

# THE Weekly Review

For the Thinking Person

ISSUE NO. 12 | November 20, 2022 FREE WITH 'SUNDAY NATION'



## I'LL TEAR DOWN SOMALIA WALL

A 700-kilometre wall to keep Al-Shabaab at bay? That's archaic and ineffective, says Defence CS Aden Duale. In an exclusive interview with *WR*, Duale outlines his plan for a 'modern, sophisticated and comprehensive' security system

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## letter from the editor

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## Tax cheats must have nowhere to hide, they rob our collective prosperity

The emblazoned excise stamp that you find on your bottled water, juice, beer or alcoholic spirit is not only a mark of tax compliance but also a sign of quality assurance, indicating that the product you're consuming is not bootleg or possibly harmful to your health.

Some sobering data recently released by President William Ruto could, however, provide some food for thought and test your faith in the stamp as a mark of quality.

The statistics that President Ruto shared at the recent taxpayer's day showed that Uganda sells 9 billion excise tax stamps annually, Tanzania 7.2 billion and Kenya only 2.9 billion stamps.

Kenya's GDP, at about \$110.35 billion as per a World Bank estimate, is more than the combined annual economic output of Tanzania (\$67.78 billion) and Uganda (\$40.43 billion).

Kenya's manufacturing sector is also significantly more developed than Tanzania's and Uganda's, implying that there are way more taxable products produced in Nairobi than in Dar es Salaam and Kampala.

It therefore beats sense, as per President Ruto's calculations, that Kenya could be selling about only one third of the excise stamps that Uganda Revenue Authority does in a year.

The President estimates that KRA should be selling between 10 and 12 billion stamps a year.

That is hugely significant because it implies a proportional increase, in the billions, in the amount of excise duty collected by the taxman.

The question then begs, who



Washington Gikunju

**The question then begs, who has been pocketing all these billions that could be funding kilometres of tarmac, piped water to households or drugs in public hospitals? The answer could partly lie in KRA's enforcement arm, as well as in the robustness and integrity of the system used to produce the excise stamps**

has been pocketing all these billions that could be funding kilometres of tarmac, piped water to households or drugs in public hospitals?

The answer could partly lie in KRA's enforcement arm, as well as in the robustness and integrity of the system and equipment used to produce the excise tax stamps.

Tax cheats are clever enough to know that attempting to sneak into the market excisable products without the pink-brownish stamps is the easiest way to get caught and attract the brute force of KRA, complete with armed police and TV cameras in tow.

What the evaders there-

fore do is to source replicas of the excise tax stamps and dutifully affix them on their products, knowing only too well that they are worthless to the exchequer.

The fraudsters do such a good job of it, that the naked eye could never tell the difference between a stamp affixed on a bottle of vodka produced at the East African Breweries and another packaged at the infamous Kariobangi Light Industries.

As the lead business story in this week's edition reveals, the contract for supply of excise stamps has been the exclusive preserve of a single European company over the past ten years.

The lucrative contract was apparently quietly extended in the sunset days of President Uhuru Kenyatta's Jubilee administration, giving the company even tighter control over production of the stamps.

In addition to other reported ongoing reviews of this seemingly onerous contract, an enquiry should also be done to establish why it is so easy to counterfeit these stamps.

The investigation should include checking the possibility of collusion between some rouge employees and the tax cheats.

What is most important, ultimately, is that the taxman must get his rightful share of excise tax, to help in developing the entire country and not benefiting just a few criminals.

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## the telescope

### ■ Commissioners disowned election results

## 'Opaque 4' to appear before MPs

Four IEBC commissioners who disowned the August 9 presidential election results announced by chairperson Wafu-la Chebukati are expected to appear before the National Assembly's Justice and Legal Affairs committee over four petitions seeking their removal from office.

The four are vice-chairperson Juliana Cherera and commissioners Francis Wanderi, Irene Masit and Justus Nyang'aya.

The committee is considering the petitions before it with a view to coming up with a report that will guide the House

on whether the petitions satisfy the conditions set for the removal of one or all of the cited commissioners.

The commissioners will know their fate when the committee presents its report to the National Assembly, which will have 10 days to decide if the petition has valid grounds for the removal of one or all of the commissioners.

It will then recommend whether or not President William Ruto should form a tribunal to investigate the four in accordance with Article 251 of the Constitution.



From left: IEBC commissioners Francis Wanderi, Juliana Cherera (vice-chair), Justus Nyang'aya and Irene Masit at the Serena Hotel in Nairobi on August 16.

