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For the Thinking Person

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KENYA'S DILEMMA

As a fresh round of violence continues in the volatile Gaza strip, there are concerns President Ruto's unequivocal backing of Israel over the Palestinians echoes decades of a catch-22 situation Kenya has found itself in, affirming its diplomatic stand but grappling with a security threat



kenya lens

■ IN JULY 1976, NAIROBI ALLOWED IDF JETS TO CROSS KENYAN AIRSPACE AND REFUEL AT JKIA ON THEIR WAY

KENYA'S COSTLY ALLIANCE WITH**From the bombing of the Norfolk Hotel to the terrorist attack on the Israeli-owned Paradise Beach Resort in Kikambala, the country has paid a heavy price for supporting the Jewish state**

● BY JOHN KAMAU

As President Ruto took sides in the ongoing conflict between Israel and Hamas, Kenyans got worried that, once again, the country had failed to learn from its history and could become a soft target.

Recall this: On December 31, 1980, as revelers were celebrating New Year, a bomb exploded at the Jewish-owned Norfolk Hotel in Nairobi. It was the work of a West German leftist organisation, Baader-Meinhoff, acting on behalf of the Beirut-based Popular Front for the Liberation of Palestine. The bomb attack was a response to Kenya's support to Israel during the Entebbe Raid after the July 1976 hijacking of Air France jetliner, which was diverted to Entebbe, Uganda. The Palestinian hijackers were demanding the release of some prisoners held in Israel. Unbeknown to many, some of the prisoners had been handed over to Israel by Kenya after they were arrested while trying to bring down an Israeli plane as it approached Embakasi airport.

Kenya had a long association with Israel – the product of Jomo Kenyatta's closeness to Golda Meir, whose visit to Kenyatta's Gatundu home in 1962, when she was Foreign minister, solidified the trust between the two leaders. Meir, the fourth Israeli prime minister between 1969 to 1974, and Kenyatta had secretly organised the training of several Kanu nominees in Israel in a bid to build an elite security force after Kenya's independence. Initially, the ties were linked to Tom Mboya who was instrumental in introducing Kenyatta to Israeli contacts. It is known that after his January 22, 1962, wedding in Nairobi, Mboya flew to Israel for a honeymoon. Mboya's two friends organised it: Ehud Avriel and his Nairobi contact, Asher Naim – a man seconded to Kenya before independence to befriend emerging African leaders. Naim was Israel's Honorary Counsel, deputising "Izzy" Israel Somen – a well-known furniture trader and former Nairobi mayor.

The Mboya honeymoon was also combined with politics. On the evening of February 9, 1962, Mboya met with Shimon Peres, a young activist within the Mapai Party. That evening, according to Peres's biographer Matti Goran, Peres introduced Mboya to West Germany's Defence Minister Franz Josef Strauss: "A mountain of a man, 100 kilos-plus, with blue eyes that radiate energy... loves to eat and is a brilliant polemicist". They discussed politics and how to keep Communists out of Africa. According to Goran: "Mboya lectured Strauss on the situation in Kenya and warned of the danger of a complete Soviet takeover by means of local communist groups supported by Moscow." Israel was ready to help. It was the start of some Mossad activities and training of Kenya's intelligence – thanks to Mboya. After Mboya returned, he briefed Kenyatta, and they organised for several Kanu supporters to leave. He had also – with J.M. Kariuki – organised the creation of the National Youth Service to mimic Israel's Gadna Nahal movement.

The 1967 Six-Day War by Israel against Egypt and Syria and the subsequent occupation of the West Bank, the Arab East Jerusalem (then held by Jordan), and Syria's Golan Heights, took place when the diplomatic relations between Kenya and Israel were in top gear. By this time, the NYS was financially supported by Israel, plus various technical and infrastructural projects carried



The shattered wreck of the Norfolk Hotel in Nairobi on January 1, 1981, after a bomb explosion ripped apart the left wing of the building. Left: Golda Meir, former Prime Minister of Israel.



Former Palestinian leader Yasser Arafat in the West Bank city of Ramallah.

out by Solel Boneh company – by then the face of the Jewish state in Kenya. Kenya would find itself in a tricky position during the 1973 Arab-Israeli war when all but four African nations under pressure from Arab countries agreed to cut ties with the Jewish state. Although Kenya closed its embassy in Tel Aviv, it continued to have informal relations thanks to the close relationship between its leaders and Israel. It finally restored



Ugandan President Idi Amin talks to one of his soldiers who was injured in the Israeli commando raid on Entebbe Airport in July, 1976.

the diplomatic relations on December 30, 1988.

Since Israel had trained various members of Kenya's intelligence, it continued to have a rapport with them. When Israel learned that some terrorists wanted to shoot down an El Al plane as it approached Kenya's Embakasi airport, they tipped the Kenyan intelligence. The Beirut-based Popular Front for the Liberation of Palestine (PFLP), under the umbrella of the Berlin-based Baader-Meinhoff, had contacted agents of Uganda's President Idi Amin, who transported missiles from Kampala to Nairobi. By then, Amin had close ties with Yasser Arafat's Palestine Liberation Organisation (PLO), the umbrella organisation that represented the Palestinian people's search for nationhood. In some Western circles, PLO was classified as a terrorist organisation.

The five terrorists, unaware they were under surveillance by Mossad, had applied for Kenyan visas at the British consulate in Beirut. (By then, Britain was managing Kenya's visa applications in Lebanon). The man behind this mission was Wadie Haddad, a radical Palestinian hijacker and bomber whose group wanted to continue hijacking planes to popularise the Palestinian struggle for a state. He had fallen out with his boss, Dr George Habash, who felt that hijacking was denting PLO's image. Habash was popularised in 1973 when Israel forced a Lebanese commercial jet to land in Israel to arrest Dr Habash. He had not boarded the flight, and Lebanon accused Israel of "following the logic of gangsters".

