorney General, is reputed to have boasted that were it not for him, Vice President Moi would not have ascended to the presidency. “Had I not laboured single-handedly, to ensure that the provisions of the constitution were adhered to, Moi would not have been president and there would have been chaos in the country,” Njonjo is reported to have said this to all who cared after Moi had entered State House.

When Moi became president, Kihika Kimani pledged his loyalty to him with the following statement on September 8, 1978, two weeks after Mzee’s death: “President Moi is the only natural leader Kenyans have with the necessary qualifications to lead the nation following the untimely death of President Kenyatta...It is the people, the majority of Kenyans, if not all, who are now pleading with him to become their President.”

Cynics believed that this professed loyalty was just a scheme to buy time, as many in the Kiambu Mafia believed that Moi would be a lame duck president and would not hold office for long. They were wrong: Moi consolidated his power and remained in office for 24 years. (In their book, The Kenyatta Succession, Joseph Karimi and Philip Ochieng describe the various intrigues, plots and personalities behind the Change-the-Constitution movement.)

Kenya’s political folklore has it that before his ouster from public life (through a commission of inquiry into his conduct by President Moi), Njonjo had since the early 1970s been conspiring and marking time to succeed President Jomo Kenyatta. His presumed support – apparently through proper constitutional means – for Moi and his wars with the Kiambu Mafia were a ruse in his master game plan to wrestle state power from Moi after taking credit for “planting” the former vice president in State House. His infamous remark, “Engethua ndogoria itingekinyera nyeki” (A limping leader sheep cannot lead the rest of the flock to greener pastures), was used to incriminate and label him a traitor.

The return of Uthamaki

Twenty-four years after GEMA and the Change-the-Constitution adherents had failed to stop Vice President Moi from taking over from Kenyatta, who quietly died on the night of August 22, 1978, the Uthamaki project reared its head once more on the eve of the third multiparty elections in Kenya in December 2002. The scion of the Kenyatta family, Uhuru Muigai Kenyatta, was running for the presidency against Mwai Kibaki, a portly conservative politician from Othaya, Nyeri County, who had united with Raila Odinga to form a formidable opposition to the younger Kenyatta and Moi’s KANU party.

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The Change-the-Constitution movement of 1976 was a scheme by a certain section of the Central Kenya carpetbaggers to stop a Rift Valley Kalenjin politician from succeeding President Jomo Kenyatta. The current push for changing the constitution has been interpreted in certain quarters of
the Rift Valley region as a plot by a certain Central Kenya political cabal to stop another Rift Valley Kalenjin politician – Deputy President William Samoei Ruto – from taking over from President Uhuru Kenyatta, who is serving his second and final term. In essence, then as now, Rift Valley is the political theatre of brinkmanship.

The Kiambu mandarins of Change-the-Constitution movement of 1976 sought the help of Jaramogi, who in their first meeting in Nakuru, sent his political ally and former Kenya People’s Union (KPU) leader, Achieng Oneko, to represent him. For some time it looked like Jaramogi was ready to lend the outfit his nationalist credentials. Even though the Kiambu Mafia had orchestrated Jaramogi’s political banishment, they craved for his singular political support.

Then as now, a section of the ruling Jubilee Party, led by a section of the Central Kenya political class, has roped in Raila Odinga, Jaramogi’s second son, to help them push for a change in the constitution. Although, these same political players have in the recent past called Raila all manner of names, including telling him he is a “slow punctured politician” and is “too old and should retire”, they now seem to have rediscovered his political usefulness. David Murathe, President Uhuru’s lackey and chairman of the Jubilee Party, recently said that Raila should not think of retiring from politics, since he was still energetic enough and Kenya needed his style of politics.

The build-up to the Change-the-Constitution push of four decades ago was preceded by deaths, house arrests, and incarcerations. Will the current Change-the-Constitution movement also be accompanied by the death of certain politicians’ careers? Only time will tell.