### ■ World No.5 in Dubai for World Tour event



Spain's Jon Rahm has branded golf's new world ranking system as "laughable". PHOTO | AFP

## Rahm says world rankings 'laughable'

Jon Rahm has branded golf's new world ranking system as "laughable" after it left this week's season-ending finale on the DP World Tour with half as many points as the regular PGA Tour event being played simultaneously in the United States.

World number five Rahm is one of several leading names in Dubai for the \$10m DP World Tour Championship. The 50-strong field, limited to the leading performers on the Race to Dubai this year, is headed by number one Rory McIlroy and boasts eight players from the world's top 30.

By contrast, the PGA Tour's RSM Classic in Georgia has only four golfers from the top 30, with number 12 Tony Finau its highest ranked com-

petitor. The 156 players teeing it up at Sea Island include world No 915 Chris Stroud and veteran Davis Love III, who is ranked 2,856. "I'm going to be as blunt as I can, I think the OWGR right now is laughable," Rahm said before the Middle East tournament. "I understand what they are trying to do with the depth of field but having the best players in the world automatically makes the tournament better," Rahm added.

"I don't care what their system says. I think they have made a mistake. I think some aspects of it might be beneficial but I think they have devalued the value of the better players. The 30 best players of the year should not be punished because it's a smaller field."

### ■ Judge suspended vetting on Tuesday

## Court to decide fate of PS nominees



All eyes will be on the Employment and Labour Relations Court in Nairobi on Monday, which is expected to make a determination on the vetting of 51 PS nominees by the National Assembly.

The case, coming after a petition by the Law Society of Kenya, will be heard inter-partes on November 21, before Justice Nzioki wa Makau.

The High Court had on Tuesday halted the vetting of the PSs following the LSK petition that raised concerns about the list, saying it did not take into account regional and tribal balance, the two-thirds gender principle, persons with disabilities and the youth.

### ■ Football boss unopposed in the top race

## Fifa's Infantino to stand for third term



Fifa President Gianni Infantino will stand unopposed for a third term as head of the world football's governing body next year, Fifa confirmed. A brief statement from FIFA said that Infantino would be the only candidate when the election takes place

at the 73rd Fifa Congress in Kigali, Rwanda on March 16.

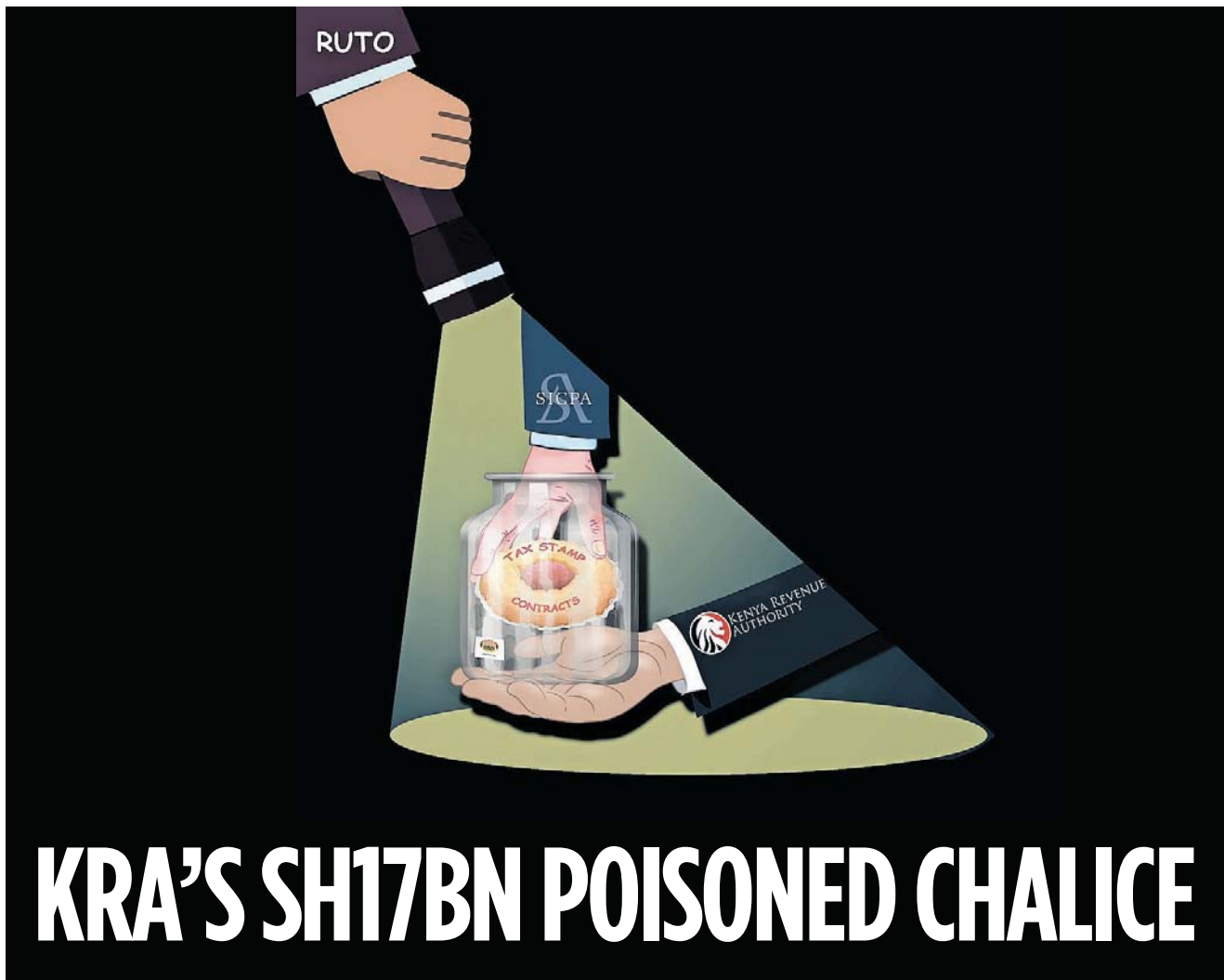
"No other candidature has been submitted," the statement said.