On January 21, 1976, Kenya's Special Branch officers and Mossad counterparts arrested Hadd-

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TO ENTEBBE IN UGANDA

ISRAEL

ad's group of two German couples, Brigitte Schultz and Thomas Reuter, and their three Palestinian allies before they shot down the Israeli plane. The security agents seized two Russian-made Strella ground-to-air missiles.

Haddad then sent another German, Monika Hass, traveling on a stolen passport, to investigate the whereabouts of the group. She was arrested at the Nairobi airport. The arrest of this group would lead to the hijacking of the Air France airliner, with Haddad demanding the release of "the prisoners" held by either Kenya or Israel. Kenya's Foreign Minister Dr Munyua Waiyaki, said Kenya was not holding any Palestinian prisoners. By then, the Air France plane had been diverted to Entebbe, Uganda, where Idi Amin gave the hijackers moral support. In Uganda, Haddad's men allowed the non-Jewish hostages to disembark and held more than 100 Israeli and Jewish passengers.

During this period, senior government officials, led by then-Attorney General Charles Njonjo, connived with Israeli military and intelligence officials and allowed the Kenyan airspace to be used during the rescue of the Israeli hostages held in Uganda. As it emerged later, some of the planning meetings took place in Njonjo's Muthaiga home. Others who knew about the plot were Ben Gethi of the General Service Unit and former Cabinet Minister Bruce Mackenzie.

In the dark was Jomo Kenyatta – who was informed after the rescuers had accomplished their mission and were already in Nairobi, according to historian Saul David's book, Operation Thunderbolt. The author, relying on Mossad intelligence files, said Gethi woke up Kenyatta at 3am. Beside Gethi was a senior Mossad official, Uri Lubrani. After winning at Kenyatta's explosive-laden response, Gethi turned to Lubrani and said: "The President wants you out of Kenya in three hours. Can you do it?"

"Yes, we can do it... tell him yes," replied Lubrani. The wrath of Haddad's group would emerge in 1980 when one of its members, 34-year-old Muradi Aksali, travelling with a Maltese passport, managed to bomb the Jewish-owned Norfolk Hotel, then owned by Abraham Block's family. Why Haddad's Popular Front decided to retaliate a week after the German couple was released from an Israeli jail was not clear. President Moi was close to the Nairobi Jewish community, and the intelligence cooperation had continued unabated. More so, Moi had become close to Washington and had allowed the US to start a military base in Mombasa. The 2002 attack on the Paradise Hotel in Kikambala was the later indicator that Kenya would continue to be a soft target of terrorists eager to punish it for continued relations with Israel. Some 13 people were killed. The terrorists had also planned to shoot down Arkia airline as it left Mombasa.

Ten years later in 2012, some two Iranians were arrested in Kenya as they planned to bomb US and Israeli installations. They had been arrested with 15 kilograms of explosives. Kenya was under pressure from Iran to release the two terrorists – Ahmad Mohammed and Sayed Mousavi – while Israel was pushing for jailing. While they were finally jailed for 15 years, they would be set free during the Jubilee Kenya Kwanza transition. As another round of war starts between Hamas and Israelis, Kenya's pro-Israel position echoes that of Western governments. Whether Kenya has jeopardised its security will remain to be seen – but for previous pro-Israel statements, it has been in the line of fire.

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■ THE HISTORIC MEETING AT MALABA PRIMARY THAT STOPPED BORDER SKIRMISHES



President Daniel arap Moi and Ugandan President Yoweri Museveni renew acquaintances outside the tent in which they held talks at Malaba Primary on the Kenya-Uganda border in October, 1987. President Museveni promised to remove missiles from the border and President Moi assured him that Kenya had no ill-will towards Uganda and her people. FILE | NATION

THE MOI-M7 HANDSHAKE

In October 1987, exactly 36 years ago, tensions between the two neighbours escalated into a firefight between Ugandan and Kenyan forces in Busia

• BY OSCAR OBONYO

It's not uncommon for residents of the border town of Busia to cross over to Uganda, or the "no-man's land", guzzle illicit brew in full view of Kenyan police, and stagger back home past the helpless law enforcers with the evidence safely stored in their systems.

This provocative action is mostly witnessed during public holidays and end-year/Christmas festivities, and imbibers are persuaded by the fact that, unlike in Kenya, the consumption of the chang'aa, known by the locals as "enguli", is legal in Uganda. The economic realities, heralded by the fact that the cost of alcoholic beverage is friendlier in the neighbouring country, is another push factor.

The locals have former President Daniel arap Moi and Uganda's President Yoweri Kaguta Museveni to thank for the "paradise" and lawless territory that is no-man's land. However, the territory – located where sections of Sofia and Marachi estates were situated – did not come into existence out of leisure or by design.

No-man's land was a product of a fierce cross-border battle, which necessitated the creation of a buffer zone between the two nations, leading to a ceasefire.

Exactly 36 years ago, a Moi-Museveni handshake at Malaba Primary School on the Kenyan side of the border hammered out a deal between the two East African nations that ended cross-border hostilities. In 1987, the Ugandan Army had just triggered a fierce cross-border war. By the time the sound of the gunfire ended, an estimated 57 soldiers had been killed on both sides.



A section of Busia town's Marachi Estate, which was deserted by residents when fighting broke out between Kenya policemen and Ugandan soldiers in October 1987. The estate is on the border.

The historic handshake ushered in a ceasefire and marked the creation of a border buffer zone. This dramatic tale illustrates the tension among border communities over the decades and offers a glimpse on the role of previous heads of state in securing the Kenyan entry points.

The border dispute with Uganda has remained a concern for decades since independence. In mid 1970s, for instance, Uganda's dictatorial leader, Idi Amin Dada, laid claim on the Kenyan territory from Busia all the way to Naivasha, attracting the wrath of President Jomo Kenyatta, who told him to back off or face military action.