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The Anatomy of Kenya Inc: How the Colonial State Sustains and Re-Creates Itself

By Nicholas Githuku

Uhuru Kenyatta, the son of the founding president, Jomo Kenyatta, is now in his second and final term as President of the Republic of Kenya. He was first elected in 2013 in a hotly-contested presidential election in which he eked out a narrow victory that saw him escape a run-off between himself and his closest competitor, Raila Amolo Odinga. A critical look at Uhuru’s presidency and the manner in which he ascended to the top seat reveals some uncanny echoes from the experience of his father Jomo, which constitute three important dialectical lessons in our understanding of the essence of social change and development.

First, prior to assuming the presidency, Jomo, along with five others – Paul Ngei, Achieng Oneko, Kung’u Karumba, Fred Kubai, and Bildad Kaggia – was imprisoned in Kapenguria by the colonialists for seven years for allegedly masterminding and leading the Mau Mau war of independence. This group has since come to be known in the annals of Kenya’s political history as “The Kapenguria Six”. On his part, prior to assuming the presidency, Uhuru, along with five others – William Ruto, Francis Muthaura, Ali Hassan, Henry Kosgey, and Joshua Sang – was indicted by the International Criminal Court (ICC), then headed by the Chief Prosecutor, Luis Moreno Ocampo, for allegedly masterminding and funding the 2008 post-election violence in Kenya. This group was named “The Ocampo Six”.

Second, Jomo and his Vice President, Jaramogi Oginga Odinga, found common ground in advancing the cause of decolonisation. Indeed, Jaramogi was the first to politically rehabilitate Jomo by refusing to form a government while the latter was still in prison after KANU won the internal self-government elections of 1961. He argued for “Uhuru na Kenyatta” (Freedom with Kenyatta). The two, Jomo and Jaramogi, fell out over issues of ideology and national policy within the first few years of independence. On their part, Uhuru and his deputy Ruto began with falling out – they were on opposite sides when the 2008 post-election violence erupted – but found common ground once they
were indicted by the ICC and partnered to save themselves by acquiring political power. Furthermore, whereas Jomo and Jaramogi were self-made icons of the nationalist struggle for independence, Uhuru and Ruto were protegés of President Daniel Toroitich arap Moi; created, perhaps, in the latter’s image and likeness.

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Third, as president, Jomo seemed to have demonstrated greater fidelity to rule of law than Uhuru. Jomo had parliament pass an Act to allow him to pardon election offenders. This was for purposes of pardoning his friend, Paul Ngei, who was found to have committed election offences in the 1974 elections, which rendered him ineligible to contest in the subsequent by-election. The new law ensured that Ngei contested and won his seat back. Uhuru demonstrates less fidelity to the rule of law. In the face of the Supreme Court decision to nullify the August 2017 presidential election, Uhuru referred to the judges as “wakora” (thugs) who had no powers to change the “will of the people” and vowed to “revisit” their case after the repeat election. Indeed, the drastic slashing of the judiciary budget and the arraignment of Deputy Chief Justice Philomena Mwilu on corruption charges in August 2018 may be interpreted as actualization of the “revisit” threat.

Fourth, Jomo had a penchant for using obscene language against the opposition and those he did not see eye to eye with. Similarly, Uhuru has taken to using obscene and abusive language against his opponents and those he doesn’t agree with. This was particularly evident on his triumphant return from The Hague after his case was dropped when he was addressing community members in Turkana in early 2017 where he lashed out against the local County Governor, Josphat Nanok.

Fifth, at the end of Jomo’s tenure, critics noted the disintegration of the nationalist coalition that fought for independence and the inauguration of an imperial presidency. Similarly, at the end of his first term in office, critics noted Uhuru’s tendency toward authoritarianism. Civil society was being referred to as “evil society”. There were attacks on the offices of the African Centre for Open Governance (Africog) and attempted deregistration of the Kenya Human Rights Commission, ostensibly on account of their perceived support for the political opposition following the contested results of the August 2017 presidential elections.

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Sixth and finally, when he eternally left the political scene through death in August 1978, Jomo left a vibrant and growing economy, albeit one characterised by one of the highest income inequalities in the world, perhaps only exceeded by Brazil and South Africa. It was an economy described by Tanzania’s Julius Nyerere as a “man-eat-man society.” At the end of his first term in office, on the other hand, Uhuru’s legacy is one of an economy literally mortgaged to China because of his government’s penchant for borrowing from the latter to finance over-priced grand projects whose single-sourcing is tied to Chinese suppliers and Chinese labour.

