

# Kenya: Not Yet Uhuru

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18 months ago, Kenya experienced a peaceful regime change for the first time in the post-colonial era. The National Rainbow Coalition (NARC) won a landslide victory against the Kenya African National Union (KANU) government, in a win that was hailed as a new beginning for the struggling country. NARC came into power on a strong reform platform that emphasised good governance and poverty reduction. The pre-election pledges included: putting a new constitution in place within 100 days of coming into power; having a smaller, more effective government; reducing government spending; and eradicating corruption.

Kenyan confidence in their government was boosted when within six months, two laws crucial in the fight against corruption were enacted. Apart from the Public Officers' Ethics and the Anti Corruption and Economic Crimes Acts, the President also established a Governance and Ethics Office and appointed a well-known and respected anti-corruption expert. Considering these positive actions, Kenyans were at first understanding when the government reneged on the promise to have a new constitution within 100 days in power. 600 days later and they are still waiting.

It has taken one and a half years for Kenyans to realise that a new government does not necessarily mean better or more responsive governance. The constitutional review process has been hijacked by politicians determined to push their selfish and short-sighted agendas, no matter the cost to the rest of the country. A new constitution was passed by the National Constitutional Conference in March 2004 with only two major contentious issues left – parliamentary versus presidential, and central versus federal systems of governance. Despite the fact that the Constitution of Kenya Review Act 2001 states that contentious issues will be resolved by referendum, and that parliament only has the power to either accept or reject but not amend the draft constitution, some MPs are insisting

that they should have the power to amend the draft. The entire process has reached a deadlock with no clear end in sight, relegating Kenyans, once again, to the sidelines to watch helplessly as a few selfish politicians arrogate a process that has taken a decade to materialise and which they believed that NARC would protect.

Kenyans were told the NARC government would have a 15-member cabinet. The euphoria that accompanied the NARC victory had not even died down before the new President broke this promise and announced first a 23, and then a 25, member cabinet. It now seems the government has forgotten their original promise: the President recently expanded the cabinet and appointed four new Ministers and 17 Assistant Ministers.

To add insult to injury, the first thing the Parliament did was increase their remuneration and perks, after a debate that lasted only two and a half hours and despite overwhelming public opposition. While 60% of citizens live in absolute poverty, 222 MP's each take home over USD 6000 a month. 18 months and hundreds of thousands of dollars later, the Parliament is proving to be the worst performing legislature in Kenya's history. Parliamentarians have barely managed to pass two major bills; frequently adjourn due to lack of quorum and are plagued by infighting that threatens to bring the already minimal output to a total standstill. Yet, these same MPs recently proposed a new scheme<sup>1</sup> for lavish retirement packages that will see every Member get at least USD 18,000 for every term served. The proposal has not yet been tabled in Parliament, but it is almost certain that they will waste no time in awarding themselves this deal.

The convoluted Constitutional Review Process, expanded government and huge benefits paid to under-performing law makers has rubbished the promise to reduce government spending and contributed to a huge

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<sup>1</sup> East African Standard, 11<sup>th</sup> July 2004 – MPs in New Scheme to increase their perks <http://www.eastandard.net/intelligence/intel10070412.htm>

budget deficit amounting to USD 1 Billion. But the wanton fiscal indiscipline displayed by government has gone a step further and highlighted their contempt for the hardworking people who sustain them. In 2003 the government spent USD 425,000 to purchase a home for the late Vice President's widow. And another USD 587,000 to pay off his private debts! USD 15,000 was squandered on what can only be described as a complete fiasco: the Government, in an impressive display of naïveté, commandeered some poor bewildered Ethiopian peasant and declared him a long-lost freedom fighter and national hero. Once the truth emerged, the government smuggled the "hero" back to Ethiopia and has never made mention of the saga again. Of course the taxpayers did not get a refund for this gaffe.

The Government actions are particularly concerning when measured against the principles laid down in its Manifesto and the Economic Recovery Strategy, especially regarding priorities for government spending. They effectively wasted USD 137 million when they scrapped a police communications networking project four weeks before completion. They then announced plans to initiate what is essentially the same project but which will cost USD 187 million. As of April this year, the new task forces had cost the taxpayer USD 8.1 Million, and continue to guzzle more. 18 months after coming into power, none of these commissions, except the Constitution of Kenya Review Commission, have produced anything. It is unlikely these expensive ventures will amount to much except provide entertainment for the masses, make millionaires of those in the commissions and impoverish the taxpayer.

To make matters worse, the current budget showed that USD 12.5 Million has been allocated to construct a residence for the Vice President, despite the fact that there is already an official residence, which was appropriated by the former President. When this huge sum was questioned, the government attributed the allocation to a typing error! The original sum allocated was USD 624,000.

But the event that has forever shattered the rose coloured glasses through which Kenyan's viewed their government, is the Anglo-leasing scandal. In May, an

opposition MP blew the whistle on a multi-million dollar tender for the development of tamper-proof passports. It emerged that the tender was awarded to Anglo-leasing Finance, a company with dubious credentials, at a grossly inflated price and without adherence to due process. Soon after it hit the media, there were revelations of yet another multi-million dollar tender to the same company. Though the deals were busted before Kenya lost money, the government's procrastination in bringing those implicated to account confirms the public belief that high-ranking government officials are involved. So much for the government's "zero tolerance" campaign against corruption!

Shortly after the Head of the public service made an ill-advised – and quickly retracted – announcement that the government had been cleared of complicity in the Anglo-leasing scandal, donors added their weight to calls for public accountability. Mr. Edward Clay, the British High Commissioner to Kenya, was scathing and stated that "...they can hardly expect us [donors] not to care when their gluttony caused them to vomit all over our shoes. Do they really expect us to ignore the lurid, and mostly accurate details conveyed...?" While MPs reacted angrily to Mr. Clay's comments, he has received overwhelming support from many, including churches and civil society.

The exposure of grand corruption has serious repercussions for Kenya and the budget deficit, which the Minister of Finance hopes to fill using donor funds. The EU has stopped disbursement of budget support amounting to USD 58 Million, and it is expected that other donors may follow suit if the Anglo-leasing scandal is not dealt with decisively.

Many Kenyans believed the NARC campaign slogan "Everything is possible without Moi", but those who were not optimistic about the Government's ability to bring about fundamental change must now feel vindicated. New people at the helm without any resulting change has brought home the hard truth: that bad governance in Kenya is not just as a result of kleptocratic leaders. Weak institutions that confer huge powers to leaders, to do as they please under a shroud of official secrecy and without accountability, is the primary problem. Unless this and successive governments are reigned in and held to account by strong, independent institutions, Kenya will never be able to pull itself out of the quagmire of poverty. ■