Moi faced similar threats from Museveni, who had assumed power in 1986 after staging a guerilla war against the administration of Gen Tito Okello. The threat of annexing parts of the present-day Busia County to Kenya aside, Moi had a standing beef with Museveni. Having been

tasked by regional bodies to mediate between Okello and Museveni, Moi was taken aback by Museveni's act of trashing the peace deal he had hammered out. Museveni returned to the bush to overthrow the government.

In later years, the Mwai Kibaki and Uhuru Kenyatta administrations had to deal with the dispute of the Migingo Island. For ages, the rocky piece of land in Lake Victoria served as a docking point for Kenyan fishermen, only for Ugandan security officers to storm it in 2004.

They arrested fishermen, confiscated their fishing gear and mounted a Ugandan flag on the island. The dispute remains unresolved.

During the battle for Busia, the army barracks based at Hakati in Samia sub-county proved handy in staging fightbacks, which successfully helped to repulse the Ugandan soldiers. Akin to its name, the base, located on high grounds at the border-point of Funyula and Budalang'i

constituencies and the Busia-Siaya County border, was centrally and strategically positioned. Hakati also sits next to Lake Victoria, where soldiers and residents have a clear view of the giant water body.

Uncomfortable about the military might and location of the base, Museveni reportedly demanded its closure as one of his key demands in the Malaba peace deal.

According to Major (Rtd) Bonnie Mahaga, who hails from the county, Hakati was a full-fledged base, complete with jet-fighters. While he is non-committal on Museveni's demands, he concurs that the station was immediately scaled down to a mere Forward Observation Base (FBO), whose activities were reduced to military intelligence. Despite the constant cross-border frictions with Uganda, Hakati – in its diminished status – remains the only military in-

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■ THE SENATE OVERSIGHT FUND IS LIKELY TO MAKE THE SEAT MORE COMPETITIVE AND LUCRATIVE

RUTO-RAILA DEAL: THE 2027 PLAN**The creation of the offices of Prime Cabinet Secretary and Leader of the Official Opposition could significantly change the political landscape in the run-up to the next General Election**

● BY MOSES NYAMORI

The deal by President William Ruto and Azimio la Umoja One Kenya leader Raila Odinga to create the offices of Prime Cabinet Secretary and Official Leader of Opposition as well as a fund for senators is promising to reconfigure the political landscape and make 2027 polls more competitive.

Political observers reckon that the additional positions will influence crafting of political alliances by having more regions come together in power-sharing deals. Currently, most political pacts are for the presidential candidate and the running mate. The creation of the Office of the Prime Cabinet Secretary would mean additional regions in the sharing of the top three positions.

Reintroduction of Official Leader of Official Opposition would also address the winner-takes-all culture that has been blamed for post-election violence, especially when there is slim margin between the winner and the first runner-up. The two positions are also promising to enhance the influence of Odinga and PCS Musalia Mudavadi in the 2027 matrix.

With a well-financed and facilitated office as well as a platform to address Parliament, Odinga would sustain his public appearance, which is critical in the event he wants to run for top office again. At the same time, establishment of the Senate Oversight Fund is likely to make the seat more competitive and lucrative in the next polls.

Despite senators representing bigger geographical areas, constituency elections have remained more competitive because of the availability of National Government Constituency Development Fund (NG-CDF) under control of MPs to implement development projects in their constituencies.

With the oversight fund, the Senate seat is likely to attract more politicians, including governors who have done their maximum two terms. Interviews with politicians, including sitting senators revealed excitement around the proposed new fund with some of the senators saying how their oversight role has for years

been frustrated by lack of funds.

With the fund, they said, the House would gain its relevance by holding governors to account based on documents prepared by research and audit teams at the disposal of the senators. "It must be made clear that this fund is not a development kitty but an administrative tool to enable the Senate carry out its constitutional mandate," said Homa Bay Senator Moses Kajwang.

"It has been a misnomer to expect senators to utilise personal resources to carry out public duties. More still needs to be done to strengthen accountability in devolved governments. For example, I believe MCAs should also have a similar facilitation," he added. Nairobi Senator Edwin Sifuna told *The Weekly Review* that the fund would greatly enhance the capacity of senators to execute their mandate by having audi-

tors assist them in looking at the county's expenditures and books of account.

United Democratic Alliance (UDA) Secretary-General Cleophas Malala, who served as Kakamega Senator in the last Parliament, said the seat would once again become attractive. "I can tell you the seat would be competitive and lucrative moving forward. You will see more governors wanting to serve as senators because they would have facilitation to do their oversight mandate," he said.

Pioneer senators were made up of veteran politicians, but most of them dumped the Senate to run for gubernatorial seats in the subsequent elections when they realised the seat was not as powerful as they had imagined in 2013. Analysts argue that Mudavadi's influence in government and in the political scene stands to shore up in

the event he becomes the country's third substantive Prime Cabinet Secretary.

A similar position has previously been held by founding President Jomo Kenyatta and Odinga under the grand coalition government, and they wielded immense power and influence. The trappings of power that comes with the office has a potential of offering him a political springboard to solidify his Western support base.

A strong Mudavadi and an active Odinga would present a threat to Gachagua's plans to succeed Dr Ruto after his two terms. Gachagua has come out as one of the fiercest critics of the talks. He has repeated how the talks are going nowhere.

"Mudavadi has the Foreign Affairs ministry domiciled under his portfolio. This not only gives legitimacy to the position constitutionally by ascribing clear func-

tions to it, but it also gives Mudavadi the space to build his political base among the international community while giving him global visibility as the president's point man on foreign affairs in cooperation with the ministry of foreign affairs," said Prof David Monda, a lecturer at City University of New York.

"It is challenging for Rigathi because it appears the president has created a second center of power outside the DP's office to balance the influence of Mt. Kenya power brokers," said Prof Monda. He described the creation of the two offices as a grand political bargain between the ruling Kenya Kwanza and the opposition Azimio La Umoja One Kenya Coalition as each side stands to benefit. He said it is, however, being done at the expense of the taxpayers' money since there are already representatives in Parliament and at the counties.

