THE KENYATTA SUCCESSIONS: The Resurgence of Hegemonic Politics in Central Kenya

By Dauti Kahura

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 manoevure, 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).

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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.

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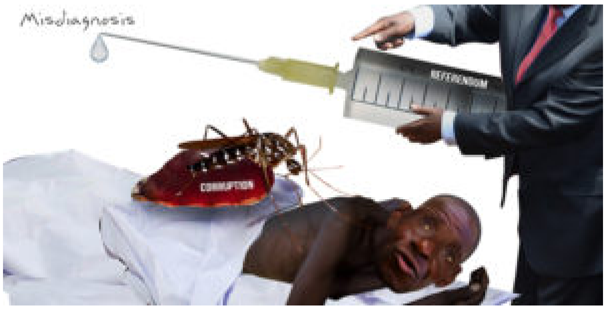
"With an aging and ailing Jomo, who was prone to stroke attacks, the Kiambu Mafia worried that his death might occur before they had dealt with all the real and imagined opposition," a retired politician from Central Kenya, who was then a young man and who witnessed first-hand the political machinations of the dreaded and ruthless Kiambu Mafia, told me. "Their first hurdle was to clear the opposition within the mainstream KANU party, before moving in to deal with the KADU wing of the ruling party."

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.



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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-Consititution 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), suggesting that Moi was a weak president and therefore just "a passing cloud", 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.

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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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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 son 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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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 U$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.
