

THIEVES, POLITICS & THE BRUTALITY OF SUCCESSION: The Kenyatta Legacy

"If a man became a habitual thief, he was looked upon as a public danger and was put to death publicly, sometimes by being beaten to death or burnt in the same way as a witch or wizard. In Gikuyu society theft and witchcraft were considered very serious criminal offenses."

– Jomo Kenyatta, *Facing Mount Kenya*

In 1972 Lt. Col. Mathieu Kérékou became Benin's head of state through a coup and proceeded to run the country as its ruthless 'Marxist Leninist/socialist' dictator until 1990. The small West African nation was the first on the continent to transition to democracy in the 'wind of change' that blew across Africa after the fall of the Berlin Wall in 1989. Kérékou, popularly known as the 'Chameleon' for his capacity for political reinvention, accepted defeat in elections in March 1991 to the Paris-educated ex-Finance Minister and ex-World Bank/IMF official Nicéphore Soglo. Five years later in 1996, in an amazing political rebound, Kérékou defeated Soglo to become the country's second ever democratically elected head of state.

Kérékou ruled Benin until 2006 and passed away three years ago. His versatility speaks volumes about how Africans regard their leaders. That he was able to unseat Soglo in 1996 was in part a testament to his capacities as a political 'chameleon', but also Soglo's painful economic measures and the corruption that swirled around his generally liberal administration. Africans generally place great currency on leaders who demonstrate often-contradictory qualities: at once firm but also humble, for example. That said there is no type of leader that is given greater leeway by Africans than the one who is

not only *not* a thief but one whose family members as well are not perceived to be thieves. The legacies of clean men are far more resilient in the African collective memory than those of strong leaders, clever ones, those who are good managers, those who implement giant programmes, etc. It is thus that Tanzania's Mwalimu Nyerere's memory remains hallowed. Much like that of Thomas Sankara of Burkina Faso. Similar underlying sentiments and attitudes saw Muhammadu Buhari elected President of Nigeria in 2015. He was an aging former military dictator who'd ruled for a short time (31st December 1983 to 27th August 1985) with painful paternalistic firmness, *but*, unlike almost all his predecessors Buhari had and has retained one critical quality – he and his family are *not* perceived to be thieves.

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When Kérékou realised his game was up during a National Conference in 1990 he orchestrated a brilliant piece of political theatre. In a nationally televised event he spoke to the Archbishop of Cotonou, Isidore de Souza, confessed his guilt and begged for forgiveness for the excesses of his regime since 1972. When he lost the election in March the following year he retired to his village, became a born-again Christian and lived a humble, quiet life. All of this resonated with the Beninese people profoundly enough that he was able to emerge out of his village in the north to unseat Soglo in 1996.

On the 2nd of May, during his [state of the nation address to parliament](#), President Uhuru Kenyatta asked for the forgiveness of Kenyans for anything he may have done or said anything to undermine the unity of Kenyans especially during the divisive election of 2017. Kenyatta had made a similar apology for KANU's excesses in September 2004. This time the apology followed a 'handshake' political ceasefire with Raila Odinga on the 9th of March that has set in motion political realignments that seem to grow in scale with each passing week.

Kenyatta started his final term as president pronouncing that his regime would focus on four priority areas; a 'Big Four Agenda': affordable healthcare; affordable housing; food security and manufacturing. As the month of May drew to an end I'm pretty confident that, if asked to name the four pillars of the Big Four Agenda, a vast majority of Kenyans would be unable to do so. The cost of living and more importantly theft and plunder are the issues that have seized the public imagination. This is partly as a result of the fact that between 2013 and 2017 the Jubilee regime has emerged as the most scandal-prone and corrupt in Kenyan history. The list of dodgy projects and scams has grown steadily over the last almost six years. Early in 2013, there was a scandal surrounding the renting of an aircraft for Deputy President William Ruto that allegedly cost Kenyans US\$1 million or thereabouts. This was followed by a series of other scandals involving the Ministry of Health, Ministry of Finance, Ministry of Education, Office of the President and institutions such as the National Cereals and Produce Board (NCPB), National Youth Service (NYS), Kenya Power, Kenya Airports Authority (KAA), the National Youth Fund, the Independent Elections and Boundaries Commission (IEBC), police, railways among others. Up to US\$3.5 billion is estimated to have gone walkabout.

