

Democracy Challenged in the 2022 Presidential Succession in Kenya

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The African Imperial President

By

Jeffrey Steeves

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To Cindy, Megan and Lauren.

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CHAPTER ONE

THE IMPERIAL PRESIDENT AND THE KENYAN POLITICAL CONTEXT

Beginning in the early 1990's, following the end of the Cold War and the collapse of the Soviet Union, liberal democracy seemed to be in the ascendency. Indeed, leading academics saw the triumph of democracy worldwide as inevitable, witness Francis Fukuyama's declaration of the end of history. Fukuyama was not alone as Samuel P. Huntington celebrated this third wave of democratic renewal. A multi-party competitive political system was introduced with the re-democratisation movement sweeping across sub-Saharan Africa accompanied by liberal constitutions (Bratton and van de Walle, 1997). This second wind of change was celebrated as a foundational moment for democracy promotion. The progress of re-democratisation was monitored by an emerging group of scholars in the newly established, *Journal of Democracy*. Although resistance to this new pro-democracy movement appeared in developing countries, the process of democratic consolidation would, it was thought, overcome any resistance.

However, a fatal flaw appeared in the reform process particularly in sub-Saharan Africa. Even with legislative oversight and provisions for judicial independence in new constitutions, the essential character of the Imperial Presidency prevailed (Eagle, 2012). In part, anchored on inherited colonial institutions, in part reinforced by popular expectations on the behaviour of the all-powerful leader, and in part the result of presidential resistance and assertiveness, executive power dominated in the new democracies (Othman, 2005). Imperial Presidents overwhelmed legal and constitutional limitations on executive power (Fombad and Nwanchi, 2012). In a brilliant short commentary in 1997, Wahome Mutahi captured the reality on the ground. He linked the ethnic basis of political competition to the all-powerful Presidency. On the ethnic reality, "...voters from a specific family, clan or tribe feel a natural tie to be associated with one of their own because they share a common language, eating habits, rites of initiation and other cultural attributes. By belonging to a tribe, one gets a natural feeling of kinship towards other members of the ethnic group as they share a common ancestry

or a place of origin and a historical heritage” (Mutahi, 1997). Mutahi then linked up to the role of the President: “Communities today believe that the prime duty of a Head of State is to feather his own nest and feather that of his or her tribe. Thus, elections are meant to decide which tribe will eat next. The voters believe the President, the patron of the tribe, is obliged to dispense favors to his or her own like a medieval chieftain” (Ibid.). To Mutahi, the presidency as it operates in Africa, stands directly in the way of democratisation as, “The culture of the Head of State being perceived as the head of an eating tribe can only be killed by changing the nature of the presidency” (Ibid.). A Member of Parliament in Kenya at the time, Kiraitu Murungi stated bluntly, “The overwhelming power that goes with the presidency must be whittled down” (Murungi, 1997). Yet, political leaders proved to be exceedingly reluctant to diminish presidential power. Indeed, leaders discovered inventive ways of expanding presidential power even in the face of external and internal pressures for democratic renewal.

This book analyses the path of presidential succession in Kenya leading to the August 2022 general election and its aftermath. The two-term limit in the 2010 Kenya Constitution meant that incumbent President Uhuru Kenyatta had to step down and make way for a successor (Republic of Kenya, 2010). Although Kenya had adopted the trappings of a liberal democracy, under successive presidents the Imperial President remained. Given the pivotal place of the Imperial President in Kenya, a peaceful transfer of power can be fraught with ethnic tension, backstabbing and violence (Republic of Kenya, 2008). Analysis will focus on the strategies developed both to manipulate the succession and those adopted to mount a challenge to an incumbent and his allies who were determined to shape the succession to serve and preserve their interests. The Imperial Presidency ensures a highly competitive struggle in elections. As Murithi notes,

“Successive Kenyan leaders did not appreciate the necessity ... of transforming the way in which political power is centralized in what is in effect an imperial and exceptionally powerful presidency. As a consequence, the stakes in terms of controlling the presidency are inappropriately high” (Murithi, 2007).

The Rise of the Imperial Presidency in Kenya

Shortly after independence, the Kenya Africa National Union (KANU) government led by Jomo Kenyatta introduced a modified republican political system with a president as both head of state and head of government. This became possible because Kenyatta convinced the leading

members of the opposition party, the Kenya Africa Democratic Union (KADU) to cross the floor and join the governing party. Other KADU MPs quickly followed thus creating a de facto one-party system (Gertzel [b], 1970). KADU leaders from the minority tribes of Kenya were enticed by ministerial appointments and positions on boards and commissions. This withering away of the opposition gave Kenyatta enormous influence as the dispenser of patronage which he used effectively to build a loyal following.

Kenyatta also turned to the inherited provincial administration to cement his control over grassroots Kenya (Gertzel [a], 1966). Quickly disbanding a regional level of government introduced as a condition for the minority tribes to accept independence, the President centralized power into his Office of the President (OP). Provincial Commissioners (PCs) would travel to Nairobi every two weeks to brief Kenyatta on every development within the eight provinces of the country. Under the PCs, District Commissioners ruled over each of 41 districts supported by District Officers (DOs) heading Divisions and Chiefs overseeing Locations with sub-Chiefs responsible for Sub-Locations. This administrative hierarchy created by the colonial government represented an instant lever of power for the new President. He appointed these administrative officers and expected their loyalty and deference at every moment. Nothing could occur in rural Kenya without careful and thorough documentation passed up the provincial administration hierarchy. Development committees were created at the provincial and district levels with each respectively chaired by the PC or DC. According to the Waki Commission, "... the day to day running of the country was until recently essentially left undisturbed. That is still the system of administration ... with the image, name and influence of the all-powerful President extending down to the grassroots, where the DC [District Commissioner] and the galaxy of uniformed and plainclothes agents of the Commander-in-Chief hold unquestioned sway" (Republic of Kenya [b], 2008, 23). Specialized departments of government such as Agriculture also fell under the surveillance of the provincial administration. Moreover, the Kenyatta government retained the colonially inspired Administration Police (AP) to ensure the implementation of administrative directives and now, after independence, presidential directives. The APs were a separate force independent of the normal police service. In effect, the President held direct and effective control over all aspects of governance.