From these six observations of similarities and differences between the old Jomo and his younger
On Uhuru, we can glean three lessons based on the three laws of the dialectical method. The first dialectical law is the law of the unity and conflict of opposites. This states that the world, both social and physical, is a paradoxical terrain characterised by a unity of contradictions, a unity of opposites. For instance, in mathematics, we have the integral and the differential (plus and minus); in chemistry, we have fusion and fission (combination and dissociation) of atoms; in mechanics, we have action and reaction; in physics, we have positive and negative electricity by which we boil water and freeze it.

Similarly, in the social world, we have the haves and have-nots; the rulers and the ruled; buying and selling; in war, there is advance and retreat, victory and defeat. Even the Bible says in Galatians Chapter 6 that the human being is a bundle of contradictions - the soul is always warring against the flesh and vice versa. To fully understand phenomena, therefore, we must seek out their internal contradictions. Note the contradictions in the Uhuru vs. Ruto saga: sworn enemies on opposite sides in the post-election violence in 2008 and bosom friends in the aftermath of their ICC indictment. Note the opposite in the Jomo vs. Jaramogi saga: intimate comrades in the nationalist struggle and sworn enemies a couple of years after independence, which resulted in the house arrest of the latter in 1969.

The second dialectical law is the law of the passage of quantitative changes into qualitative changes. For instance, loss of one hair does not make one bald. But continuous loss of hair culminates in a qualitative change called baldness. At the social level, change, development, or progress is not unidirectional and unilinear, nor does it occur gradually in a smooth straight line. Sometimes one step forward is followed by two steps backwards and vice versa. Note the convoluted and messy decades-long process of democratisation in Kenya that eventually led to the promulgation of a new constitution in 2010.

Indeed, even when nothing seems to be happening, small quantitative changes are usually taking place that add up eventually to a major qualitative change. Note here the seismic ruling of the Supreme Court of Kenya that nullified the August 2017 presidential election. This was preceded by periodic changes in the personnel of the Supreme Court: the retirement of Chief Justice Willy Mutunga brought in Chief Justice David Maraga; the dismissal of Deputy Chief Justice Nancy Barasa brought in Kalpana Rawal whose retirement brought in Philomena Mwilu; the retirement of Phillip Tunoi brought in Isaac Lenaola. It is hardly to be expected that without these little quantitative changes (not to mention the protracted changes that led to the new constitution that provided for a Supreme Court), the celebrated landmark ruling nullifying the presidential election, the first in Africa, would have occurred.

The third and final dialectical law is the law of the negation of the negation. This obtains in the repetition at higher levels of certain features and properties of the lower level and the apparent return of past features. For instance, when a grain of barley is put in fertile soil, it germinates into a plant. The original grain is negated. The plant grows, flowers, and produces even more and better grains, which are harvested and processed in the making of beer - the negation is thereby also negated!

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Similarly, social development is a constant struggle between form and content and content and form,
resulting in the eventual shattering of the old form and the transformation of the content. Like in the grain of barley case, this is a spiral process where the movement comes back to the position it started but at a higher level. Note the earlier referenced tendency on the part of President Uhuru to authoritarianism raising fears of a return to the old KANU days - the denigration of civil society, the attack on Africog, the harassment of Maina Kiai at the airport, the threats to the Supreme Court justices, the deportation to Canada of Miguna Miguna, etc. Nevertheless, we may have spiraled back to some features of the past authoritarian order but we are at a higher level given the political and social changes that have taken place - it can never be the kind of authoritarianism of the single-party era.

The foregoing discussion amply illustrates the fact that socio-political change and progress is achieved incrementally through a series of contradictions. In instances where the previous developmental stage is negated, the negation does not imply it is wholly replaced. The new stage does not completely wipe out its predecessor stage. This reality is captured in the popular adage, “the more things change, the more they remain the same”.

