

Kenyan Building Bridges Initiative Weighed?

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Abstract— Attempts have been made by independent Kenyan governments to settle historical injustices in the country. Committees have been formed to investigate and offer possible solutions to these chronic problems, unfortunately those attempts have not been successful as implementation of the recommendations from the committees have not been put into practice. Following many failed processes to offer a permanent solution, many Kenyans view these initiatives as a norm that every sitting president has to set committees to offer possible solutions to the historical problems which after the release of the recommendations the hard work, advice and input in restoring tranquility in the country is rendered useless as the recommendations are put in a bay. Many Kenyans have questioned the possibility of the Building Bridges Initiative (BBI) offering solutions to the nation given that it is just a report like the previous ones which have been archived. This paper highlights the historical injustices in the country which probably will put the BBI in a weighing balance to determine whether it will offer solutions to the problems or else it will soon be forgotten before its implementation. The study offers possible recommendations to ensure that BBI is fully implemented.

Index Terms— Building Bridges Initiative, Kenyan constitution.

I. INTRODUCTION

The promulgation of the Kenyan constitution on 27/8/2010 by President Mwai Kibaki renewed hopes and expectations towards addressing specific historical issues that affected Kenyan citizens. The adoption of the constitution was praised and in fact seen as the most profitable and significant political milestone since the country gained her independence. Its promulgation created an avenue for legal and institutional reforms which seemed to be bringing the minorities and marginalized groups to the light. Land injustices was hopefully going to be a thing of the past. Unfortunately, almost 10 years down the line, little if any has been achieved. Recommendations from the legal institutions land on deaf ears. Though the constitution upholds some of resolutions to the chronic problems, the same has not been implemented. Is there hope after the famous “handshake” of the Kenyan President Uhuru Kenyatta and the opposition leader Raila Odinga? Is the Building Bridges Initiative (BBI) going to end the generational injustices? What different will it offer? Rather will history repeat itself?

The building bridges initiative came at a time when the country needed it most. BBI is a product of the famous ‘handshake’ between long political antagonists’ President Uhuru Kenyatta and opposition leader Raila Odinga. The handshake restored peace in the country after a long period of

political tension. The initiative though embraced by many and worldly acknowledged, critics view it differently. To them (critics) BBI is engulfed to 2022 political succession battles. The two BBI protagonists have come out to defend their coming together as not on their political advances rather spearheading the country to recover from difficult political, economic and social problems as well as bridging the gap between different political, social and economic classes in the society. Among them being politics of exclusion which has had negative impacts to the Kenyan society. Though the deal sounds good, one must take cognize of Kenya’s political and economic history to unveil what these moves can be all about. This has created suspicion to the deputy president William Ruto and his political allies who seem to predict the game foul (Citizen Digital 25.1.2020).

If the reasoning of BBI is implemented as stated, then it will help address the chronic historical injustices in the country. But the challenge is, will these initiatives be implemented, or they will soon be forgotten like other previous reports and initiatives? And this being not different from the other initiatives, the future of Kenya is uncertain as the nation struggle with many undressed issues even in the wake of the BBI which has created political divisions. Will the actors of the BBI push it to materialize? Or else will it prolong the political quagmire and unyielding search for change for a better country? With many questions still unanswered, majority of Kenyans are optimistic that the BBI report generated will engineer a better society.

For the country to realize social, economic and political development as well as national integration, historical injustices must be dealt with. But key to note is, Kenyan politics has been a game of cards which favors those in leadership. If the current BBI must offer a solution to the country, then a different approach must be employed which seek to settle these injustices before the politicians kid the citizens that all is well and sorted. The following historical injustices are yet to be solved. If BBI will be viable these injustices must be addressed.

II. TRIBAL POLITICS

Kenyan politics has been characterized by ethnic tensions since independence. Kenyan politics for long has assumed a divisive nature. Since independence, unity and maturity in politics has not been witnessed. Political leaders have successfully brainwashed their tribes’ mate and dragged them into a pool of dirty politics. The first two political parties before and during independence that is Kenya African National Union (KANU) and Kenya African Democratic Union (KADU) propelled the current tribal politics in the country. KANU was made up of the major communities

(Kikuyu and Luo) while KADU was made up of the smaller communities. KADU was formed as a way of avoiding Kikuyu and Luo dominance in the political arena. KADU was for a federal government while KANU opted for unitary government. Later community based political parties thrived almost in all regions. This was spearheaded by the community kingpins who seem to be the determinant and the vision bearer of community politics.