Kenyatta quickly asserted unchallenged control over the political world as well holding Cabinet Ministers to strict account. His Ministers were expected to show unswerving loyalty and deference. In return, they became the big men or in Swahili, *bwana wakubwas* of Kenyan politics. To

accommodate a broadening of the presidential patronage power, the post of Assistant Minister was created to further cement control and loyalty. Civil service applicants from the President's ethnic community, the Kikuyu people, were given preferential treatment as well. The Imperial Presidency was introduced under President Kenyatta but entrenched even further under Second President Daniel arap Moi of the Kalenjin ethnic community.

Moi expected his Cabinet Ministers and senior administrators to sing like parrots his praises far and wide. Substantial rewards could be had for those loyal to the president. Hence the rise of the phrase that for the president's community, it's our turn to eat (Wamwere 2008, 136-145). The *bwana mkubwa* is expected to engage in unending distribution to his supporters and home community. This helps to explain the reluctance of leaders to challenge the incumbent president for fear of losing their access to important resources for distribution. In an illuminating analysis of corruption in Africa, Chabal and Daloz hit on the centrality of redistribution to political actors: "In the circumstances of Africa, however, the question arises as to whether corruption should merely be seen as a selfish additional source of income or more accurately understood as part of a complex network of redistribution driven by particularistic social pressures?" (Chabal and Daloz 1999, 98).

Political succession is even more problematic where a country is divided into diverse ethnic communities. Kenya is composed of 42 ethnic communities. By the 2019 national census, the total population of the country stood at 47,564,296 people. The top ten ethnic communities were as follows: Kikuyu – 8,148,668; Luhya – 6,823,842; Kalenjin – 6,358,113; Luo – 5,066,966; Kamba – 4,663,910; Somali – 2,780,502; Kisii – 2,703,235; Mijikenda – 2,488,691; Meru – 1,975,869; and Maasai – 1,189,522 (Republic of Kenya [a], 2020). Given historical tensions and colonial policies of divide and rule, ethnic cooperation in Kenya beyond the nationalist impulse for independence has been extremely rare. Colonial policy created defined native reserves, territories thought to reflect traditional land claims. These spheres of influence or zones of occupation were guarded jealously as ancestral lands (Segal 1967, 46-50). Ethnic intruders onto ancestral lands are mistrusted and can face outright hostility. The Million Acre re-settlement scheme which sought to settle Africans onto former European settler farms after independence only served to inflame tensions further as ethnic strangers were introduced onto ancestral land.

Such hostility has been exploited politically even after the transition to multi-party electoral politics. In 1992, President Daniel arap Moi was

fearful of losing the first multi-party election scheduled for December 1992. A close Moi associate, Nicholas Biwott, recruited and paid Kalenjin youth to drive Kikuyu settler strangers out of the Rift Valley (Republic of Kenya 1992, 75). Over 400,000 Kikuyus were displaced and those who remained were warned to be respectful of their Kalenjin hosts. Cabinet Minister William ole Ntimama of the Maasai community, for example, “told all outsiders to leave Narok and warned Kikuyus in his area to lie low like envelopes” (Africa Watch, 1993, 52). The use of ethnic violence as a political tool has reappeared time and again during the multi-party era (Kagwanja, 1998).

The analysis of the 2022 presidential succession in Kenya examines its evolution over time not just simply in the last stages of the succession. Moreover, the live statements, speeches, press conferences, rallies of the key actors – politicians and officials-are featured and analysed carefully. Not unexpectedly, an intense struggle would take place over the course of several years leading up to the August 9th, 2022 election given the stakes with capturing the Imperial Presidency. What made this succession special was the determination of the incumbent president to shape the succession to his will. Once before, President Daniel arap Moi in 2002 attempted to orchestrate his succession but had failed dramatically in the face of determined opposition (Steeves, 2006). In effect, the 2022 succession was full of high drama revealing the fault lines in the Kenya political class and the lengths an incumbent will go to assert his dominance over the succession process. In his determination, we will see the tools available to an Imperial President to circumvent legal and constitutional restrictions.

Background

Following 2012, the 2022 presidential succession seemed simple and straightforward. Uhuru Kenyatta of the Kikuyu ethnic community and William Ruto of the Kalenjin people had forged a strong alliance. The alliance was forced by the most untoward of circumstances. Both political leaders had been charged by the International Criminal Court (ICC) as having committed crimes against humanity arising from ethnic clashes which ground Kenya to a halt in 2007-2008. Spared ICC trials due to insufficient collaborating evidence, first Kenyatta and later Ruto were let off the hook. Together, the two leaders toured Kenya holding breakfast prayer meetings to preach peace and reconciliation. With the retirement of Mwai Kibaki as President in 2013, Kenyatta and Ruto brought their communities into a political coalition called the Jubilee Alliance (JA).

Kenyatta brought his political party, The National Alliance (TNA), and Ruto brought his party, the United Republican Party (URP) into JA. The new coalition contested the 2013 elections against opposition forces led by the Luo ethnic titan, Raila Odinga. Kenyatta and Ruto were so closely identified they came to be known as UhuRuto, an idiom blending their two names. In 2013, the Jubilee Alliance prevailed with Kenyatta becoming President and Ruto, Deputy President of Kenya. The largest ethnic community, the Kikuyu, and the third largest community, the Kalenjin, through ethnic solidarity had propelled their designated leaders to power. Both leaders had shown their mastery over their ethnic bases.

In 2017, the Jubilee Alliance was transformed into the Jubilee Party with Kenyatta folding his former party, The National Alliance (TNA), and Ruto disbanding his United Republican Party (URP). Once again, the Kikuyu-Kalenjin coalition proved too much for the opposition led by Raila Odinga. An opposition appeal to the Supreme Court resulted in the August 2017 presidential election results being found to have been badly mishandled. In a unique decision for sub-Saharan Africa, the Court called for a second presidential election in October 2017 (Kenya Yote Reporter, 2017). In October, Raila Odinga refused to stand for the presidency. Kenyatta and Ruto sailed through with 98.6% of the vote (IEBC, 2017).