But Jubilee Party Deputy Secretary-General Joshua Kutuny said the additional positions would reduce the perception of exclusion that he linked to tension and political chaos after every election. "Element of two communities coming together to run the affairs of this country will come to an end. More regions would have to come together in forming a government," said Kutuny.

"I can tell you that the 2027 elections would be competitive. Number two in the presidential election would also have an office. The Office of the Official Leader of Opposition would have a budget," he said.

The decision by the National Dialogue Committee to restructure and reconstitute the Independent Electoral and Boundaries Commission (IEBC) selection panel, however, means loss of taxpayers' money.

It means that the seven-member team led by Dr Nelson Makanda will have to vacate office and a new team put up to start the process fresh.

The selection panel that was appointed in February by President Ruto has been pocketing a total of Sh180,000 every sitting, according to Salaries and Remuneration Commission (SRC) rates applicable to panels and task forces appointed by the President.

According to the SRC rates, the chairperson is entitled to Sh30,000 as the six members get Sh25,000 each for every sitting, technical head paid Sh10,000, with a clerical officer and security getting Sh4,000. Other members of the panel are Bethuel Sugut, Novince Euralia Atieno, Charity S. Kisotu, Evans Misati James, Benson Ngugi Njeri and Fatuma Saman.

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The historic handshake that stopped Kenya-Uganda war

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stallation in the entire western Kenya. With increased developments in Kisumu as a crucial regional hub, Maj Mahaga views the lakeside city as a possible target of an attack: "With the launch of ships and shipyards, including the recent one by President (William) Ruto, among other developments, Kisumu is vulnerable. We need to start thinking of having a naval base in the lakeside city."

Reflecting on the events of October 1987, veteran journalist, Moses Radoli, who at the time was based in Busia, vividly recalls: "The barking automatic gunfire was from Kenya's then standard issue G3 automatic rifle. Within minutes, the busy bus park was empty. However, some of us (reporters) rushed towards the gunfire from our then press centre at Midland Hotel."

A cross-border war had just begun between Kenya and Uganda. The previous week, recalls Radoli, had seen the Ugandan National Resistance Army (NRA) massing troops across the border. The first AK-47 gunfire to Kenya had been unleashed by a motorbike-riding NRA lieutenant with devastating consequences. "The Kenyan police immediately returned fire. As gunfire raged on for several days, the town's residents fled and sought refuge in safer places more than five kilometers away from Mundika High School and beyond – the town remained to the media and the combatants," Radoli told *The Weekly Review*.

What many Kenyans and even Ugandans did not know was that the then Busia District Commissioner (DC), Simon Chacha, was a former Major in the military who took to the immediate frontline. In fact, reacting promptly to the attack during a live broadcast, Moi was poetic in his praise of the administrative officer, now deceased: "Kama mjuuavyo, hawa majirani wametuletea shida jana mchana lakini Buana DC wangu Chacha amechacha kabisa huko mpakani Busia (As you are all aware, our neighbours attacked us at daytime yesterday, but my DC, Chacha, is acting tough at the Busia border point)."

President Moi then ordered immediate reinforcement of police, including the General Service Unit (GSU), from neighbouring districts who staged a camp at the Busia Agricultural Farmers Training Centre (ATC), which presently houses Governor Paul Otumua's official offices. The DC's residential house had been targeted in the gunfire by the NRA.

For months, tensions between the two countries had been rising and by October 1987, they escalated into the cross-border gunfire. This was followed by accusations and counter accu-

sations from Kampala and Nairobi.

Malaba, which is the second largest Kenya-Uganda cross-border town, was the venue of the talks. The meeting between Moi and Museveni took place at St Michael's Malaba Township Primary School. The then school's Parents and Teachers (PTA) Chairman, Ibrahim Ojeje Asman, recalls: "There was very tight security not just around the school but all over Malaba town. Not just the regular and administration police, but also GSU, and segments of the Kenya Defence Forces that had been brought in by Nyayo buses."

At the neighbouring Malaba Health Centre grounds, there were four military helicopters parked, while security men panned out over large areas with sophisticated communications gear and guns, all around the school and strategic locations in town. He goes on: "There were three white tents erected in the school's ground overnight under tight security inspection. One was for members of the public, another for senior government officials and the third complete with red carpets that hosted the two presidents and their cabinet ministers."

"President Moi was the first to arrive with his team travelling from Eldoret and when Museveni came, people started booing and heckling him and even tried to block his lean motorcade, but Moi prevailed upon them to let him through."

After exchanging greetings, Moi assured Museveni that he had only deployed policemen, not the military, "otherwise within three hours or less we would be in Kampala and you would have nowhere to run to or nothing defend". A retired senior chief of Ang'urai location, who helped in organising the venue alongside DC Chacha, Alfred Olubai, says by the time they got orders from the DC, "our men had already repulsed an attempted attack on Adungosi Police Station by NRA soldiers disguised as women in 'Gomesi' (the women's traditional dress)".

"The atmosphere was tense and the only introductions done were those involving individuals accompanying the two presidents. Then they went on to discuss their business in their special tent, heavily guarded by security teams with Museveni's bodyguards conspicuously wearing white gumboots," recalls Olubai.

Ideally, this is how peace was restored, and how the border towns of Sio Port, Busia, Malaba, Lwakhakha and Swam were secured. But efforts to sustain the peace remains a daily challenge for Busia leaders. The situation gets dicey every election year with claims of poll rigging and interference by President Museveni.

■ WHAT'S THE MOTIVE BEHIND THE IDEA OF AVOIDING PARLIAMENT?

PRIVATISATION SECRETS

New authority could open the floodgates for corrupt elites to grab public assets



In November 2010, then-Finance Minister Uhuru Kenyatta nominated new commissioners and presented the list to the Finance Committee of Parliament for vetting.