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A couple of weeks ago another series of mega scams hit the front page of the national newspapers. The institutions implicated in the latest swath of exposés were more or less the same ones as those reported between 2013 and 2015. Speaking to the private sector at one of their meetings even President Kenyatta admitted that his Big Four agenda didn't stand a chance given the manifestly rampant levels of corruption. [The National Council of Churches of Kenya \(NCCCK\) chimed in](#) admitting that we are living under Kenya's most corrupt regime and even somewhat surprisingly [the Kenya Private Sector Alliance \(KEPSA\) spoke forthrightly](#) in this regard as well.

Through most of May a series of exposés have been covered by the media in such titillating detail that it has caused observers to point out two things: first, it's clear that the information about the scams is leaked from within the State itself and not painstaking months of investigations by media houses. This has fuelled speculation that it's all part of a wider political move. Second, the State's ostensible outrage and even the President and Deputy President's promises that this time 'no stone will be left unturned' in bringing those behind the scams to book, have been met with considerable public skepticism. This is despite one of the most dramatic police actions against suspects involved in corruption just this past week when tens of bureaucrats and businesspeople were arraigned in court as a result of the latest episode of theft from the NYS. Conspicuously missing were the political actors that shepherd all big scams through the system.

Also of some fascination was the fact that [after the March 9th handshake](#), it is clear that the 'corruption crisis' is playing out at [a time of political realignments as Kenyatta serves out his last presidential term](#) and his deputy [William Ruto ramps up his own political machine](#) to contest the 2022 elections.

Events over the past week, with the Directorate of Criminal Investigations; Attorney General's office and the Office of the Director of Public Prosecutions leading the theatrical and highly media-friendly response to the latest ructions, have only served as fodder for those who see the unfolding events as a cynical political play in the familiar Kenyan tradition. As a friend observed to me this week: "This is some cold, cynical Machiavellian sh** taking place right here!"

Another interesting aspect of the latest developments is the fact that the president has clearly passed on the burden of prosecuting the 'war against corruption' to a new cast of players who have taken to the stage with unusual enthusiasm. The new boss at the Directorate of Criminal Investigations, George Kinoti, has a reputation as a hands-on policeman. Sources who know our leading detective agency point out that in the past Kinoti has led efforts to dismantle groups within the force that had themselves become criminal. The Director of Public Prosecutions was recently appointed direct from the national spy service and he has also adopted an exuberant posture. Kenya has a new Attorney General too, the amiable and plain speaking, Paul Kihara Kariuki, who took the unusual step of essentially taking a demotion from the Court of Appeal where he was a senior judge to become the new AG. This combination has lent new impetus to the anti-corruption drive. Given Kenya's vexed history though, the scepticism with which these activities is no surprise. Conspicuously absent from this new cast is the Ethics and Anti-Corruption Commission (EACC), constitutionally charged with leading the charge against corruption. It is notable that Kenyans have not considered the Commission's absence worthy of any serious

debate.

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What has been clear for some time is that Uhuru Kenyatta's legacy won't be initiatives like the Big Four. Indeed, the irrepressible Kenyans on Twitter (KOT) were already speculating about how the Big Four would be 'eaten' via a series of the kind of 'tenders' we have become accustomed to. The 'handshake' with Raila Odinga and how Kenyatta emerges from the ostensible struggle against the theft and plunder that has characterized his regime thus far, will likely have a more significant bearing on how Kenyans will remember him than railways and houses. The wealth this plunder has made available to our elite is essential to the structure and norms of our politics. It could therefore be that Mr. Kenyatta may have embarked on a project that can only succeed via the catalysing of a process to re-engineer Kenyan politics.