Thus, both in the 2013 and 2017 elections, ethnic solidarity behind each leader crucially propelled UhuRuto in their common cause. As with Ruto mobilizing his Kalenjin people behind Kenyatta's bid for the presidency in 2013 and 2017, so too, Kenyatta agreed to mobilize his Kikuyu community behind Ruto's presidential bids in 2022 and 2027. Kenyatta declared, "... those eyeing the presidency should hold their horses for the next twenty years" (KTN News, 2013). Kenyatta's commitment came to be known as "Kumi yangu, Kumi yako" or "Ten mine, Ten yours". UhuRuto's agreement to capture the presidency of Kenya for yet another decade seemed elusive as another wind of change was blowing across Kenya. Suddenly the UhuRuto alliance fell apart. Fascinatingly, the cracks and fissures in UhuRuto reveal critical glimpses into the Kenyan political system and African values and culture.

No one can question the ability and political cunning of William Ruto. His life and career have been forged at the heart of the maelstrom that is Kenyan politics. He did not have the benefit, as so many others in the political class do, of coming from a political or wealthy family. He is in fact a product of self-creation out of a life of poverty. This will prove crucial to recognize later. As a young man, his interest in politics and activism led to his joining

the infamous Youth for KANU 92 (YK92). As Deputy Chair of YK92, along with Cyrus Jirongo, Ruto became a youth operative in Rift Valley region, the Kalenjin heartland. YK92 promoted the election campaign of then President Daniel arap Moi and his party, the Kenya African National Union (KANU). Often the thuggery of YK92 led to physical assaults on both opposition candidates and their supporters. Ruto was an ardent activist in YK92 showing deep loyalty to Moi and KANU. Very quickly, Ruto became a recognized rising star leading to his becoming, for example, Secretary-General of KANU, the then ruling party.

At the end of his long reign as president (1978 to 2002), President Moi sought to manage his succession to assure his security and his substantial properties and investments. He designated the young son of the first and founding President Jomo Kenyatta, the Kikuyu powerhouse, to be his successor leading KANU in the 2002 elections. Moi called on his Kalenjin brothers and sisters to support the young Uhuru Kenyatta, even though he came from the Kikuyu community. President Moi secured the party nomination for Uhuru Kenyatta given his dominance over KANU. However, the major opposition coalition, the National Rainbow Coalition (NARC) stunningly and abruptly selected Mwai Kibaki, the veteran Kikuyu politician, as its presidential candidate. At the time, everyone assumed that Raila Odinga would be the NASA nominee for president. At a massive rally at Uhuru Park in Nairobi attended by thousands of NARC supporters, Odinga proclaimed in Swahili, *Kibaki na tosha* meaning, Kibaki is acceptable. NARC went on to defeat Kenyatta and KANU in elections in December 2002. Kibaki was a shrewd choice for NARC. As a Kikuyu elder, he polled more strongly among the Kikuyu people than the younger Kenyatta.

National celebrations and a euphoria swept across Kenya as Moi's repressive regime was finally finished, in Swahili, *kwisha*. The new president's inaugural address signalled a major liberation of Kenya (Associated Press Archive, 2003). Given Odinga's critical role in deferring to Kibaki as the leader of NARC, he and his allies expected meaningful inclusion in the new regime. However, this was not to be. Kibaki was quickly captured by the Mt. Kenya mafia, leading Kikuyu political and business associates of the new president. The mafia pushed Odinga and his allies to the margins of the new administration. Key presidential appointments went to Kikuyus, as did senior Cabinet ministries and opportunities on government boards, commissions and parastatals.

The Kibaki administration though bowed to public pressure to consider a new constitutional dispensation. A new draft was readied called the Wako draft after Attorney-General Amos Wako. Odinga, other political titans, civil society groups and professional associations all held the Wako draft to be flawed and far short of real change. As a result, Odinga and others formed the Orange Democratic Movement (ODM) to campaign against the Wako draft in a national referendum. The Kibaki side in the referendum adopted the symbol of the banana. Kenya experienced competing mass rallies where orange prevailed while other rallies featured the yellow theme. In the end, the Orange side won decisively. Kibaki was furious, firing his entire Cabinet and dissolving parliament. Odinga and his forces were pushed out of the government.

Feeling deeply betrayed, Odinga turned ODM into a major political force to challenge Kibaki in the 2007 general election. The election was fought on a reform platform by ODM but in the end, Kibaki won a second term and a majority of seats in parliament. Odinga and the ODM called for street protests to decry a stolen election. Vicious ethnic violence broke out as Kalenjin youth gangs armed themselves to avenge a lost election. They targeted Kikuyus and Kisii in Rift Valley region. Kikuyus had settled in the Valley in the thousands as part of the Million Acre Re-Settlement Scheme after independence. These new stranger settlers would replace colonially introduced White Settler farmers with small-scale African farmers. The British would finance buying out White Settlers at fair market value on a willing seller, willing buyer basis. Not surprisingly, given their business acumen, Kikuyus also moved in to establish flourishing shops and businesses in the Rift Valley.

In the ethnic clashes of 2007-2008, stranger farms and businesses were set on fire and Kikuyus were attacked mercilessly. Thousands were forced to flee to sanctuaries in Nakuru and Naivasha in the Rift Valley as well as to the capital city, Nairobi, and to their ancestral home, the Mt. Kenya region. Kikuyus already living in the sprawling Kibera shanty settlement in Nairobi were attacked and forced to create a new shanty settlement in Dagoretti, just behind shops and businesses on the road to the up-scale Karen residential suburb. In retaliation, Kikuyu leaders including Uhuru Kenyatta organised Kikuyu youth including the infamous Mungiki sect, to counter-attack. Violence erupted in the settlements surrounding Nairobi. Kalenjin gangs ventured outside Kibera, for example, to attack nearby housing estates. A close friend, his wife and children had their house marked with a red X on their outside gate. They were then attacked with gasoline bombs (Personal communication, 2009). In the end, Kenya neared a failed State with over

650,000 people displaced, 1113 people killed, over 40,000 injured and an untold number of girls and women assaulted and raped (Republic of Kenya [b], 2008).