The confusion in the running of parastatals occurs because responsibility is shared and spread between too many competing authorities.



Investors from the Gulf are reportedly scared of the long approval procedures that a potential investor has to go through.



The National Treasury, which is a shareholder in all parastatals, approves their budgets.



President William Ruto showed keen interest in the privatisation space right from the beginning of his administration.



Boards of parastatals are stuffed with too many ex-officio members, representing the line ministry, National Treasury, Attorney-General and Harambee House.



An ex-officio member representing the Ministry of Trade and Investment has also been introduced by the new Act.

● BY JAINDI KISERO

Why create a parastatal to sell other parastatals? That was the big question as President William Ruto last week approved a new Act of Parliament that spells out a new regime and framework for governing privatisation transactions.

It is a major point of departure because the intention of the drafters of the original framework was for a regime where the entity responsible for privatisation would have some relative autonomy. The name 'Privatisation Commission' was deliberate because the drafters wanted the ultimate authority on the politically-sensitive issue of sale of government assets to enjoy a modicum of independence – to be insulated from meddling from Cabinet Secretaries and Principal Secretaries – to be guided under a corporate governance regime distinct from the framework under which mainstream state corporations and parastatals are controlled and managed.

Instead of a 'managing director', the CEO was an 'executive director'. And, instead of a 'board of directors', the ultimate authority of privatisation would be run by 'commissioners' with powers to make executive decisions.

Unlike directors of parastatals, the appointment of commissioners had to be approved by Parliament.

In November 2010, then-Finance Minister Uhuru Kenyatta nominated new commissioners and presented the list to the Finance Committee of Parliament for vetting. It rejected them on the

grounds that the nominations did not reflect ethnic diversity. For nearly two years, the commission could not function because the National Treasury did not nominate a new set of commissioners. The secretariat of the commission – a full bureaucracy – was rendered idle, gobbling taxpayer resources for nothing.

That is the snag the drafters of the law President Ruto approved this week wanted to circumvent. Instead of 'executive director', the CEO will be a managing director. In place of a privatisation commission, it is a 'privatisation authority', implying that the institution handling the sensitive duty of selling state assets has to be grouped with entities such as Lake Basin Development Authority, Kerio Valley Development Authority and even some commercial state corporations such as Kenya Ports Authority and the Kenya Airways Authority.

Privatisation transactions have been pushed into a corporate governance system and regime that is mightily messy. The confusion in the running of parastatals occurs because responsibility is shared and spread between too many competing authorities. As managing director of a parastatal, you report to the board and chairman. You also take instructions from both the Principal Secretary and Cabinet Secretary of your parent ministry. The National Treasury – the shareholder in all parastatals – approves your budgets.

Boards of parastatals are stuffed with too many ex-officio members, representing the line ministry, National Treasury, Attorney-General and Harambee

House. And, under the State Corporations Act, Harambee House can unleash an abrupt audit in your operations at any time since the entity known as State Corporations Advisory Committee (SCAC) has immense powers over the whole public sector.

Yet, another unit, the Inspectorate of Statutory Board also has powers to spring surprise audits on managing directors of parastatals. Clearly, what the administration has done amounts to creating another parastatal out of the Privatisation Commission, but in name.

Sovereign wealth funds

While the old act provided eight slots for independent directors, the new Privatisation Act has reduced the number four. An ex-officio member representing the Ministry of Trade and Investment has also been introduced by the new Act. Which begs the question: What's the motive behind this idea by the Cabinet of keeping approval of privatisation transactions away from parliamentary scrutiny?

Conspiracy theories abound. First, the Ministry of Trade and Industry recently held a record number of investor conferences in capitals of rich Gulf countries and received the feedback that many sovereign wealth funds from that region were interested in privatisation deals here.

That investors from rich Gulf states were scared of the long approval procedures and processes which a potential investor interested in a privatisation deal in Kenya has to go through, including the risk of being dragged be-

fore Parliament to be interrogated by those pesky parliamentary committee members.

The government decided to change the law because it was re-counting on an upsurge of interest in privatisation deals from wealthy Gulf states.

President William Ruto showed keen interest in the privatisation space right from the beginning of his administration. We all remember how, during the first bell-ringing ceremony at the Nairobi Securities Exchange that he officiated in January, he publicly chastised the CEO of the Privatisation Commission, Joseph Kosgey, for doing no work.

"You should refund the money we have spent on your salaries," he said, charging that the PIC had not processed any privatisation transaction in the last thirteen years. Whichever way you look at it, the government has made a big gamble by seeking to remove parliamentary oversight in approval of privatisation transactions.

History has taught us that when you move and transfer assets of parastatals without the involvement of constitutionally-mandated oversight bodies, you open the floodgates for corrupt elites who will always angle to grab public assets on the cheap.

The main reason we had too many privatisation scandals at inception of the programme was that we went into selling public assets with neither a privatisation law nor a working and effective oversight regime.

Everything was based on a policy paper that was published in July 1992 but whose contents had no force in law.

opinion

The inner workings of politics and power in Kenya



KARUTI
KANYINGA

Political developments in Kenya are fascinating to watch, especially people not familiar with how the country works. Reading through the media gives the impression of a country that is always on a political campaign mode even when elections are concluded or several years away. And it does not matter whether at the national or sub-national (county) level. It is all the same. At the county level, relations between the county governors and their Members of County Assemblies (MCAs) are conflictual. There is political drama almost all the time.

At the national level, media coverage has been about internal conflicts and lack of coherence within the ruling Kenya Kwanza coalition. Some have even suggested that there is a rift between President William Ruto and Deputy President Rigathi Gachagua. The rift is attributed to the President's agreeing to have dialogue with the leader of the opposition, Raila Odinga, who mobilised public protests against the government and disrupted economic activities for a while.

A good understanding of why political conflicts remain endemic in Kenya requires one to understand how the country works. And this is

also true of many countries where politics is driven by elite interests. Kenya's politics has several features.

