

By Mutegi Njau

To ordinary Kenyans, the reports were horrific: people being beheaded and skinned around the country — crimes attributed to maverick gangs called Mungiki (masses of people).

The police retaliated by randomly raiding the suspected gang's hideouts and by indiscriminately killing alleged gang members.

To Kenyans aged 45 and over, the incidents were reminiscent of Mau Mau period (1952-60), when Kenyan freedom fighters brutally killed colonialists and their collaborators and drank their blood.

For most of 2007, the dreaded Mungiki gangs have disrupted public transport and killed and maimed civilians in Nairobi and other major towns and villages in the Central and Rift Valley provinces.

Corruption in the police and within the political circles has allowed Mungiki to thrive. The gangsters, who extort money from public transporters and commandeer public utility facilities, such as electric power and water with impunity, have police and political patronage.

Indeed, even to a casual observer, there is irony in the way Mungiki operates. It was created to clean up corruption, yet Mungiki is itself corrupt and has grown and flourished because of a corrupt environment.

The outlaw group was founded by youths outraged at economic decline, runaway corruption and the near collapse of family values in the late 1980s. Extortion became its modus operandi, and as it sought to bring back order, it used police officers it paid handsomely to protect its turf and businesses. Mungiki is reminiscent of the Italian organized crime operation, the Mafia, which enlisted police, judiciary, and even the political elite.

Now Mungiki is the new face of corruption in Kenya.

Indeed, the average Kenyan has witnessed the consequences of corruption: killings by Mungiki and the Sabaot Land Defense Force (SLDF), a bloodthirsty, ethnic-driven militia in the Mt. Elgon District on the border with Uganda.

Mungiki has slaughtered at least 40 people in response to authorities' efforts to remove it from bus terminals, where it has been extorting from the matatu (share taxi) industry. But the police crackdown on the group initially was dogged by suspicion. In the case of Mt. Elgon District, the SLDF reacted to shady allocation of land meant for squatters in a settlement scheme called Chepkurkur Phase Three. At least 200 lives reportedly have been lost in the internecine conflict, and 60,000 people have been displaced. According to the U.N., "The land allocation process was marred by allegations of corruption and favoritism."

Mungiki is a multifaceted vigilante group. It is also a parallel government at the local level, where it levies a form of tax ostensibly to protect businesses and residences. And it is an enterprise in itself, owning fleets of passenger vehicles acquired by extortion.

Mungiki is a "consequence of corruption," according to Mwalimu Mati. He's the former director of the Kenya chapter of Transparency International and now director of MARS, a non-governmental agency he uses to expose public swindles and abuse of power. Mati says the government's response — stern and high-handed it has been — fails to address the underlying factors that have fueled the Mungiki: corruption, bad governance and unemployment.

"The small fish simply take their cue from the top; the key to stopping corruption is going for the bigwigs, the brains," says Maina Kiai, the director of state-funded Kenya National Commission on Human Rights.

Indeed, as authorities targeted Mungiki, the nation reeled from President Mwai Kibaki's reappointment of his ally, David Mwiraria, a man implicated in the Anglo Leasing scandal, in which the government lost unspecified amounts in purchasing security equipment.

Also making a comeback is former President Daniel arap Moi, whose regime presided over pervasive corruption. Citizens had expected Kibaki's government to target Moi's cronies, but recent developments instead indicate that the two have been exchanging advice.

Mwiraria's comeback has raised a red flag. Critics, among them Mati, are sensing the re-emergence of "ghosts of the past." They are drawing parallels between Mwiraria's reappointment and attempts by Parliament to weaken the Kenya Anti-Corruption Commission by reducing its powers to prosecute.

KACC Director Aaron Ringera warns of pitfalls in the battle against corruption: “If the amendments sail through, the administration of justice will be subverted.”

According to Ringera, the amendments will imperil plans to disclose the finances of public servants, “thus handicapping the war on corruption.”

Critics say despite the high number of anti-graft institutions and laws, the government has failed to make corruption a priority. “President Mwai Kibaki’s approach is a shift from corruption to the economy,” says Mati. “The issue is not about [the existence of] institutions [created to fight corruption], it’s their failure to dent corruption.”

Government and IMF statistics show the Kenyan economy in an upswing. A 6.3 percent growth this year makes the economy one of the fastest-growing in the world. Now Kibaki — and by extension the government — has been upbeat, turning the economic growth into a platform for his reelection.

Because of increased tax revenue, the government is able to finance 96 percent of its expenditures. But trouble lurks beneath the rosy statistics, scholars say.

“The impunity has gone down but comparatively, if you look at the anti-graft institutions put in place, you realize not much has been achieved in this regard,” says Dr. Adams Aloo, a lecturer in political science at the University of Nairobi. “The procurement procedures were reportedly streamlined but we see single-sourcing [an uncompetitive purchasing process] in the police department.”

Ludiki Chweya, who has just completed a consultancy on the status of corruption in Kenya for Clarion, the pioneering anti-corruption NGO, says: “Something has been achieved – heightened awareness that corruption exists, it’s bad, and that it must be fought.”

However, “it’s still difficult to deal with corruption because it involves people who should be fighting it,” says Chweya.

Initially, the opposition spearheaded the war against sleaze, chiefly because the swindlers of the public purse were people high in the government. Now, decisions by MPs across the party divide question their interests.

“The [Kenyan] MPs are abusing power for their own private gains,” says Mati, who was assaulted by police and later charged in court for demonstrating against MPs’

attempts to award themselves millions of shillings. “It is a collusion of everybody: speaker, attorney general, MPs and ministers to award themselves extra money [that] some aim to use for campaigns.”

An inter-grouping of the civil society, Movement of Political Accountability (MOPA), says a Kenyan MP earns 880,000 shillings (US\$13,115), his/her counterpart in Uganda 180,000 shillings (US\$2,683) while those in Tanzania get 120,000 shillings (US\$1,788).

Parliament’s move has attracted widespread fury. “It’s a prelude to massive corruption,” says Mati. “Indeed, this is the time when corruption raises its ugly head.”

Elections are in December, but Parliament is already pointing fingers, implying that the traditional House watchdog committees are not doing their jobs. This leaves the media and civil society to expose wrongdoing. (Mati’s Mars Group Kenya watchdog exposed the promissory notes in the Anglo Leasing deal.)

“Major corruption happens during [election] year[s],” says George Kegoro, executive director of the Kenyan chapter of the International Commission of Jurists. The Goldenberg scandal – in which the country lost in excess of 13 billion shillings (US\$193.7 million) in fraudulent export compensation – and the Anglo Leasing affair were both perpetrated to fund elections.

“This year it’s not clear which corruption is afoot. But the jury is out,” says Kegoro. The proposed Media Bill (which requires journalists to reveal their sources) passed by Parliament last month gives an indication. “If it [is approved by the president] it could constrain the fight against corruption,” says Chweya.

All told, there is a feeling that all is not lost in the war against corruption. “Four years ago, we committed ourselves publicly to fight corruption, and we have continued to do so in a most systematic manner,” says Justice and Constitutional Minister Martha Karua.

“There are areas where things are better. What you don’t have is systematic change,” says Kiai, of the human-rights commission.

Kegoro, the ICJ chief, warns that it’s a bit too soon to judge whether the war on corruption is being won, but he says high-level corruption is receding: “Huge rackets have

been disrupted severely” because of the work of institutions like the GJLOS.