Infantino's third term follows in the line of previous Fifa presidents: Joao Havelange was in charge from 1974 to 1998 and Infantino's predecessor, Sepp Blatter, held office from 1998 to 2015. Infantino was elected in 2016, promising to "restore Fifa's image" after the federation was plagued by scandal in the final years of Blatter's time.

## kenya lens

### ■ PRESIDENT MAY ORDER AN INVESTIGATION INTO FAKE STAMPS

## Ruto raises tough questions over taxman's expensive deal with a Swiss conglomerate that has been providing excise stamps to the authority



# KRA'S SH17BN POISONED CHALICE

● By JAINDI KISERO

The name Sicpa Solutions may not be a household name in Kenya. But most consumers in the country have at some point or other bought a product containing the company's flagship product: excise stamps that are affixed on every bottle of juice, water, beer and alcoholic spirits, as well as cosmetics and tobacco products.

Sold by the Kenya Revenue Authority (KRA), the stamps allow the tax authority to verify the authenticity of the marked products and indicate to KRA that the required excise tax has been paid. President William Ruto has lately been loudly expressing concern over

what he has characterised as the inordinately low number of excise stamps sold in Kenya.

Speaking on this year's Taxpayer's Day last month, President Ruto wondered loudly why Kenya — a much bigger economy than the neighbouring countries of Uganda and Tanzania, sells way fewer stamps than the two fellow member states of the East African Community.

The statistics which President Ruto reeled out at the Taxpayer's Day event are as follows: Uganda KSh9 billion tax stamps annually, Tanzania KSh7.2 billion and Kenya a measly KSh2.9 billion.

In the President's own estimates, Kenya should be selling between Sh10-12 billion

stamps a year, given the size of its manufacturing sector.

Hardly a week later, the President broached the subject again while addressing a high level meeting of the Kenya Manufacturers Association (KAM) at a Nairobi hotel. On that occasion, he remarked that Kenya was selling more fake stamps than genuine stamps.

Predictably, the frequency with which the President has been broaching the subject has brought back to the fore and limelight not only the issue of the number of excise stamps KRA sells, but also the vexed question around the value for money that has dogged the Sh17 billion contract under which the Swiss con-

Continued on Page 6

## kenya lens

# Intriguing details on new KRA-Sicpa contract

Continued from Page 5

glomerate has been providing both the technology and stamps to KRA since April 2013.

Whichever way you look at it, what President Ruto has touched is a high stakes affair because of the sheer size of the contract, the vexed issue of value for money that has dogged the Sicpa contract since it was signed nearly 10 years ago and, even more pertinent, the fact that this is a contract widely believed to enjoy the patronage of insiders of the regime of former President Uhuru Kenyatta.

Speculation has been rife that the remarks by President Ruto portend a looming investigation into the excise stamps issue. Is the political support that the Swiss conglomerate enjoyed under Kenyatta's administration on the wane? That is another big question on the lips of most pundits.