Near virtual collapse, a Government of National Unity (GNU) was formed in February 2008. The GNU was created through the efforts of an Eminent Persons Group (EMG) led by former Secretary-General of the United Nations, Kofi Annan. It also included Benjamin Mkapa, the President of Tanzania. In the GNU, Raila Odinga was given the post of Prime Minister and his political allies were given Cabinet appointments. However, real power sharing was elusive as the Mt. Kenya mafia was alive and influential once again. These Kikuyu sycophants marginalized Odinga and his associates. William Ruto, for example, initially held the influential post of Minister of Agriculture under the GNU. This was short-lived (April to August 2008), however, as he was demoted to be Minister of Higher Education and Science.

Ruto and Kenyatta were named as having committed crimes against humanity during the ethnic clashes by the then Chief Prosecutor of the International Criminal Court (ICC), Luis Moreno Ocampo. The arrival of Ocampo in Kenya and the cases against Kenyatta and Ruto consumed Kenyan news and media for months. Ruto felt strongly that he was unfairly victimised by the ICC. He was distraught that Raila Odinga abandoned him during his difficulties with the ICC. In fact, Odinga actively encouraged the ICC to proceed vigorously against the perpetrators of the violence. The dismay Ruto felt was fuelled by his having campaigned for the opposition and Odinga in the 2007 elections. To Ruto, Raila Odinga simply could not be trusted. This judgement would come back into significance during the presidential succession campaign in 2022.

With this background, emphasis will now be placed on the core characteristics of African politics in Kenya in defining the 2022 presidential succession. In Kenya, political life offers the opportunity to enrich oneself, to gradually over time, become a leading member of the economic elite. This occurs through using one's political influence to acquire business opportunities. Cabinet ministers form companies which then become beneficiaries of State contracts, grabbing land from public estates (Kenya Land Alliance, 2021), acquiring favourable loans from banks, and, through social networks, attracting private investors. Senior public officials also seek to enrich themselves using their positions to leverage benefits. This phenomenon began under President Jomo Kenyatta as his government encouraged Ministers and Assistant Ministers and senior officials to use State resources

and connections to advance their business interests. Fascinatingly, the Ndegwa Commission gave official blessing to accumulation by civil servants,

“...there ought in theory be no objection to the ownership of property or involvement in business by members of the public services to a point where their wealth is augmented perhaps substantially by such activities” (Republic of Kenya, 1971, 14).

Thus, in an interesting reversal of the Marxian framework, State managers become the new African bourgeoisie.

A presidential succession threatens the accumulated wealth and corporate holdings of incumbent politicians and officials. Indeed, a historical precedent undergirds their trepidations. When Daniel arap Moi came to power in 1978, he moved against the Kikuyu economic and political elite substituting newly assertive Kalenjin politicians and officials (Wrong, 2009, 126). A change in power from one community to another confirms the classic Kenyan idiom, it's our turn to eat. Not surprisingly, ethnic communities are extremely sensitive if denied opportunities to accumulate and prosper. Ethnic advancement through political power is the touchstone of the political system. Indeed,

“...everything flows not from laws but from the President's power and personal decisions. This has...led the public to believe a person from their own tribe must be in power, both to secure for them benefits and as a defensive strategy to keep other ethnic groups ... from taking jobs, land and entitlements” (Republic of Kenya [a], 2008, 23).

President Moi was a master at signalling his determination to reward his community: “His (Moi) call for people to plant two trees for every one that was cut was understood to mean that for every Kikuyu sacked, two Kalenjin had to be employed” (Ngunjiri and Ong'aro, 2002, 57-58). Thus, ethnic solidarity is crucial to electoral success and then leveraging a leader's place at the table of power.

The Valuational Basis of Kenya's Political Culture

A number of normative values have come to be important in framing political behaviour and competition in Kenya. These values are often used by politicians to either build popular support or to diminish the influence and standing of a competitor. Let us consider the place and power of each of these in turn. Loyalty in Kenyan politics is viewed as a key value. Being

loyal through political trials and tribulations to one's leader/patron/sponsor is deemed to be worthy of reward and advancement both politically and economically. A classic example of this devotion and its attendant benefits rests with Joshua Kulei, a former prison warder who became a security officer for President Moi. Kulei was devoted to Moi serving his mentor's interests. As a result, Kulei became fabulously wealthy from participating in Moi enterprises and corporate holdings (Nsehe, 2018). He remains a key player in the political fortunes of the long dominant political party, the Kenya African National Union (KANU), now led by Moi's son, Gideon.

Often, leaders depend on the devoted loyalty of key, designated supporters to undermine, criticize and vilify opponents. Leaders advance their attacks on competitors through the statements and speeches of these sycophants. Continuous and harsh attacks on leading competitors is thought to cement one's political base and to create doubt in the public mind about challengers to the leader. Charles Njonjo, the Attorney-General of Kenya under President Kenyatta, was classic at promoting this behaviour. Njonjo also let it be known that to openly criticize the President was a crime. Under Kenyatta and Moi, secret service agents frequented hotel lounges, restaurants and bars usually two at a time writing anything they deemed suspicious in notebooks (Personal Experience, 1997). With the Kibaki presidency in 2003, a more open atmosphere occurred and the media stopped self-censorship. Nevertheless, devoted sycophants continue to play a central role in reinforcing the image of a leader or in undermining the image of an opponent.

Jumping from one party or coalition to another jeopardises all the benefits of loyalty. Such individuals are referred to in Kenya as political grasshoppers. However, shifting alignments may be a necessary risk if it carries potential future benefits for oneself and one's community. Moreover, powerful and acknowledged ethnic leaders are targets of other coalition builders who will seek to poach them from their current commitments. Likewise, political leaders seek to block such maneuvers by locking down the leader of a particularly important ethnic base. The classic example was the move by President Uhuru Kenyatta to nail down the support of the Kisii community. Incredibly, although bemoaning widespread corruption rampant in Kenya (Agutu [a], 2016) and, seeking in his last term to turn the tide against the practice, he appointed five members of Simeon Nyachae's family to government positions (Kenya Today 2018). By advancing Nyachae family interests, Kenyatta's action worked to confirm to the Kisii community the benefits brought by their political titan.

