



KENYA

A Case of No Longer at Ease?

Opening Remarks delivered at the Conference on
“Security Governance in Kenya and the APRM”
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1. Distinguished guests, ladies and gentlemen, I bring many greetings from the Kenya Human Rights Commission. It gives me great honour to be asked to give the opening remarks to this auspicious occasion. Indeed, this is a special day for all of us, especially given that we are partnering with the Institute for Security Studies and also the Human Security Initiative, which are great organizations. After all, is partnership not key for any initiative to be successful? Especially now after the post-election crisis, we are in the age of ‘grand things’.
2. From ‘grand coalition’, to ‘grand opposition’, to many other ‘grand things’, Kenyans seem bent on partnering to form ‘grand things’. Perhaps we should have called this Conference the ‘grand conference on security governance’. Indeed it is. Before me, I see worthy scholars on security issues; I see practitioners in the sector; I see Kenyans from several corners of the country, who have come to discuss security governance. We are here to discuss the ‘grand thing’ called security governance, which if not resolved Kenya will surely sink again into the abyss we were in between January and February 2008.
3. Ladies and Gentlemen, I am calling these opening remarks *Kenya: A Case of No Longer at Ease?* for a very simple reason. When I was in high school, we had the occasion to read the novel, *No Longer at Ease* published in 1960 by Nigerian legendary author Chinua Achebe. It is the story of an Igbo man, Obi Okonkwo, who leaves his village for a British education and a job in the Nigerian colonial civil service, but who struggles to adapt to a Western lifestyle and ends up taking a bribe.

4. Allow me to jog your memories for those who read. For those that have not, allow me to indulge you. The novel opens with the trial of Obi Okonkwo on a charge of accepting a bribe. It then jumps back in time to a point before his departure for England and works its way forward to describe how Obi ended up on trial. The members of the Umuofia Progressive Union (UPU), sent Obi to England to study law, in the hope that he will return to help his people navigate English colonial society. But once there, Obi switches his major to English. Obi returns to Nigeria after four years of studies and takes up a job with the Scholarship Board and is almost immediately offered a bribe by a man who is trying to obtain a scholarship for his little sister. When Obi indignantly rejects the offer, he is visited by the girl herself who implies that she will bribe him with sexual favors for the scholarship, another offer Obi rejects. Obi is scrupulous at this point of his life.
5. However, many years later, Obi sinks deep into financial troubles, partly due to poor planning on his end and partly due to the need to repay his loan to the UPU and to pay for his siblings' educations. Soon, Obi begins to accept bribes in a reluctant acknowledgement that it is the way of his world. The novel closes as Obi takes a bribe and tells himself that it is the last one he will take, only to discover that the bribe was part of a sting operation. He is arrested, bringing us up to the events that opened the story.
6. Ladies and Gentlemen, this is somehow akin to our security sector. Kenya is *no longer at ease* with this sector. Indeed, Kenyans need to be relieved from the irritations, pain, anxiety and discomfort that this sector has become. I think that is why we are here: to come up with some kind of aspirin for the sector. Indeed, just like Obi, our security agencies are sent to study policing and security issues, not in England, but in Kiganjo and elsewhere. They go to school with taxpayers' money, just like Obi did.
7. After sending them to study law, just like Obi, we are not sure what they study. May I submit that, unlike Obi, they do not change from law to study English. Take a sample of police statements and press briefings: *the thugs opened fire...my boys returned fire...* Just like Obi, we sent them to study law and how they are supposed to maintain law and order, but our security agencies have become Obi. The sector, especially the Kenya Police Force, is tainted by many Bribery Indices done by many organizations where taking and/or extorting bribes has become part of their tools of trade. Indeed, just like Obi, they start off with a small bribe: *toa kitu kidogo*. Then they seem to graduate to a slightly bigger bribe: *toa kitu kikubwa*. Thereafter, ladies and gentlemen, they have become partakers of the biggest bribes: *toa kila kitu*. That is why no organization has dethroned the security agencies from the number one position, which they have occupied for years on end. Unfortunately, unlike Obi, our laws do not seem to catch up with these Obis and arraign them for trial.
8. I think that is why we are here. To not only discuss the 'Obi tribulations' that face the sector, but also recommend what we want done, by ourselves and the State, so that the security sector is made to work for the Kenyan people. Indeed, like the UPU members in the Obi story, we have sent the security agencies to school so that they can help us navigate the troubled waters of security. It is my hope that they were invited here and are present.
9. Ladies and Gentlemen, I think it would be prudent to state from the on-set of this Conference that we have some of the brightest brains in Africa. Before you are great scholars, some of whom are known to me personally. We are here to set the record straight of what needs to be done by all of us. This should not be a Conference, which ends up with a