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Which brings us to the final consideration. As noted at the beginning, Jaramogi Oginga Odinga facilitated Jomo Kenyatta’s ascendancy to the presidency by refusing to form a government while Jomo remained in prison. Although Jomo made Jaramogi his vice president, they soon fell out and Jaramogi never succeeded Jomo. Similarly, William Ruto facilitated Uhuru Kenyatta’s ascendancy to the presidency by teaming up with him and mobilising the Rift Valley electorate to vote for Uhuru. In so doing, Ruto became deputy president. Will he, unlike Jaramogi, succeed the man he helped propel to power? Political developments following the celebrated “handshake” between Raila and Uhuru indicate that it is highly unlikely that Ruto will succeed Uhuru to the presidency come 2022. The mantra to the effect that kingmakers never become kings themselves seem to be well and alive in the Kenyan political dispensation.

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By Nicholas Githuku
A man with a powerful presence, John Kariuki Njoroge, was destined for a special place in history. Kenya is shaped on his solid personality. The man was an icon, but he did encounter prosperity and tragedy upon this country in equal measure. Here are a few glimpses into his early life.

**Timeline**
- Born Kamau Ngando in Nairobi
- In late 1980s, probably the year of the jigger or that of the diarrheal epidemic
- Went to medical school in Nairobi
- Became a medical doctor after his uncle inherited his name, John (he later added “stone” in rebellion)
- Gained his degree, stitched and wore around the station
- Died peacefully in hospital

Our future leader does present a grim picture. In London and studies anthropology - but is soon tired and cannot last more than 15 years. He is recalled after fifteen years.

The other one looks like he can’t live on a communal farm.

From Russia with Love

Did you know? That the first-ever iPhone was launched at this event in 2007. The iPhone is often credited with transforming the mobile industry.

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Nothing is more dangerous than the influence of private interests in public affairs, and the abuse of the laws by the government is a less evil than the corruption of the legislator; which is the inevitable sequel to a particular standpoint. In such a case, the State being altered in substance, all reformation becomes impossible. ~ Jean Jacques Rousseau

In November 2013, seven months into Uhuru Kenyatta’s presidency, one of the dailies carried a story profiling what it termed as the Kenyatta family business “expansion drive”. “Uhuru Kenyatta’s presidency” it averred, “has injected fresh energy into his family’s commercial empire, putting a number of units on an expansion mode that is expected to consolidate its position as one of the largest business dynasties in Kenya.” The paper listed interests in hospitality, dairy healthcare, media, banking and construction. The feature went unremarked in public debate. Conflict of interest...
is not part of Kenya’s political lexicon.

At the time, Brookside Dairy, the family’s flagship business, was completing an acquisition spree that has swallowed up all the large private milk processors leaving only the state-supported and erstwhile processing monopoly, Kenya Cooperative Creameries (KCC), and the farmer-owned Githunguri Dairies (owner of the “Fresha” brand) as serious competitors.

The pay-off has been remarkable. During Uhuru Kenyatta’s first term the consumer price of milk increased 67 percent (from KSh 36 to KSh 60 per half-litre packet), while producer prices remained unchanged at KSh 35 per litre), effectively increasing processors’ gross margin by 130 percent (from KSh 37 to KSh 85 per litre). Given the industry’s 400m litre annual throughput and Kenyatta family’s market share, which stands at 45 percent, the consumer squeeze translates to an increase of the Kenyatta Family’s turnover from KSh 13 billion to KSh 22 billion, and gross margin from KSh 6.7 billion to KSh 15 billion a year.

Two years ago, it emerged that the president’s sister and cousin (or niece) had abused procurement reserved for disadvantaged women and youth to supply the health ministry. The company involved was registered after Kenyatta assumed office. The website, which has since been taken down, listed their business as supplying healthcare products, building materials, construction equipment, dry foods and supplementary foods to “government entities, parastatal entities, non-governmental organizations, corporates and counties”. It also advertised investment consultancy and “facilitation” services, also known as influence peddling. The business was set up specifically to profit from Kenyatta’s presidency.

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Koto Housing, associated with Uhuru’s sister and specialising in expanded polysterene (EPS) modular construction technology was cashing in on police housing. No sleuthing is required to establish this— it’s on the company’s website. Since then, the family has established an even bigger EPS building company C-MAX, which also showcases police housing on its website. Instructively, the website also markets “affordable housing” as one of the product lines. Affordable housing is one of Kenyatta’s “big four” agenda.