First, our elections are very competitive. Whether presidential or governor or MCAs, the competition to win these seats is intense and, for some, it is a 'do-or-die' contest for some leaders. The 'winner-takes-all' nature of our politics make this possible. Those who lose, sometimes lose lifetime investments.

Secondly, violent conflicts erupt around election time, more so after the election. These conflicts have ethno-regional dimension because of how political parties mobilise support. How the losing presidential candidate interpret and perceive their loss always causes violence. There is no presidential candidate loser who agrees that the election is free and credible.

Electoral technology

They are belligerent and often believe they won, or something went wrong somewhere with their votes. This belligerence is absent on the part of the governors, MCAs, and other candidates even though six elections are held the same day, same balloting booth, and same polling station. In fact, the number of petitions in the court for these lower

level seats has reduced, especially because many losers have no evidence to table to explain their loss.

Although in the past losers would table evidence on how the Independent Elections and Boundaries Commission (IEBC) applied rules in a biased manner that led to their loss, not many can adduce such evidence any more. With increased use of electoral technology, losers are not able to prove that technology affected the outcome.

It is, therefore, strange that demand for the audit of 2022 elections has not focused on the audit of the six elections conducted – Presidential, Senate, National Assembly, Women Representative, Governor, and Member of County Assembly. An effect audit can bring out any problems by focusing on voting and tallying of results of each of these six elections and in each polling station to verify the outcome. Any difference between total number of votes per seat would be a ringtone of trouble.

The third element of Kenya's politics is post-election bargains and pacts by political elites. Whether in ruling coalitions or opposition parties, political elites in Kenya have one thing in common: Politics is about personal benefits. How to advance personal interests and how to ensure institutions serve their interests remain their focus. On

account of this, those who win the election often begin by reconfiguring institutions – including economic policies through political business cycles – to effectively serve them. This may include altering governance of institutions to help in implementation of their new policy objectives.

Agreed to work together

After elections, losers are out there excluded from the benefits of politics. Sometimes the losers have what it takes to disrupt policy objectives of the winning coalition or political party. They may have resources, organisational ability, and ethnic and other social aspects of support that they can use to effectively mobilise against the winning political party.

The winner therefore is usually minded to pay attention to those groups and individuals who lose especially if they have resources and organisational capability to disrupt their programmes. Let us put this in context.

In 2017, Raila Odinga lost the election to President Uhuru Kenyatta and in March 2018, they shook hands and agreed to work together.

President Kenyatta was doing this mindful of the fact that Odinga's public protests had the potential to disrupt his economic policy plans. Their handshake went further than this. It led to their establishing

a broad based coalition, Azimio party, to compete against the then-Deputy President William Ruto's new coalition. Unfortunately, even with the support of the government and President Kenyatta and his Mount Kenya moneyed elites, Odinga lost. The Supreme Court upheld the results. But this did not stop Odinga and allied parties from organising protests against the outcome of the elections. In line with the characteristics of Kenya's politics, President Ruto and Odinga, had to have a tacit agreement on how to end the hostilities.

It does not matter who approached who first. What matters is that President Ruto has to be mindful about powerful groups that have ability to disrupt his policies. Also it matters that Odinga cannot stay outside without political benefits. Again in line with inner working of Kenya's politics, there must be a way of generating benefits for losers to ensure stability of the system. This is what stabilises Kenya. For this reason, internal conflicts within Kenya Kwanza are not anything new. Neither are the internal conflicts within Azimio anything new. All of them will continue changing until the time of another election. Some will remain inside and others will move out to create room for those outside.

It is noteworthy that these dynamics stabilise the system and allow for implementation of development policies. These dynamics end up delivering to all powerful groups and individuals a certain level of benefit acceptable to them. This prevents them from assaulting those in power. When they benefit, it allows those in power to impose their vision of policies without opposition.

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A daughter of migrants talks tough on migration

It's too easy to be a refugee... the rules for asylum claims must be toughened... the migration system is threatening the West... the dream of multiculturalism is dead...

Thus the Home Secretary, Suella Braverman, in two recent speeches, one in Washington DC, the other at the Conservative Party conference back home.

And she insisted, "This isn't just about policy or economics for me, it is personal. My parents came here in the 1960s from Kenya and Mauritius. They loved Britain from afar, as children of the Commonwealth."

She added, "It is not racist for anyone to want to control our borders. It's not bigoted to say we have too many asylum seekers who are abusing the system."

Ms Braverman's remarks were praised by senior figures of the far right, were seen by some senior Tories as a pitch for future leadership of the ruling party and were denounced by Human Rights Watch as "wholly false, cruel and unconscionable".

There seems little doubt, however, that Ms Braverman was reflecting the alarm of some Britons, particularly those in Channel port towns, and those of a "nationalist" disposition, at the migration situation.



GERRY
LOUGHRAN

A record 45,700 people crossed the Channel to the UK in small boats last year and Braverman promised that the government would go ahead with plans to send illegals to Rwanda, despite a string of legal defeats on the issue.

The Home Secretary's rhetoric made all the front pages here and sparked renewed interest in the lady herself. Aged 42, she was born in Harrow, northwest London, and grew up in nearby Wembley. She is the daughter of Christie Fernandes, a Kenyan Goan, and Uma, a Tamil Hindu, born Mootien-Pillay, from Mauritius.

Her father, a native of Nairobi, lived for a number of years in Mauritius, where he married Uma. They migrated to Britain in the 1960s.

Suella is named after Sue Ellen Ewing, a character from the American television soap opera, Dallas, which was a favourite of her mother. Uma herself

was a nurse and became a councillor in Brent, London. Her father worked for a housing association.

Suella read law at Queen's College, Cambridge University, secured a Masters at the Sorbonne in Paris, and sat her Bar exams and qualified as an Attorney in New York.

She is a Buddhist. When she became an MP, she took her oath on the book of Buddhist scripture, Dhammapada.

