



# The People's President?

## Raila Odinga and the "Tunaapisha" Movement

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January 30, 2018 enters Kenya's history books alongside September 1, 2017—the day when, for the first time, an election in the country was nullified. Many dismissed the opposition coalition's, the National Super Alliance (NASA), threat to swear in its principals, Raila Odinga and his deputy Kalonzo Musyoka, as a PR gimmick.

Yet, as the new year rolled in, the momentum for the "swearing-in" gained traction within the NASA ranks, and it became apparent that the "tunaapisha movement" (we are swearing in) had prevailed over the moderates. The new concern became the likelihood of a violent clash between the security forces and opposition hardliners.

On the morning of 30 January 2018, Nairobi had a cloud of unease hovering over it. Uhuru Park (Freedom Park) was buzzing as early as 4 am, and waves and waves of humanity swept into the park despite the open threat of repercussion from security authorities. Doomsayers predicted a bloodbath; it was expected that there would be violence when opposition supporters faced the state's firepower.

The day fell on a Tuesday at the end of the frugal month of January. The usual end-of-month buoyant mood, habitually displayed by salaried workers making up for weeks of being broke, was absent. I encountered no traffic as I drove to meet a business prospect in the Lavington shopping centre at about eight in the morn-

ing. On my way into the mall, I said hello to a security guard, a familiar face, and asked him why he was not at Uhuru Park. "We don't have the luxury of demonstrating. You will be quickly sacked and replaced here," he answered, with a trace of annoyance in his voice.

As my business prospect and I sat down for tea, an elderly Caucasian male walked past, chatting to the mall's security guards with the ease of a regular and teased them: "Hurry up guys, I have to be in Uhuru Park before seats run out."

There was a mix of excitement or dread in the air depending on what sides of the political divide one stood. A ruckus interrupted our conversation. The noise of loud whistles and raised voices filtered through to where we were seated. My guest, worried about his car, muttered: "I hope these guys have not started rioting. I should have parked in the basement."

A gang of five men came into sight, walking boisterously past a line of taxis with their drivers standing alert. The undertones of aggression were not reassuring. Three military Land Cruisers had driven past James Gichuru road, awakening our internal anxiety buttons.

### **The ceremony**

An hour later, I returned home to monitor the live broadcast on TV. The crowds had swelled to proportions I had never seen before. With some relief, I noted that the police were out of sight and the procession to Uhuru Park was peaceful, though the city remained edgy. I got frantic calls from my relatives in the village asking whether we were okay. Since I am involved in the media, I received recurring questions: "What do you think is going to happen? Will they kill 'our' people?" I hoped for the best as I mentally prepared for the worst.

Even from the screen, one could make out that the crowd at Uhuru Park had reached proportions that appeared to rival the

swearing-in ceremony of Mwai Kibaki as president in 2002—a watershed moment that marked the end of a Moi dictatorship.

You could throw a bead in the air and it would struggle to hit the ground.

But there was no way in hell that a ceremony of this nature, the first “people’s swearing in” in Kenya’s history, would go down without any drama.

At around noon, the government switched off the live broadcast of major TV channels, starting with Citizen, Inooro and NTV, and then followed by KTN. Not to be deterred, Kenyans switched to online streaming; the media blackout only heightening tensions.

At Uhuru Park, the atmosphere seemed electric, the sea of humanity, estimated to be in the hundreds of thousands, patiently waiting for the man of the moment, even as the “swearing-in” was running late. Though many had been waiting since early morning, by 1 pm none of the principals had arrived.

It was only at around 2 pm that Raila Odinga finally arrived and was received by a tumultuous welcome. His co-principals, Kalonzo Musyoka, Musalia Mudavadi and Moses Wetangula, were nowhere in sight. With him were Mombasa Governor Hassan “Sultan” Joho, James Orengo and T.J. Kajwang in ceremonial advocate dress ready to administer the oath. The fiery lawyer Miguna Miguna and businessman Jimmy Wanjigi were conspicuously defiant in posture.

At about 2.45 pm, Raila raised a green Bible and read the oath swearing himself in as “the People’s President.” Applause reverberated throughout the park. He delivered a short and hurried speech in Kiswahili, trying to explain the absence of his co-principals, and then switched to English, giving an even shorter remark and closing with the solidarity slogan: “a people united can never be defeated.” The speech lasted barely five minutes. He then swiftly exited the platform.