Another cherished value embedded in Kenyan political culture is respect. Within African society, one must show respect to acknowledged leaders or those who are senior, those who are acknowledged elders. An elder is someone who has reached the age of 55 and who has achieved a recognized status as a successful family head, a solid provider, a business or community leader, and, possibly, a political force. Age brings with it wisdom, experience, maturity, and grace. One is referred to at this point in your life as *mzee*. In African tradition, a young person in politics is seen to be too hot-headed, too rash and lacking judgement. A classic Kikuyu aphorism captures the impetuosity of youth, “The young bull mounts the cow from the head” (Ibekwe, 2002, 30). During the first presidency, the Kenya media would reinforce the “*mzee*” status from a paternalistic perspective by opening every news broadcast by referencing, “*Mzee Jomo Kenyatta...*” (Field Research, 1970). In African tradition, an elder is ready for political leadership. Hence, in the 2022 race for the presidency it was not at all unusual for Raila Odinga to be a viable contender at the age of 76.

Respect brings with it an important corollary. One cannot show disrespect or abuse another. When you abuse someone else by pushing forward and making unnecessary demands or using inappropriate language or gestures, this behaviour is not tolerated. The abuser will be chided, pushed away and sometimes ostracised if the situation warrants. When another politician openly criticizes the President for example, such abuse can mobilize community anger. A classic example is the Kiambu Declaration of 11 May 1975: “...everyone at a KANU branch delegates meeting swore to act as a policeman and report anyone heard abusing the President” (Karimi and Ochieng, 1980). For a contender for power to move too quickly, or criticize too openly, or act without due consideration for an incumbent, a significant loss of support may ensue. Planning for an incumbent’s departure from power prematurely can also trigger significant loss in one’s standing.

In the evolution of Kenyan politics after independence, very few limits were placed on the depth of struggle. Competition between rivals could be quite brutal particularly when an opponent engaged in continual tactics to diminish one’s rival. Sometimes, resort to physical attack or torture has been utilised without regard to future consequences. The turn to brutality against an opponent can be referred to as to finish the person. Under the Moi presidency, political opponents often were grabbed by security forces and taken to torture chambers in the basement of Nyayo House in downtown Nairobi. Political candidates and their supporters are often physically attacked by hired young hooligans during campaigns.

To finish someone can occur as well in the private sector. The horrific murder of Charles Kibe Karanja, the former General Manager of the Kenya Tea Development Authority, illustrates the extent to which the powerful will go to eliminate someone who stands in their way (Namwaya [a], 2005). Karanja refused to allow members of the political elite access to coffee cooperative funds for their private use (Namwaya [b], 2005).

Occasionally, agents of the State resort to assassination to eliminate a challenger or to warn others to mute their ambitions. One example of the latter occurred with the killing of Pia Gama Pinto, a close confidante and advisor to the new opposition leader at the time, Oginga Odinga, who formed the Kenya People's Union (KPU) to challenge the ruling party, KANU. The powerful Luo Cabinet Minister Tom Mboya, who many saw as the natural successor to Jomo Kenyatta, was killed outside a pharmacy in downtown Nairobi. Another assassination which shook Kenya was the murder of J.M. Kariuki (Kamau, 2012) a popular MP who openly criticized government policies and especially addressed the plight of the landless in Kenya. In speeches in Parliament Kariuki often began his attacks by using the phrase, "If Mzee (Kenyatta) only knew...". He was summoned to State House on numerous occasions and asked to tone down his attacks. Completely frustrated, the President directed his Minister of State in the Office of the President, Mbiyu Koinange, to finish him. Koinange took the directive literally as State security agents grabbed Kariuki from the restaurant in the Hilton Hotel in Nairobi in broad daylight. Kariuki was later found dead, shot five times, propped up against a tree on a hyena trail in the Ngong Hills just outside Nairobi. Two young Maasai boys discovered his body which Ngong police then unceremoniously dumped in the Nairobi morgue. It was only days later that Kariuki's wife identified his body. National outrage broke out once the manner of his death and the cover-up became known. Another powerful victim of assassination was Kenya's Foreign Minister, Robert Ouko, who apparently upstaged President Moi while on an official visit to the United States. Ouko's badly burned body was found near his farm in Nyanza region, Kenya. The government hired Inspector John Troon to lead an inquiry into the circumstances of Ouko's murder. Nothing came of the investigation as numerous roadblocks were placed in Troon's way. What is critical here is that if the inordinately powerful feel deeply threatened, severe defensive measures may be taken. Opposition politicians often express concern over their well-being fearing the worst may befall them.

We have then identified the core values – loyalty, respect, eldership - embedded in Kenyan political culture which shape and influence political

behaviour. Adherence to these values can provide the basis for a successful campaign or, alternatively, disregarding the potency of these values may undermine a politician's standing and success. Claims that a politician is showing disrespect and abuse can inflame the supporters of a competitor and lead to ethnic hostility. We shall see time and again how these elements emerged in the evolution of the 2022 presidential succession.

Beginning with his early days as an activist in Youth for KANU (YK) 92 and standing together with Uhuru Kenyatta during the ICC saga, William Ruto has shown consistent loyalty in his political alignments. In 2013 and again in 2017, Ruto tirelessly campaigned for the Jubilee Party thus propelling Kenyatta to the presidency. He was rewarded by Kenyatta issuing an Executive Order to establish the Executive Office of the Deputy President (Republic of Kenya, Gazette, 2013). Kenyatta and Ruto were now co-equals in the new regime. Ruto managed to capture key Cabinet posts for his allies through a structured selection process with Kenyatta (Ngetich and Some, 2013). In Kenyatta's first term, the Deputy President was the public persona of the regime traversing Kenya to promote government policies and programs. He vigorously supported Kenyatta's leadership even though Kenyatta heavily favoured his Kikuyu community in government appointments to the detriment of other communities including the Kalenjin (Nation Team [a], 2015).