It was one of the most beautiful sights in England, certainly among the most photographed.

Sycamore Gap, a natural dip in the landscape in Northumberland, hosted a beautifully shaped, 300-year-old sycamore tree. It stood just yards away from Hadrian's Wall, constructed by the occupying Romans nearly two thousand years ago.

Picture-perfect, everybody agreed! But, unbelievably, during the night of September 27, somebody took a chainsaw to the tree and chopped it down.

The result was a national outpouring of anger and astonishment, with ordinary people asking why anyone would want to commit such an outrage.

Worse, in falling to the ground, the tree damaged part of the 73-mile wall that stretches across the whole of northern England.

A man in his 60s and a boy of 16 have been arrested on suspicion of criminal damage while police inquiries continue.

Whether it's down to more food, less work, better health care, hygienic living or all four, the number of 100-year-olds living in England and Wales is at record levels. Official figures last week said centenarians rose over the past century from 110 people at the 1921 census to 13,924 on Census Day in 2021.

The rise has led to calls for a better strategy to deal with an ever-ageing population.

That said, Britain cannot compare to Japan, which has the world's oldest population with more than one in ten people now aged 80 or older.

Prime Minister Fumio Kishida said in January that his country is on the brink of not being able to function as a society because of its declining birth rate.

A devout Christian is desperate to win the lottery. He goes to church and prays long and hard but when the results are announced, he hasn't won.

Without delay, he returns to church and remonstrates with God, pointing out how often he prays and how he obeys all God's rules. But again he does not win.

Once more he goes to church and prays again, this time in despair. Suddenly, the clouds part and there is a figure with a grey beard looking down upon him. The words are clear: "OK, you want to win the lottery. Then please meet me half-way. Buy a ticket!"

Jerry tells his friend Ben that it's easy to win at Las Vegas, that he went there driving a \$20,000 Nissan and came back in a \$400,000 Lamborghini. "I'm up for that," says Ben and heads for Nevada in a \$30,000 Toyota. He returns in a \$800,000 vehicle, a Greyhound bus.

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people, power and politics

■ It will be interesting to see whether President Ruto will come to his aid and silence the critics

UDA party polls, mergers and the curse of DPs: Kibaki, Saitoti woes and lessons for Gachagua

After George Saitoti lost his position as Kanu's vice president in a choreographed fall, he met with a few of his friends in the evening. "I feel pain," he told one of his confidants, Alex Magero. "I feel betrayed." The evening was long after the merger of Kanu and Raila Odinga's National Development Party. That night, Saitoti's trusted bodyguard, Ole Sultan, served some cognac as everyone drowned their sorrows. As Magero told me some years later, it was a night of bitterness. Kenya's longest-serving VP and the second senior-most Kanu politician had been publicly humiliated. There was no comeback.

History has an uncanny way of repeating itself, and watching Deputy President Rigathi Gachagua and the political motions that he is going through reminds me of other VPs who went through similar predicaments. It is still too early to foretell whether the camaraderie between Gachagua and President William Ruto has died – but the body language does not show some strong chemistry. Some of Gachagua's supporters say this fallout is a media creation. But we know that Dr Ruto camouflaged his fading relationship with former President Uhuru Kenyatta as a press creation. Gachagua has made several political mistakes. He is busy creating new enemies. By trying to rally the Mt Kenya region behind himself rather than Dr Ruto, Gachagua made a cardinal political mistake. He quickly forgot that President Ruto was not popular within central Kenya courtesy of some Gachagua magic, but by his snake oil salesman



JOHN
KAMAU

promises, a bit of Odinga-phobia, an anti-Uhuru Kenyatta vote, and the promise of a theocratic order.

By making himself the Mt Kenya 'kingpin' – whatever that means – Gachagua thought that Dr Ruto would have to kowtow to him ahead of the 2027. But as things stand, Musalia Mudavadi has become the political insurance in case Mt Kenya retreats from the United Democratic Alliance – as part of its usual exodus from political parties. The bipartisan talks that Gachagua opposed might give Musalia a constitutional office.

UDA will conduct its grassroots elections by December, which will be the biggest test for the Mathira man. He should learn a lesson from Moi's Vice-President, the late George Saitoti: He must have the most delegates. His other prayer would be that Musalia Mudavadi party does not join UDA, which could create a battle for the number two position within the party.

It is good to remember that Moi upstaged other politicians within the Jomo Kenyatta government by folding Kadu and becoming Mr Yes Sir. More so, Raila Odinga caused a stampede within Kanu after its merger with his National Development Party (NDP). In Kenyan politics, newcomers are treated better – and Gachagua might know that soon. Suppose Kimani Ngunjiri, former Bahati MP, is to be believed? He recently claimed that the DP has sidelined some of his supporters.

Other pundits say Gachagua's political cacophony on shareholding isolates him and turns him into a regional rather than a national leader. More so,

most of the DP's diary is within the Mt Kenya region, and soon, he might face the same accusation that Mwai Kibaki faced when he was Moi's vice president. Kibaki was ridiculed as Othaya's VP as his political influence began to wane – mainly because of numerous personal differences with Moi. He was finally dropped on March 24, 1988.

Unlike Moi and Kibaki, who had a long political history, the same cannot be said of Gachagua and President Ruto. Moi had picked Kibaki in 1978 to assuage the Kikuyu – and again, Kibaki had been one of Moi's ardent supporters as he battled the Kiambu mafia. In the axis was Charles Njonjo, the attorney general, who had hoped to one day upstage Kibaki and get the position. Gachagua is lucky that the Constitution protects his position but does not guarantee him any other responsibilities apart from chairing the Inter-Governmental Budget and Economic Council. Other functions are as assigned by the President, and any fallout could isolate him. In the recent reshuffle, the President added an extra ministerial docket to Prime Cabinet Secretary Musalia Mudavadi. It meant that Musalia has an upper hand in the assigned portfolio.