A sense of flatness descended soon after, anti-climatic in some respects, because the masses gathered at Uhuru Park had hoped that

the moment's significance would be immediately tangible. The crowds dissolved peacefully within the next two hours. The self-policed gathering appeared innately alive to the fact that any type of violent behaviour would have soiled the occasion, fueling the narrative of opposition supporters' appetite for violence and destruction. The peaceful assembly cast the police as the provocateurs.

The casualness of the whole affair was comically deceptive: an opposition leader had just sworn himself in as "the People's President" less than three months after Uhuru Kenyatta was sworn in, right in the middle of the city and in broad daylight. Uhuru Park, with its heavy symbolism as a monument to Kenya's liberation movements, is a mere hundred metres away from the Parliament building, the seat of Kenya's power, and about four hundred metres from State House -- the president's residence. The possibility of riotous thousands storming either State House or the Parliament, in Kenya's own version of a people's coup, was not far-fetched.

2017 was an unprecedented election year even by Kenya's controversial standards. The August 8 election, contentiously won by Uhuru Kenyatta, against bitter rival Raila Odinga, was annulled by Kenya's Supreme Court after an appeal by NASA. A second presidential election was called slightly over 60 days later on October 26. Raila Odinga, and by extension his support base, withdrew from the October elections, leaving Uhuru Kenyatta with no formidable challenger. As a result, despite a voter turnout that was, disputably, 30%, the incumbent was declared the winner with 98% of the votes cast in his favour. The boycott of this second election is what set the momentum for the "swearing in" of the "People's President."

The "swearing-in" ceremony, caricatured as a farce and a self-defeatist move by its critics, achieved its aim in the eyes of the proponents of the secession movement who want Kenya to be divided between ruling party's regional enclaves and opposition strongholds. After January 31, Kenya had acquired two "presidents" for each

stronghold, placing the country in an unprecedented political stalemate.

Certainly the "swearing-in" went against the Constitution and was even treasonable, as former Attorney General Githu Muigai had boldly stated. But for the millions of NASA supporters it was a cathartic moment. They had sent a loud and clear message that the Jubilee government was illegitimate and that the leadership of Uhuru Kenyatta was an imposition that they would not stop contesting.

Raila Odinga's disobedience and resistance was a strategic salvo from a disenfranchised opposition that had lost complete faith in acquiring any sort of electoral justice under the present state of affairs. A growing rank of radicals appeared to be in control of the opposition's momentum, led from the front by NASA strategist and economist David Ndii and Miguna Miguna the self-styled "general" of what he would call the National Resistance Movement.

On December 9 2017, after his release from police custody for alleged incitement charges, David Ndii had stated his position clearly: "If the Jubilee administration decides to go extra-legal then there is absolutely nothing law-abiding people can do if their government goes rogue. It becomes the responsibility of citizens to see how they navigate themselves out of a situation where the state is captured by a rogue regime and that's why we have constituted the People's Assembly."

While leading an opposition that was intent on contesting the status quo, Raila lived up to his nickname, Agwambo (the unpredictable one), and in this "swearing in" conquered the fear of his own political death in one transcendental moment. Courage is what the millions of supporters demanded of their leader, and he stood a man apart from his co-principals who succumbed to the pressure of the moment, much to the disgust of their core bases in Ukambani and Luhya land.

The "swearing-in" reinforced Raila's status as untouchable. The word on the street was "touch Raila and the country burns." Raila

has (not yet) suffered the fate of other opposition leaders who have dared to question the legitimacy of a sitting government in this brazen manner. The other African opposition leaders who had sworn themselves in, namely Kizza Besiyge, Mashoud Abiola and Etienne Tshesekedi, were promptly bundled into jail.

In the Kenyan political game of thrones, Raila is better in the field than out of the play, good for business so to speak. During the opposition boycott of the October 26 election, Raila's absence on the ballot box was blamed for the low turnout in Jubilee strongholds, bringing credence to the rumours that Jubilee voters do not necessarily vote *for* the party but rather *against* Raila, the perennial bogeyman in Central Kenya.

What next?

The question remains: what next? Soon after the ceremony at Uhuru Park, Ruaraka MP T.J. Kajwang was temporarily arrested for his role in the "swearing-in." This was followed by the dramatic arrest, court run-around and eventual deportation of Miguna Miguna to Canada, where he had lived previously, despite being born in Kenya. These actions and the consequent disregard for court orders were signs of a government flexing muscle and saving face as it confronted challenges to its contested legitimacy.

I believe that the January 30 swearing-in was about common people, the *hoi polloi* asserting their presence in a highly visible manner. One barman at a restaurant I frequent told me that it was no longer about Raila Odinga; he was the symbol of resistance who he most respected, but if Raila had hesitated to swear himself in his supporters would have installed him as their leader anyway.