Communities blindly follow their so called kingpins. Political decisions made by these kingpins are paramount and those other political leaders who seem to offer contrary opinions face the wrath of the community. Viability of the decisions is never questioned. Community flaggers command a lot of influence in determining who wins votes in their respective region. In most cases such trust, power and influence has been misused as the same people preach hatred and enmity between communities. Stereotyping of communities and name branding has been used as a political weapon to downplay other politicians. Community politics is very key in Kenyan politics as communities are more affiliated to their own people. In fact electoral malpractices and post-election violence is a product of tribal politics and community kingpins. The big question is, will BBI to change Kenyan politics? Will tribal politics be transformed to national politics that seeks to get the best leader based on their ability to deliver to the people rather politics of 'our own'? Will BBI decentralize Kenyan politics for a more equal and fair society?

III. ELECTORAL MALPRACTICES

Kenyan elections are characterized by who controls the government machinery. In the country, election seem to be mirrored by a quote from Russian strongman Joseph Stalin that "those who cast votes decide nothing but those who count the votes decide everything". Rigging of elections has a long history since President Moi's regime. Elections are always marred by widespread rigging, allegedly presided over by the electoral commission. During Moi's era, those who questioned election results were arrested or expelled from KANU party. Even after multiparty democracy was introduced, KANU government retained control of government machinery which made it impossible to realize free, fair and credible elections. Kenyan politics is on who knows who and the political influence. It is not just the Moi's regime that credibility of elections was questioned but even the successive regimes.

During president Kibaki's reign, the worst in Kenyan political history happened. In December 2007 general elections, violence, bloodshed, destruction and loss of property characterized the post-election experience. The main reason for the post-election violence being the unfair electoral process that yielded false results. The election results were questioned by the opposition and the international observers which sparked tribal clashes. Committees of experts were established to inquire the causal problem of the 2007 elections. Among the key issues that were highlighted by Kriegler and Waki's commissions as the major weaknesses of the electoral commission of Kenya (ECK) led by Mr. Samuel

Kivuitu included,

Defective system of vote tallying and relaying of information. The reports from the two commissions detailed that the tallying of votes was not done in transparent manner. The integrity of the relayed results was questionable. For instance, it was established that some returning officers did not sign some crucial election documents including the form 16A raising questions on validity of the results. This was evident since after the elections, those declared duly elected soon lost their seats through election petitions.

Composition of the ECK. Kenyans were suspicious on the manner in which commissioners were appointed. The opposition got concerned that the government was planning to rig the votes. The major concern was that the incumbent President Mwai Kibaki rejected the previous formula that was used in appointing the commissioners which included political parties nominating some of their preferred candidates. This was coupled with the incompetence of the ECK officials. The ECK officials led by their chairman were incompetent and could not effectively execute their duties. In fact, at some point the chairman of the ECK, was unable to pinpoint the winner of the hotly contested presidential elections. When questioned on the results he stated that it was impossible to establish who won the presidential elections.

Irregularities in the voter register. On several occasions the voters register was found faulty. Many Kenyans were not registered as voters, as well as Kenyans in diaspora denied their right to vote since they could not participate in the elections. That's not all, deceased Kenyans were found in the voter register. Women were not spared on the raw deal as a good number of them who had attained the age of voting were not in the electoral register, this also applied to communities in remote parts of the country.

Issue of strongholds. Some regions in Kenya were out of bounds for the political parties not supported by the community kingpins. For instance, some regions were taken as ODM part strongholds while others were referred to as PNU strongholds. This served an unfair political ground for fair democracy. A raw deal was served to the political parties that were not supported in different regions since they could not campaign in such regions. In addition cheating was employed in different regions as inflation of numbers was employed. In several occasions, votes relayed as actual results was more than 100% of the registered voters, which is humanly unrealistic. Vote buying and ballot buffing was largely employed to win votes. It was quite pathetic.

Even after the post-election violence which saw some key Kenyan political leaders charged at international court of justice at The Hague, Netherlands for charges related to the violence, Kenyans are yet to realize free, fair and credible elections characterized by peace. In 2017 general elections, Kenya was nearly assuming the same path of 2007. Presidential elections were nullified by the Supreme Court following cases of rigging as well as ballot buffing. The general process was incredible hence the results being void. Thereafter, the opposition demanded reconstitution of the Independent Electoral Boundaries Commission (IEBC). Their grievances were never addressed which led to their withdrawal from the elections. After the results were announced the country was again in violence as the opposition was not ready to take the results. The opposition

followers were involved in rat-cat game with the police as they demonstrated against the government. Several people lost their lives as property was destroyed.