‘grand report’, but should end with ‘grand action points’ for all of us to take to our respective organizations. Through the theoretical and practical guidelines offered by these scholars, it is my hope that the action points agreed upon will be implemented.

10. Indeed, I am saying this because we are also here to discuss another ‘grand report’ – the *African Peer Review Mechanism (APRM) – Country Review Report for the Republic of Kenya* of May 2006. It is now over two years old, and we are here to review the Programme of Action (POA), which seems to have been abandoned immediately the Eminent Persons boarded planes to their respective destinations. I am convinced so for it was implemented, at least half of it, Kenya could not have sunk to such a precipice after the bungled presidential polls. Perhaps others may argue that the APRM-POA was not built on a solid foundation; but let us wait to hear perspectives of Dr Adams Oloo. Other may argue that to implement the POA fully, it required attention to other social security measures such as employment for the youth after their militias are demobilized and disarmed; but let us wait to hear perspectives of Dr. Mutuma Ruteere. Further, perhaps POA ignored that the police in Kenya are a *regime force* and many have critiqued the role of the security agencies in the post-election violence; but let us wait to hear perspectives by Dr. Migai Aketch. All these three scholars will share with us their invaluable insights.
11. As I conclude these opening remarks, one thing which strikes me in my recollection of the APRM report is on page 63, where the Report states: *Kenya has been a rock of stability in the region, negotiating peace agreements between factions of its warring neighbours... Kenya has maintained stable relations with its neighbours and has... maintained its reputation as an island of peace within a troubled region...* These observations still haunt this Report and perhaps its authors. After the disputed presidential poll, that island of peace we called Kenya degenerated into a catastrophe of unimaginable and unprecedented proportions.
12. I agree with most views that indicate that never before had we seen such chaos, but let us begin from the premise that we were living on a time-bomb. We still are. If we begin with that premise, that we diagnose the security governance sector with such premises, then we shall arrive at logical and workable deductions at the end of this Conference. Perhaps the authors of the APRM Report relied on premises that indicated *absence of chaos*– negative peace – rather than *presence of justice* – positive peace. While the Report observed gross inequities and inequalities, it still reached such a faulty deduction. I think we are now better informed and have learnt lessons from the APRM Report and also the post-elections violence.
13. Finally, it is my hope that as we end this ‘grand conference’, we shall make several resolutions, where I could propose one now. Security is a human rights issue that is too delicate to be left for security agencies alone. Let us examine our laws and make sense on how to improve or implement them to ensure that at the end of the day, we shall end with a trial just like Obi. Perhaps we want a trial for all those who are culpable for human rights violations in the post elections violence. Perhaps we want a trial of whether to review the Police Act. Perhaps we want a trial on how we can streamline operations of all security agencies. It is the end, which will determine whether we shall remain with Obi facing a trial or we shall continue with impunity within the sector. Indeed, *Kenya is no longer at ease and is no longer at peace*. Whatever you see on the horizon is still *absence of chaos*. Let this ‘grand conference’ show us the way to *presence of justice*, especially in the security sector.