Early in Kenyatta's second term, Opposition leader Raila Odinga met with the President for nineteen hours. The meeting paved the way for the two men later to stand on the steps of Harambee House in front of the media and dramatically shake hands (Menya and Gisesa, 2019). A reconciliation between the two titans seemed crucial to ensure peace in Kenya. The 2017 election created ethnic tensions which were inflamed further by Odinga having taken an oath as the People's President of Kenya on 31 January 2018 (Oruko and Lang'at, 2018). Now, Kenyatta sought unity: "We agreed to put our politics aside and ask ourselves the causes of our divisions and ensure that no more blood will be spilt, no more property will be destroyed and Kenyans will not be worried every election time" (Menya and Gisesa, 2019). The Handshake struck as a tsunami in Kenyan politics. Odinga and Kenyatta agreed to build a more inclusive and peaceful Kenya. This commitment led to The Building Bridges Initiative (BBI), a nine-point programme of reform designed to recraft Kenyan political and social culture (Republic of Kenya BBI, 2019). The reconciliation between Odinga and Kenyatta and their joint commitment to BBI generated deep fissures within UhuRuto. Odinga became an influential Third Force.

Ruto though had undertaken a series of moves in 2017 to ensure his position even if powerful people conspired against him. He travelled widely throughout Kenya, and particularly visiting his Kalenjin people in Rift Valley and the Kikuyu community in Central Region to assist candidates running for Jubilee Party nominations (The Star, 2017). Ruto offered his personal endorsement and helped finance the campaigns of his preferences. He targeted those running for the Senate, County Governor, and National Assembly. During the 2017 election campaign, the Deputy President energetically supported his favoured Jubilee Party candidates. A classic example occurred with the race for Governor in Kiambu County where William Kabago was denied nomination in favour of the eventual 2017 victor, Ferdinand Waititu (Ibid.). Senator Paul Njoroge was particularly livid at Ruto's intrusions: "We saw that senior politicians from Central and Rift Valley who opposed Ruto were rigged out of Jubilee primaries as part of the ongoing plan for 2022" (Ibid.).

In this rigging process, Ruto had learned from the Professor of Politics, Daniel arap Moi. President Moi often toured Kenya to lecture voters on his preferred candidates during party primaries and election campaigns. Interestingly, in the 2017 nomination process, Kenyatta was nowhere to be seen. After the 2017 elections, Ruto continued to tour attending fund raisers, development project openings, and funerals. Funerals call upon political titans and leaders to attend and address mourners. Funerals provide opportunities for a leader to condole with ethnic communities. At the burial of Mathira MP Rigathi Gachagua's mother Martha Kirigo, Ruto brought seventy- three legislative allies to offer condolences and importantly, illustrate his newly constructed political influence (Komu and Kimathi, 2020).

Whisper campaigns began in 2020 to swirl in the Kikuyu heartland as to the future of Uhuru Kenyatta after 2022. In African culture, a person at the age of sixty two is just beginning to assert his/her leadership as an experienced mzee. Thus, why stand down and retire? Kirinyaga Woman Representative Wangui Ngirici was not enthused with Kenyatta staying on in politics as she dismissed the idea, "Let us not be hypocrites. If you have done your 10 years as per the Constitution, go home and let other people come in" (Nation Team [b], 2020). In a telling reference to the past, Ruto was also unenthusiastic with Kenyatta staying on: "...the Jubilee Party has no scheme to change the Constitution and take back this country to the dark days of politics where power stuck in one corner" (ibid.).

Even though devoted followers of the incumbent President as well as his sycophants thought that Uhuru Kenyatta should stay on, it was clear that the ambitious Deputy President William Ruto was gearing up for a run at State House in 2022. His strategic support for candidates early in 2017 had laid the foundation for his candidacy in 2022. This very strategy was attacked by Kenyatta loyalists as the DP was being disrespectful of the president and in effect abusing Kenyatta. To many Kenyatta supporters, a Ruto presidency was unsettling. It quickly became clear that the UhuRuto agreement was in doubt as President Kenyatta sought to undermine any chance for William Ruto to succeed him.

CHAPTER TWO

THE KENYATTA SUCCESSION STRATEGY

With less than two years remaining in his second and last term in office, President Uhuru Kenyatta was determined to manage his succession. According to the President, “Some people think I’m just silent and can’t express myself. I will shock them!” (Roadside Rally [a], 2018). He launched a strategy to deny his Deputy President, William Ruto, any chance to succeed him. This determination despite his former agreement with his Deputy President to mobilise his Kikuyu community in support him in 2022. William Ruto worked his magic to have his Kalenjin community propel Kenyatta to the presidency in 2013 and again in 2017. The informal agreement of mutual support was not written in stone but the ethnic reality of Kenyan politics suggests that without Kalenjin support, Kenyatta would never have become President of Kenya. Thus, to turn now against Ruto to finish him politically is a risky endeavour. To assure an alternative candidate a solid chance to win in 2022, the Kikuyu of Mt. Kenya would have to vote en masse for Kenyatta’s preference. If Kenyatta’s strategy fails, then the Kikuyu people may be pushed to the political wilderness for a decade or more. This would be a body blow to the Kikuyu who consider that the presidency belongs in the House of Moombi. Three of Kenya’s four presidents thus far have been Kikuyu. Moreover, to be outside the regime opens the leading political and economic elite of one’s community to be diminished losing not only power but also economic wealth and opportunities for enrichment. There is also the distinct possibility that a new regime could target the illegal and corrupt activities that led to the enrichment of the elite Kikuyu establishment.