The opposition leader Raila Odinga was sworn in by his political allies who are commissioners of oaths something which totally changed the political game. He declared himself the president of the people. His unwavering supporters showed up in great numbers for his swearing in. The pressure was too much as President Uhuru Kenyatta could not watch the country torn apart. Several regions that supported opposition threatened secession and declared that they were not part of Kenya. For instance, the coastal region which adopted a slogan "Pwani Si Kenya". They went ahead to produce their own money (Bangla Pesa), which they comfortably used to transact businesses along the coast. It is until the famous 'handshake' of 9th March 2018 that peace was restored. This resulted into the Building Bridges Initiative. It's interesting to know the mechanisms to be employed by the BBI to solve these electoral malpractices permanently. Will BBI heal the country from post-election clashes witnessed after every five years?

IV. LAND INJUSTICES

The independence of Kenya was a sigh of relief to the Kenyan citizens who hoped that things would change for better. Little didn't they know that the highly skewed system of land ownership was the start of land injustices as the independent government failed to reverse the lost land to the Africans. It is not only the independent government but also the other successive governments have failed to adequately deal with land injustices thus creating a scenario that calls for a national address. According to a paper published by society for international development on public land, historical land injustices and the new constitution, the issues of land are characterized by high number of squatters who are languishing in poverty. Land issues remain emotive, contentious and an obstacle to national integration as well as growth in all aspects of life. Land issues has been made worse by unjust land distribution, environmental degradation, uneconomic land subdivision among others. Due to these issues, poverty has crippled majority of Kenyans as land is majorly the only resource that sustains many Kenyans by providing means of earning income as well as a means of production. The landless end up in social crimes to survive. Following slow court processes lots of land cases have piled in the courts. Many have lost hope in repossessioning back their land after being in courts for over 25 years after fraud dispossessing. Some of the Kenyan citizens have been disinherited from their ancestral lands which cause ill and bitter feelings which at the slightest provocation land clashes would occur. For instance, the cases of the Mau forest evictions, Kihui, Mwiri and Ngati farmer's cooperative society (The Star, 06.02. 2020). Kenyan governments is to be blamed for these injustices as most land issues are politically instigated. Any attempt by the different stake holders to sanitize the land processes has been politicized and sabotaged.

The Kenyan government has sustained colonial policies

hence contributing to the infringement of citizen rights to land. The mess started when the independent government established schemes where land was reserved for the prominent people at the expense of the poor farmers. Up to date it's those prominent people who still own land. And the worst of it all is, this land is not put into use yet there are hungry poor Kenyans who have no land. These has always rose eyebrows on who is lying who. Politicians who are the key owners of land, promise to work on land issues instead of allocating the landless Kenyans pieces of land at their disposal and solve land issues forever. The big question remains, how will BBI work differently from the previous governments? Will land illegally owned be handed over to the public? Will BBI address the issues of unequal distribution of land that led some being landless and others controllers of this factor of production?

V. YOUTH UNEMPLOYMENT

Youth unemployment has been a great challenge in the country. According to Statista (2020), youth unemployment rate in Kenya in 2019 was 18.34%. It has also been noted that, the number of street children has been increasing. Many of these initially rootless children who some are now adults are products of displacement by ethnic violence. They have grown up on the streets and are inured to violence, something that is extremely dangerous. Though many youths have the ability to communicate in English, they have no hope of formal sector employment. The combination of being rootless, having survived amidst violence, plus their need for an identity and a livelihood makes them ready recruits for violent gangs, which exist all over Kenya and are tapped by politicians, particularly but not exclusively during elections (Kriegler and Waki reports summarized version 2009).

In addition, there is also a growing problem of unemployment among the youths who have university education. Their desperation and the feeling of emptiness as well as the need to live a life worth their level of education has seen them engage in social crimes and indulge in drug abuse. This level of misery and disappointment in life, compel majority of them to engage in all manner of social crimes as a way of earning a living. There fear of intimidation from those who didn't make it to the university has had a great impact to them. These individuals are always ready to engage in violence so long as they are unable to find work. Violent gangs, consisting mainly of unemployed youths have been mobilized into gangs along ethnic lines. Failure of the society to tap the youth's energy has created friction in their relationship. The society see the youths as trouble makers who ought to be disciplined by the society if not imprisoned. The rising specter of young engaging in crime is wanting. Will BBI offer a solution to the unemployed youths? Will BBI create both formal and informal sectors to offer jobs to the youths?