That the Kenyatta family would set up businesses to trade with the government during his tenure, and have no qualms showcasing government business on their websites, is astounding. But nothing brings home the family’s obliviousness to conflict of interest than its entanglement with the Rai family, the timber and sugar merchants now embroiled in the contaminated sugar import scandal. Parallels have been drawn between Kenyatta’s engagement with Rai and the South African Gupta state capture saga.

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Sometime in the early 90s, the Rai siblings sued one of their brothers, Jaswant Rai, alleging that he had secretly been siphoning money from the family business and investing it on his own. They alleged that the money was invested in two Kenyatta Family businesses: Timsales, a timber merchant, and the Commercial Bank of Africa.

Raiply, the Rai family’s flagship plywood manufacturing business came to prominence for what appeared to be a carte blanche license to log public forests during Moi’s tenure. The case confirmed what the public had long suspected: that Moi had a stake in the business. Kabarak Limited, a name synonymous with Moi, had a 1.4 percent stake in Raiply. Moi banned logging of hardwoods from indigenous forests in 1986. According to the task force the Jubilee administration appointed recently, the Kenya Forestry service has continued to give Raiply licenses to log these invaluable forests for plywood.

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Rai’s clout in the Jubilee administration became apparent during the disposal of the bankrupt Pan Paper Mills, Kenya’s lone pulp paper mill and a monument to failed import substitution industrialisation. Established in 1971 as a joint venture between the Government and an Indian investor, Pan Paper’s claim to fame is that it has never made a profit, even though during the pre-liberalization era, the Indian investors paid themselves handsomely through transfer pricing, management fees and royalties. Pan Paper collapsed in 2009, was bailed out and reopened by the government in 2010, but it closed down again a year later. A second revival failed.

In 2014, Pan Paper’s receiver managers resigned abruptly, protesting that a powerful hidden hand was manipulating the transaction to ensure that Pan Paper’s assets were sold cheaply to Rai. A new receiver was promptly appointed and the assets, reportedly worth KSh 18 billion were sold to Rai, for KSh 900 million – even less than the Ksh 1 billion the government had injected in the failed revival.

Kenya’s current sugar production according to Kenya National Bureau of Statistics data is in the order of 600,000 tons a year, against a consumption of 830,000 metric tonnes, making for an annual deficit of 230,000 tons. Kenya has been accorded safeguards to protect the domestic sugar industry by COMESA trading partners, but these safeguards dictate that Kenya imports the deficit from COMESA countries. Also, it was the practice, as I remember it, that preference was given to the domestic millers in proportion to their market share.

It has now come to light that mid last year, in the run-up to the election, the government, citing drought, opened the floodgates and allowed all and sundry to import sugar duty-free. The KNBS data shows 990,000 tons imported during the year—more than a year’s consumption. To be sure, 376,000 tons, the volume of domestic production, was well below normal, but this translates to a deficit in
the order of 450,000 tons – less than half of what was imported. Moreover, it is unclear why
duty was waived—sugar withdrawal symptoms are not fatal.

Sugar importation was the Moi era’s default election financing racket. In those days, the racket was
a closed shop controlled by a small cabal of Moi’s associates known as the “sugar barons”, not the
feeding frenzy we are witnessing today. Jubilee’s dynamic duo may be Moi’s political children but
one among the many things they did not learn from him was disciplined corruption. Little wonder
that Moi once described them as “ndume hawajakomaa”.

Domestic sugar industry protection in these parts borders on the irrational. Sugar is classified as a
“sensitive item” under the EAC’s Common External Tariff, which means it attracts punitive import
duties, set at 100% or US$460 a ton, whichever is higher. With sugar currently trading at US$265 a
ton on the world market, the applicable rate is US$460, which is effectively an import duty rate of
170 percent. Regular goods are taxed at 0,10 and 25 percent while rates for other sensitive items
range from 35 to 60 percent.