In this chapter, we examine the Kenyatta strategy and the counter response adopted by Deputy President Ruto. The unravelling of the agreed smooth succession led to opportunities for other ethnic titans to seek the presidency. Opposition leader Raila Odinga continued to be determined to finally capture the Imperial Presidency for his Luo community after four failed attempts. Kalonzo Musyoka, held to be the king of the Kamba people, also had presidential aspirations. He has been Vice-President on two other occasions and as Odinga’s running mate in 2013 and 2017, Odinga promised

to support him in future elections. A third contender was Gideon Moi, the younger son of former President Daniel arap Moi. Gideon Moi has weight as the Chair of the Kenya African National Union (KANU) which dominated Kenyan politics from 1963 to 2003. He claims to be the leader of the Kalenjin people in counter point to William Ruto. Finally, the fourth serious contender Musalia Mudavadi of the Luhya people seeks to claim the presidential prize for the Mulembe nation, the second largest ethnic community in Kenya. Mudavadi was Vice-President for a brief period near the end of the Moi presidency. Three of these ethnic titans coalesced to form the National Super Alliance (NASA) for the 2017 election comprising Odinga's Orange Democratic Movement (ODM), Musyoka's Wiper Democratic Movement (Wiper) and Mudavadi's Amani National Congress (ANC). NASA however failed to dislodge the Jubilee Party co-led by Kenyatta and Ruto in 2017. We have then a fascinating array of contenders anxious to build their successful bid for State House, Nairobi. With Ruto out of favour, these four ethnic titans began to position for 2022.

Kenyatta had two objectives in managing his succession. The first was to cement his legacy through major policy initiatives. The second was to designate a successor who will assure the continued political weight of his Kikuyu community and protect his and his family's wealth. His strategy was built initially on the now famous and for some Kenyans celebrated event of 9 March 2018. On the steps of Harambee House in Nairobi, the building housing the Office of the President (OP), Raila Odinga and President Uhuru Kenyatta, engaged in The Handshake. This symbolised the coming together of these two political enemies to renounce personal attacks, violence and ethnic hatred in favour of national reconciliation and a commitment to build a unified and stronger Kenya. The two titans embraced what has come to be known as the Building Bridges Initiative (BBI). A Task Force was created under the veteran politician, Yusef Haji, with a strong representation of a cross-section of Kenyans to shepherd the BBI focusing on a nine-point agenda of reform (JK Live [a], 2019). The Task Force was charged with touring all 47 counties of Kenya to gain public input on the reform endeavour. An initial report was released in November 2019 for discussion purposes. Raila Odinga was given the role of State ambassador to tour Kenya explaining and popularizing the report at what came to be known as reggae rallies. COVID-19 put this process on pause from April 2020 forward.

The sudden reconciliation between Odinga and Kenyatta was a total shock which had the effect of seriously undermining the position and calculated succession strategy of the Deputy President. During 2017 in the run-up to the general elections, the Deputy President not only influenced the primary

nomination process for the Jubilee Party in Rift Valley, his home area, but as well he ventured into the Mt. Kenya region. Here one finds the Kikuyu people as well as their close cousins, the Meru and Embu communities. Typically, in Kenyan politics forays into the ethnic homeland of others by a politician has been seen as an unacceptable intrusion by an outsider. The Deputy President attended nomination meetings to propel his choices forward to become Jubilee Party candidates in the general election. This intrusive intervention into Kenyatta's political backyard incensed alternative Kikuyu primary candidates (NTV News [a], 2017). In the election itself, he attended rallies to fund and support his newfound Kikuyu candidates.

This strategic ploy was designed with the 2022 presidential succession in mind as a bloc of Members of the National Assembly, the Senate and Governors formed a solid pro-Ruto base. He also sought to have his allies in the Senate and National Assembly capture important posts as Majority and Deputy Majority leaders, Majority and Deputy Whips and chairs of key committees. His newfound allies came to be known as the Tanga Tanga (wanderer) faction within the Jubilee Party. Those who remained loyal to President Kenyatta came to be known as the Kieleweke (risk taker) faction of Jubilee. The elected Tanga Tanga members promoted the Deputy President at every moment within their home areas. They assured Ruto of a strong and committed springboard for the 2022 succession. Controlling the Jubilee Party with his allies assured the Deputy President his nomination as Jubilee's presidential candidate.

In 2020, Kenyatta and his advisors began a campaign targeting these committed Ruto supporters. An early victim was Ferdinand Waititu, the Governor of Kiambu County, who was impeached by Members of the County Assembly (MCAs) on corruption charges. The Senate confirmed Waititu's impeachment effectively finishing him from politics. The Kenyatta forces then turned their attention to the Jubilee Party itself. The Secretary-General of Jubilee, Raphael Tuju, announced that changes were in the offing for the party's National Management Committee (NMC). Pro-Ruto members were displaced by new pro-Kenyatta members. Wresting control of the party's administrative machinery represented a critical first step in diminishing the Tanga Tanga grouping. Ruto reacted harshly writing to the Registrar of Political Parties, Ann Nderitu. In his letter, Ruto claimed, "Please note, the National Executive Committee has never been reconstituted by the party. The intended changes of the NMC is therefore, illegal and fraudulent" (Citizen News [a], 2020). Nderitu agreed suggesting that appropriate procedures be followed before such membership changes could go forward. Ruto also suggested that as well the President as leader of

Jubilee had to agree to this sudden purge. Nderitu's recommendations were ignored. The President remained silent while the membership changes went forward.

Ruto now had a clear warning that the President was indeed on board with the personnel changes. The next victims were Ruto's allies holding chairs of important Senate committees and other posts such as Speaker and Deputy Speaker. In an ominous development, this purge had the support of members of the Orange Democratic Movement (ODM) led by opposition leader Raila Odinga. Odinga had effectively been brought into the government side after the Handshake. Ruto's allies were according to Kenyan tradition, de-whipped, or replaced by Kenyatta loyalists and ODM Senators. Kenyatta also enjoyed the sudden decision of Gideon Moi to lead his KANU party into a formal coalition with the Jubilee Party (Itumbi, 2020). Thus, Kenyatta had the voting support of KANU in both the Senate and National Assembly. Then, Wiper leader Kalonzo Musyoka led his party into a cooperation agreement with the Jubilee Party. The Kieleweke faction of Kenyatta loyalists was quickly displacing Ruto and his Tanga Tanga supporters. Then, very quickly, Kenyatta's purge carried over to include allies of the Deputy President in the National Assembly. Chair positions and deputy chairs turned over as well as other official Assembly positions. By July 2020, the purges were complete leaving Ruto in many ways declawed politically. Moreover, his allies not only lost influence. They were worried further action would be taken against them by State institutions under presidential control. Ruto supporters were in shock.