VI. MARGINALIZATION.

According to Kapiyo, Kiruthu and Muma (2011), marginalization refers to an act where a group of people who because of laws, or practices, were or are disadvantaged by

discrimination on one or more of the grounds of sex, numbers, poverty, political exclusion and discrimination, under representation in decision making, limited access to educational opportunities among others. Though the constitution empowers everyone to complain in a court of law in case one's rights or fundamental freedom is denied, violated, infringed or threatened, the process has been marred with a lot of corruption, political interference as well as delays in executing justice. According to a study by National Gender and Equity Commission on flares of marginalization among selected minority communities of Kenya, minority communities in the country face multiple challenges in the country due to the following factors.

Identification dilemma

Some ethnic groups in Kenya are not recognized to constitute homogeneous communities. These people live in scattered regions and some have been absorbed and assimilated by the larger communities. They include the Watta who live in the coastal region, Yiaku who live in Mukogodo forest in west central Kenya, the Terik who live in Vihiga and Nandi counties. The Bajuns who live in coastal region are also marginalized. The driving factor for their marginalization being their numbers. Majority of these people lack the legal documents of being in Kenya. They are strangers in their own country. They are neither politically represented nor involved in decision making in the country. Their cry to be considered as Kenyan citizens as well as possessing identification cards has landed on deaf ears. They are not recognized as Kenyans and consequently they do not enjoy any form of development or governmental support. Such communities rarely have access to education. If BBI must be a success then such communities need to be recognized and be appreciated as part of the nation. They should be entitled to all rights and freedoms enjoyed by the other citizens. Being small communities and living among numerically superior groups and communities, these communities continue to grapple with lost collective community identity.

Gender

Sex has been a factor for discrimination. Though a slight improvement is witnessed, the country is yet to practically have women well represented in politics. Kenyan politics is entirely dominated by men. The few women who have ventured in politics have had to beat many odds to rise in power as their male counterparts profile them as weak and politically uninformed. The traditions and cultures of most communities present women as custodians of families and hence should focus on building their families, supporting their husbands and doing manual work to keep the family going. Women have suffered both physical and psychological torture in the hands of men. In worst circumstances, some have even succumbed following domestic violence. The patriarchal model has disempowered women. It has been a great challenge to compete fairly in a male dominated field. In fact even those women in power have sometimes been assaulted by their male counterparts when political discussions seem unbearable. The top political roles are entirely managed by men. Women are assigned lower roles

which in some cases they have been accused of not performing their duties as expected. Women are yet to be empowered to utilize their potentials. With BBI and the slogan "Wamama na BBI" by the political class, will future be brighter for women?

Disability

According to Kapiyo, Kiruthu and Muma (2011), disability refers to any physical, sensory, mental, psychological or other impairment, conditions or illness that has, or is perceived by significant sectors of the community to have substantial or long-term effect on an individual's ability to carry out ordinary day to day activities. Men and women with disabilities have undergone discrimination associated with their condition. Though the Kenyan constitution outlines rights that persons with disability are entitled to, they have not been incorporated in the government activities. The necessary infrastructures to ease their access to public places, public transport and information is yet to be fully put in place. There are few special primary and secondary schools as well as regular integrated units to take care of people with special needs. Many a times government meetings and live broadcast to the public has not taken care of persons with hearing impairment. Shortage of access materials and devices to overcome constraints arising from persons with disability is yet to be realized. Their capacity to make major contributions to national development is not fully utilized as majority of the Kenyans view disability as inability. Going forward, BBI should recognize that persons living with disabilities deserve equal treatment as their counterparts with no disabilities. It should clearly note that disability is not inability. Persons living with disability need to be empowered, motivated and be assisted to engage in viable economic activities to help them earn a living. It is the high time BBI masterminds need to push for full implementation of the rights of persons living with disabilities.

Level of education

Most school going girls have had to stop education because of several reasons. Firstly, most parents prefer educating the boy child to the girl child. Girl child is seen as an asset of creating wealth to the society, hence should not use family wealth. It's still upheld among the Kenyan communities that girls should be left to grow to their marriageable age then their suitors will pay dowry to the family. This has made the girls unable to compete favorably with the boys who are let to acquire education and consequently jobs and more so acquire knowledge and skills on how to face life challenges and overcome them. Women are reduced to beggars who have to tolerate even domestic violence because they are yet to realize empowerment. The Building Bridges initiative should go an extra mile to educate the society on importance of educating the girl child as well as uplifting them economically and politically.