As murmurs on Gachagua start within the UDA, it will be interesting to see whether President Ruto will come to his aid and silence the critics. When Njonjo started undermining Kibaki – and just before Njonjo was dropped after May 8, 1983, traitor bombshell – President Moi came to his defence: "I am warning those undermining the vice-president... nobody should try to frustrate him because he will not perform his duties properly"

That was the only time that Moi came to the defence of Kibaki, who also used the 1983 Njonjo crisis to scatter his enemies, who by then included Njonjo. But the absence of Njonjo from the political scene also meant that Kibaki was the most vulnerable of all senior politicians. Foreign Minister Elijah Mwangale was by this time openly campaigning to be appointed the VP, which led Kibaki to talk about "political tourists" being sent to Nyeri District without his knowledge to undermine him. It was not lost to observers that Kibaki was also under siege in Nyeri from Waruru Kanja, who besmirched Kibaki's bosom friend, Isaiah Mathenge, as a "home guard". Others who would openly attack Kibaki included Nakuru Kanu supreme Karuki Chotara.

It was a political strategy used by Moi to re-organise Mt Kenya politics by dethroning the two most powerful politicians in the

region. One should not be surprised if Dr Ruto uses the same formula in case he wants to shed the entitlement burden. Gachagua is making the mistakes that Prof Saitoti made. By working solo without the Rift Valley elite, Saitoti thought he could marshal his support. Again, as VP, he naively thought that his appointment to one of the senior positions would be automatic, nay, guaranteed. As he left his Lavington home in Nairobi for Kasarani, he hoped to emerge as one of the national kingpins. He was wrong. "We had worked very hard up to that morning," the late Magero, one of Saitoti's campaign managers, told me. "Saitoti was confident that he would get a prime seat." But what Prof Saitoti did not know was that vintage Moi had plotted his downfall, albeit slowly, behind his back and that the first would be a salvo at the Kasarani Gymnasium Stadium and in public. As UDA goes to the polls, these are pointers that Gachagua should watch for nothing is guaranteed.

As Moi's vice-president since 1988, Prof Saitoti initially thought he had the upper hand in the Moi succession as the country's second senior-most politician. But Moi had other thoughts on him. How Moi treated his vice-presidents – starting with Mwai Kibaki – said much about his leadership style. At best, they were figureheads with little say in the Kanu administration, and at worst, they were humiliated – like in the case of Dr Josephat Karanja – or demoted, as he did to Kibaki. In politics, Moi seemed to believe there are no permanent friends, only interests and survival. He never trusted them. That day, and as the merger of Mr Odinga's National Development Party into Kanu started, Saitoti was horrified to find that his name was nowhere in the line-up. He walked over to President Moi, and according to multiple sources, he complained loudly about his missing name. It was the first time that many of his friends saw him complain bitterly. But Moi dismissed him with: "Kimya (shut up!) Professor, if your name is not on the list, it is not there."

Raila had played his cards well – or so he thought – that the merger would give him the elusive presidency. But that was not what Moi wanted. Instead, he was plotting for a group of newcomers: Uhuru Kenyatta, William Ruto, Musalia Mudavadi, and Julius Sunkuli. Saitoti didn't know that his fall was choreographed behind his back at State House by some Rift Valley elite he associated with in the past. Another person to fall with him was Kanu Secretary General Joseph Kamotho, whose position was to be taken by Odinga. None of them got wind of the embarrassment that lay ahead, and as they drove to Kasarani with their heads high, they didn't realize that the political die was cast. The UDA elections will be a Waterloo for some individuals as Ruto reorganises his party. It will be a thrilling replay of Kenya's politics. Just watch.

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OBIT

"Django Unchained" actor dies at 53 in US



• LOS ANGELES

Keith Jefferson, the actor who worked for Quentin Tarantino on *Django Unchained*, *The Hateful Eight* and *Once Upon a Time in Hollywood*, has died. He was 53.

Jefferson died on Thursday, his rep Nicole St. John told *The Hollywood Reporter*. He announced in August that he had been diagnosed with cancer.

"Every now and then God will give you a challenge and leave it up to you to fix it," he wrote then. "When I was first diagnosed with cancer I had to stop, pause, and didn't want to share with anyone. Not my family nor extended family. Today I'm finally at a place to share because my faith is getting stronger." Born on April 7, 1970, in Houston, Jefferson received a BFA in musical theater from US International in San Diego and an MFA in acting from the University of Arizona. He landed his first onscreen role in *Boys on the Side* (1995). He portrayed Pudgy Ralph alongside Jamie Foxx, Leonardo DiCaprio and Samuel L. Jackson in *Django Unchained* (2012), then appeared as Charly in *The Hateful Eight* (2015) and as Land Pirate Keith in *Once Upon a Time in Hollywood* (2019). Foxx took to social media to pay tribute to the actor, writing, "This one hurts. Keith, you've been nothing but absolute grace, your whole life your heart is pure your love is immeasurable you were an amazing soul. We will all miss you dearly. It's gonna take a long time for this to heal. Goodbye, my friend. I love you."

Foxx and Jefferson, who met each other in college in San Diego, started working together in the '90s when Jefferson made an appearance on two episodes of *The Jamie Foxx Show*. They most recently worked on the Prime Video drama *The Burial*. Foxx added in another post, "Everything hurts right now having a hard time looking through these pictures reliving the memories of us having a great time going to miss you man gonna miss you... every since we met back in college, you have been in incredible soul God rest." Jefferson also worked as a producer, voiceover artist and acting coach. His other TV and film credits included *Relative Opposites*, *Dad Stop Embarrassing Me!*, *You Too, Bosch: Legacy and Day Shift*. As for the stage, he had roles in such touring and regional theater productions such as *Big River*, *Othello*, *Superior River*, *Superior Donuts* and *Piano Lesson*. St. John said Jefferson had several projects in the works and was in the "midst of a project that captured his unique and resonant voice. He had been looking forward to returning in the new year."

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