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But even with the punitive import duty, the landed cost still works out to between KSh 80-85 a kilo,
which allowing for distribution costs and trade margins, would still have put sugar on the shelf in the
KSh 110 to Ksh 120 range at which it has been selling. In effect, the foregone duty has been
pocketed by the importers. For 960,000 tons, we are talking US$ 455 million (KSh 45.5 billion). If
the importation had been done by the sugar millers, and at the right quantity, a duty waiver would
have translated to revenue in the order of KSh 20 billion – enough, if properly managed, to turn the
struggling mills around. Instead, when they most needed the financial cushion, the government let
the dogs out.

When the contaminated sugar scandal first broke with a raid on a backstreet operation in Eastleigh
(Nairobi’s “Somali Quarter”), with the culprits caught packing the contraband as “Kabras” sugar, it
created the impression that this was a crackdown on the Somalia-Kenya border smuggling racket.
Kabras is the brand name of the Rai-owned West Kenya Sugar Company. Then, Aden Duale, Jubilee’s
motor-mouthed Parliamentary majority leader turned the guns on Rai. This immediately elicited a
stern, sanctimonious public statement from West Kenya Sugar. It admitted to importing sugar, but
did not disclose how much. It was not long before sugar hoardings popped up in various Rai
establishments up and down the country, including Pan Paper.

It has been reported that Rai imported 189,000 tons of sugar, close to a fifth of the total duty free
imports last year. The tax benefit to Rai, and loss to the public, for this amount of sugar is in the
order of US$86 million (KSh 8.6 billion). We are talking here of the annual budget of an entire
county. The sugar itself is worth upwards of US$50 million (KSh 5 billion). Businesses seldom have
this kind of cash lying around, so it is most likely that the transaction was bank financed. If so, it
would be interesting to know which bank this is.

It is western Kenya’s misfortune that the region was the hub of both the sugar industry and Pan
Paper, Kenya’s most disastrous import substitution industries. The people of Webuye, and the larger
Western region, have nothing to show for it. A log of wood typically converts to 8000 sheets of A4 paper worth Ksh. 60,000 (US$600). This is about the same as the value of raw timber. The same log converted into furniture will have a final value twenty times that amount (e.g. three dining tables worth KSh 40,000 each) or higher depending on quality. The furniture industry is a relatively low capital requirement, labour intensive industry that would have utilized Webuye’s forest resources for a locally-owned job and wealth-creating industry.

In its lifetime, Pan Paper has consumed 25,000 hectares of public forests — about 600 hectares per year. Pan Paper at its peak employed 1,500 people. A timber-furniture industry cluster utilising the same resource would have created ten times as many jobs, injecting more than Ksh 100 billion a year into the region’s economy.

In a previous column, I posed the question as to what made the leaders of the East Asian Tigers pursue export-led industrialisation going against the dominant development paradigm of the day. I postulated that they did not set out to perform economic miracles, but rather to improve the lot of their people, which led them to the realisation that capital intensive import substitution industries would not create jobs for the masses.

Half a century on, Uhuru Kenyatta, who claims to be inspired by Lee Kuan Yew, is taking the country back to crony capitalist import substitution. In recent months, import tariffs have been raised on timber, vegetable oils and paper products, in all of which the Kenyattas and Rais are players. It was rumored that the Rai purchase of Pan Paper was a Trojan Horse to access public forests for their timber business. The rumour was all but confirmed by the recent appointment of Jaswant Rai to the board of the Kenya Forestry Service. As I opined, “when East Asian leaders were asking prospective investors what they needed to do for them, ours were asking what was in it for them”. Nothing has changed. The “big four” manufacturing pillar is also about profits for Kenyatta & Co. – not about jobs. The president’s bread is buttered on the side of capital, not labour.

Kenyatta’s presidency has increased the profits of his family’s conglomerate by at least Ksh 10 billion a year, and that is not including the side lines of family members’ “tenderprises” such as the sister’s health ministry tenders and the uncle’s NYS fuel supplies. The best-run businesses in competitive markets typically make profits in the order of five percent of turnover. In effect, the presidency translates for the Kenyatta conglomerate the equivalent of a KSh 200 billion turnover business — a business the size of Safaricom (whose hefty earnings are due to inordinate market power).

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It should not surprise then that no expense has been spared, no price has been too high not only to keep Uhuru Kenyatta in power, but also to roll back the constitutional dispensation and restore to the presidency the unfettered power on which the family fortune rests.

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