Ruto suddenly faced the determination of Kenyatta allies to push him out of the Jubilee Party itself. David Murathe, the vice-chair of the Jubilee Party, an active Kenyatta sycophant, called on Ruto to leave Jubilee (NTV Interview, 2020). Ruto had committed the twin sins of not respecting the President and being disloyal by starting his 2022 presidential campaign way too early. Instead, as Deputy President, he should have promoted Kenyatta's policies thus cementing the President's legacy. To Murathe, there was no way that Ruto could count on the support of the party as its presidential nominee in 2022. Others suggested that with the active support of Raila Odinga, Gideon Moi and Kalonzo Musyoka, the focus now should be on the Building Bridges Initiative and Kenyatta's big four policy agenda. There was even the suggestion that Kenyatta should be allowed one more year after 2022 to secure his legacy since COVID-19 had cost him a year of activity.

Ruto for his part increasingly accepted that the Jubilee Party had been taken over by pro-Kenyatta forces. To the DP, “The party has been hijacked by busybodies, conmen and brokers...like Murathe and company, people who have no clue on our philosophy, they were nowhere, we appointed them to those positions, their word has now become the party position” (Ndegwa, 2020). Ruto suggested that Murathe had no business remaining in Jubilee given his endorsement of Raila Odinga as his preference for president in 2022. To Ruto, it boggled the mind that a vice-chair of one party would endorse a candidate from another party. As of September 2020, Ruto stayed in Jubilee even though deep divisions prevailed between Kieleweke and Tanga Tanga groupings. In addition, Kenyatta through Executive Order Number 1 of 2020 transferred the Office of the Deputy President to the Office of the President. The DP lost his separate budget. His powers were now given over to Interior Cabinet Secretary, Fred Matiang’i. Matiang’i was seen by many to have sidelined the DP even in such symbolic functions as being the first to greet President Kenyatta when he arrived for official functions.

Meanwhile, the Deputy President continued to mobilize influential Kenyans including church leaders to support his succession path. He invited leaders from all over Kenya to either his Karen or Sugoi homes to win over allies. Indeed, Ruto had long ties to Christianity and the churches in Kenya. His commitment to Christianity mirrored that of a significant majority of Kenyans as 85.5 per cent of whom held themselves to be Christians (Kenya Bureau of Statistics, 2019). Attending Sunday prayers was one way around the restrictions imposed by COVID-19. The Deputy President often emphasized being born in poverty and thus understanding the plight of the common Kenyan or as in the Swahili term, the *wananchi*. As a Christian, he was committed to raising the poor as he himself had done. He continually emphasized that he was the hustler with a deep commitment to the common Kenyan in contradistinction to the dynastic leaders of wealth being brokered by Kenyatta and political enforcers such as David Murathe.

Pro-Ruto politicians not only became targets of criticism for being disloyal to the President. Their fears of further sanctions when they were de-whipped came to pass. Several allies were targeted by the State on corruption charges or arrested for voicing dissent. A classic example of the use of State enforcers to intimidate Ruto allies was MP Johana Ng’eno. He was arrested for remarks he made at Murkan, Kenya on Sunday, September 6th, 2020. Ng’eno criticized Uhuru Kenyatta for the wrangles within the Jubilee Party. But he went strikingly: “You are not Kenya and Kenya is not Kenyatta’s or Mama Ngina’s land. This land belongs to 47 million Kenyans, you cannot

run it as you wish...the President should not dictate who succeeds him and cannot threaten us” (Gusii Nation TV, 2020). To Ng’eno, “Moi and Kibaki finished their terms and left, you should do the same next year when the time comes” (ibid.). Mama Ngina is Uhuru Kenyatta’s mother and a wealthy and powerful force in her own right. Ng’eno’s arrest stirred memories of Kenya’s past repressive regimes of Jomo Kenyatta and Daniel arap Moi. Indeed, Kapseret MP Oscar Sudi made just such an association, “If you want to lock us up or shoot us go ahead. Your father shot many people but the country is still running” (KTN Prime [a], 2020).

As State officials sharpened their attacks on the Deputy President and his allies, Tanga Tanga supporters began to hurl criticism back even at Kenyatta himself. Oscar Sudi, for example, lashed out at Kenyatta and his treatment of the Deputy President: “I want to tell the president that we do not owe you anything. We voted for you three times, in 2013 and twice in 2017... this country belongs to all Kenyans. You have betrayed and treated William Ruto as somebody who does not deserve anything. He appears cornered as you decide every move” (ibid.). The level of critical rhetoric now emerging from Ruto allies suggested that they were not willing to be intimidated any more. To suggest that they were disrespecting the President now carried less weight given the decidedly vicious comments made by Kenyatta’s fierce supporter, David Murathe. The succession battle now seemed to be on with a vengeance.

Kenyatta had an Achilles heel when it came to confrontation—the spectre of corruption. One clear handicap facing Kenyatta’s legacy rested with his failed anti-corruption strategy. Kenyatta and close members of his family have been linked to questionable investments, contracts and deals (Ken, 2013). The family was, for example, involved deeply in the creation of Northlands City, a huge industrial and residential complex to be built on land held by Brookside Dairy, a Kenyatta company. Expanding the sewage treatment facility to handle this massive development led to the displacement of some seven thousand Kenyans during the height of COVID-19. In a supreme irony, the majority of evictees were from the President’s own community. They had been forced to flee to Nairobi during the 2007-2008 ethnic clashes. Various companies under the control of family members of the President benefitted from shady deals. Funds meant to provide equipment to fight COVID-19 were funnelled off to benefit close Kenyatta allies. Moreover, from the early days of Jomo Kenyatta’s presidency, the Kenyatta family had acquired thousands of acres of prime land in Kenya (Staff [a], 2020).