The pastoral and nomadic communities are equally discriminated due to their lifestyle. Their tendency to attach much value to their livestock than education has seen them suffer a great deal since the Kenyan society and the world at

large value education more. Nomad parents are comfortable with stopping or terminating their children education to look after the animals. This has made the other communities to have a negative attitude towards them. They are viewed as primitive as well as backward lot who need to be enlightened and hence rarely involved or consulted in matters affecting the nation. The ball is on the masterminds of BBI to unite the nation irrespective of the economic activities of the different communities, as well as educating the pastoral and nomadic communities the importance of formal education.

Cultural practices

Harmful cultural practices like female genital mutilation and early marriages are still issues facing some communities in the country. This has hindered girls' education in some regions as well as untold suffering and life threatening complications when delivering. Such practices should be boldly dealt with to give the girl child an opportunity to acquire education to the levels of their choice and also give them an opportunity to enjoy their freedom in choosing their life partners among other crucial decisions.

Poverty

Poverty has yet been another key factor for marginalization. This is an outcome of historical and present exclusion and marginalization with the most disadvantaged experiencing discrimination and unequal access to social services such as health, clean and safe drinking water and education infrastructure among other public services which entirely constitute the economic, social, and cultural rights. The poor face mistreatment from the rich who forcefully evict them from their land and with the costly judicial processes end up being squatters. Further the poor have been misused by the rich politicians who use them as vehicles on their journey to power. Majority end up killed when things get messy, non-bothers about their well-being. In fact the government that is supposed to protect them has been seen evicting them from their lands. These people end up in streets and engage in social crime to survive. The rich continue to be richer while the poor are becoming poorer. The rich who possess companies and factories misuse the poor who are employed in such places. The working conditions is wanting while the pay is low as compared to the work done. Sometimes abusive language is used. Will BBI offer the solution? Will it bridge the gap between the poor and the rich? Will it uplift the status of the poor? What about the thousands of the educated unemployed youths? Is there hope for a better tomorrow and future at large under BBI? The poor can't afford quality education for their children hence poverty become cyclic. Is BBI the savior? How?

Politics of Numbers

Generally, politics on tyranny of numbers dominated Kenya political landscape and culture. The numerically non-dominant groups and communities thereby find themselves pushed to the periphery in both elective and nominative positions as a result of conspiracies and lobbying by the majority for highly delicate and diplomatic positions. Throughout Kenyan history, minority communities have continually remained underrepresented. While the state has strived to achieve inclusion, there is much more to be attained

under the armpit of equality and inclusion, a ray of participation, inclusion and equality is largely awaited for all Kenyan communities. There has been a big issue of imbalanced distribution of registered voters among constituencies. A great disparity has been witnessed since some constituencies are abnormally large while others are abnormally small. This unfair demarcation of constituencies has undermined the principle of democracy and fair play. Will the game of numbers be over through BBI? Will political inclusion be realized under BBI?

Political profiling

Stereotyping has been common in Kenyan politics. Minority groups have been negatively stereotyped as they have been referred in derogatory terms such as backward, primitive, cattle rustlers and so forth. Such communities have been regarded as low caste group in the eyes of other communities. This negative attitude has resulted to direct or indirect discrimination. This happens more so to pastoral communities in the country. In fact marrying from such a community is highly discouraged. They are not well represented when it comes to decision making on matters affecting the nation. Hopeful that BBI will bridge this gap and uphold the dignity and importance of every Kenyan community.

Unequal distribution of resources

Social inequality and ethnicity are visible and net worth phenomena in Kenya. This is due to ethnicity which is a key determiner of the distribution in different communities. It has had a great impact on distribution of national resources and provision of essential services to the people in promoting development. Tribalism has brought about regional imbalance which has affected socio-economic development in the country. Skewed allocation of national resources and the looming ethnicity are to blame even for post-election violence. According to many Kenyans, ethnic antagonism has been created by tribalism, under representation in the government and generally when citizens feel locked out. Will yet, BBI strive for inclusivity, and equity to bring forth harmony and peace in the country? Will BBI enhance equal distribution of resources? It has been a dream for the country to realize true reconciliation. Devolution seemed to be the last hope for the Kenyans on issues related to distribution of resources but the same has not yet offered the solution as it has been marred with corruption, interference from the national government and so on.

VII. RECOMMENDATIONS

From this study, there is need to assign a group of experts to foresee the implementation process. Further, the experts would offer guidance and assistance in the process of implementation of the recommendations. Measures should be put in place to ensure that the implementation is done. lastly there is need to have a process or method to determine the success of the implantation process in solving the existing historical problems..

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