Similarly, the several ordinary Kenyans I spoke to as I sought to gauge the pulse of the nation all alluded to the fact that Kenya had crossed the red line of public cynicism about its politics. The political elites were completely divorced from the suffering of the masses. Life was hard for everyone *no matter* who you voted for.

There was also a sense of hopelessness about changing the system through legal means because the rules were regularly flouted to cater to the interests of the political elite. The public had decided it was pointless to talk about democracy where rules were made to be broken.

Meanwhile, Western countries that had championed democratic reforms in the past discredited themselves by taking a unified stand to remain mum on illegalities raised by numerous civil society organizations about the nullified August 8 election. During press briefings, the face of the diplomatic corp, U.S. Ambassador Bob Godec, harped on about peace in place of justice, stability in place of protest and a return to normalcy, which is the euphemism for a return to the established status quo.

The global North has gradually lost moral credibility, and the rise of Donald Trump, a bungled Brexit move and France's failure to face up to racism within its borders has only served to further undermine their standing abroad. The open bias of the Western media around issues of electoral injustice and the adoption of a lower standard for African elections has established, in the minds of ordinary Kenyans and Africans, that the West can no longer occupy the moral high ground it put itself on: their calls for and modeling of "democracy" is a charade.

Something else had changed before the "swearing in": people were not afraid to die for this new ideal they believed in. According to a feature that ran in the Standard newspaper, Kenya's second largest daily, on January 3 2018, NASA supporters were planning funerals for the living as a precautionary action before any demonstration. One interviewee was quoted saying: "I do not know if it is my turn today but I beseech you my friends, when I go down, do not let the ground that has fed on millions of bodies feast on mine in Langata [cemetery]. Send me off with honour."

This honour seems incomprehensible to the elite; it is easier to diminish protestors as thugs, militia or brainwashed and ignorant

adherents of opposition politics. But the nature of any movement changes when its followers are no longer afraid of death. The reality of the lives of millions of struggling Kenyans locked in informal settlements or in neglected villages leaves no room for fence sitting. Innocent people have been killed in their homes and children have been shot while playing on balconies. These repeated encounters with police brutality have turned many people living in the slums of Nairobi and other parts of the country into die-hard protestors.

During the September 2017 demonstrations against the Independent Electoral and Boundaries Commission (IEBC), protestors in Kisumu reprimanded the police for showing restraint and demanded the use of tear gas to disperse them. Beyond the comical undertones of that stance, protestors daring police violence has become a way of reclaiming moral authority against the state's monopoly of violence and police brutality.

In the run up to the August 8 election, political tensions had risen significantly after the murder of IEBC's ICT manager, Chris Musando, a week before voting was to take place. This was further exacerbated by news reports of ethnic-profiled victims of state-sanctioned violence in opposition areas during the election, adding credence to the narrative of political profiling as opposition supporters became disproportionately targeted in the police crackdowns.

Therefore, there is a sense on the ground that the only way to draw attention to the plight of the victim is to sustain violent protests— the only language that the political elite responds to.

Kenya crossed a tolerance threshold on January 30 2018. The facade of democracy and unity fell apart and Kenyans have now occupied hard-line positions, well aware of the transactional political climate. The dominance of the political class has created an "us" versus "them" reality, whereby oppression is the grievance that unites Kenya's disenfranchised masses against the "the ruling class".



Then, unexpectedly, on March 9 2018, President Uhuru Kenyatta and his political nemesis Raila Odinga staged a heavily publicized handshake and buried the hatchet. This is after two divisive elections in 2017, and the symbolic swearing in ceremony in 2018.

They promised to work towards uniting the country and engaging in progressive politics. And, just like that, political temperatures dropped. Several analysts concluded that the handshake was a reflection of the transactional reality of Kenyan politics. Indeed, there are no permanent enemies in politics, just permanent interests.

Nonetheless, the great unwashed remain restless for the negotiated peace between the rival camps is no substitute for justice, nor has it delivered prosperity for all. The Kenya Project remains standing on the shifting sands of politics: though symbolic and an important moment, the swearing in did not usher the "People's President" as hoped.

As the political tensions lowered with no official opposition in place, the cost of living has continued to rise, returning the disenfranchised Kenyan masses to a perpetual state of angst, as if living next to a haunted swamp that keeps bubbling. There is evidence that something lurks. The weather just needs to change, as it likely will, and the soul that desires change will be seized again.