Public interest and attention have risen because contracts surrounding procurement of the printing of tax stamps — just like contracts for printing banknotes — are always marred by controversy and corruption allegations. As a matter of fact, the Sicpa contract itself, which comes complete with the track-and-trace system, known by the acronym EGMS, has right from inception been dogged by protracted controversies that went on for years, playing out in nearly all government centres of power, including the National Treasury, the Office of the President, the Public Procurement Appeals Tribunal, the Court of Appeal and Parliament.

In the current circumstances, it would appear that what has attracted the attention and interest of the new administration of President Ruto are patently questionable decisions that were taken towards the end of the last regime as the multi-billion contract was set to expire and even as the insiders in that administration and Sicpa started coming to terms with the possibility a regime change. Documents seen by *The Weekly Review* show that in May last year, the Swiss multinational successfully negotiated a sweet and new deal apparently locking out competitors and making it possible for Sicpa to continue securing multi-billion excise stamp printing contracts from KRA regardless of the regime in power.

The documents show that KRA quietly signed what was billed as an addendum to the existing seven-year old Sicpa contract, but was in reality — an arrangement that sought to commit the tax authority to a regime of anti-competitive exclusive dealings with a long-serving incumbent and service provider.

In the new deal signed on May 4, 2021, KRA has three major material provisions. First, Sicpa committed to handing over the EGMS system and equipment to KRA for free. On the face of it, this is a show of magnanimity and benevolence on the part of the service provid-



er. But the flip side is that this is 10-year-old equipment and technology that is almost obsolete.

But the devil in the detail is in the second part of the agreement. Under the deal, KRA signed a maintenance contract that comes with exclusive contracts to supply stamps, ink for direct marking, spare parts for equipment deployed at premises of manufacturing companies, and data management systems.

Sicpa has contracted to do system updates and enhancements and any other services that KRA may require for the optimum operation of the system. Under the old contract, the price of stamps was fixed. The new deal has introduced a subjective and highly discretionary arrangement that stipulates a floor price without setting a ceiling price, while leaving the price of stamps to float with international prices.

It is a classic case of a contractor and long-term service provider being allowed to exploit incumbent advantage to limit KRA's access to other service providers.

But perhaps what the best illustration of the high level of political support and patronage the Swiss conglomerate enjoyed under President Uhuru's Kenyatta's administration were the machinations, schemes and plans by a committee that was coordinated from the Office of the President by the long-named Multi-Agency Technical Working Group on the Proposed Integrated Product Marking and Authentication System.

The centre-piece of what this committee was

proposing was to introduce something called an "Integrated Government of Kenya Mark". That instead of the current situation, where multiple agencies — including KRA, the Kenya Bureau of Standards, the Kenya Plant Health Inspectorate Service and the Anti-Counterfeit Authority — are involved in product authentication and issuance of tax stamps, what Kenya needed was a new system where issuance of product authorisation and tax stamps was centralised and run on one platform under the KRA-owned and Sicpa-managed EGMS.

To give legal effect to the proposal, the committee had gone to the extent of compiling the Integrated Government of Kenya Mark Bill, 2022, which was to be issued centrally by KRA.

Whether this was a deliberate scheme to give Sicpa the monopoly of printing stamps for all government agencies in Kenya is an open-ended question, but the plan was going to benefit Sicpa immensely.

What has caused pundits to take the view that the plan to create one government mark was another demonstration of the political patronage that Sicpa enjoyed under the Kenyatta's administration was the fact that, even before the law to create an integrated Government of Kenya mark had been passed, decisions were hurriedly being made to put other agencies under the Sicpa-managed EGMS system. For instance, Sicpa and KRA were allowed to go ahead and consummate a deal under which the hands of other agencies would be tied to exclusively give stamp printing contracts to the EGMS platform.

Under the new deal, KRA and Sicpa have committed to 'make the EGMS system available for use by other government agencies'. And included in the contract documents are clauses that stipulate the formula for computing prices for other government agencies who will have joined the EGMS platform at KRA.

Yet another clause commits KRA and Sicpa to provide forensic services to support investigations and prosecutions by Kenya authorities and enforcement agencies. The fact that Sicpa and KRA went ahead to unilaterally agree and sign an arrangement where the Sicpa-managed EGMS would dominate and monopolise provision of stamps — including prices — to other state agencies is clearly one of the most intriguing aspects of the saga.

*The Weekly Review* has also seen correspondence showing that, even before the Kenya Government Mark Bill was passed, KRA was busy writing to the National Treasury to seek approval to be allowed to procure its own security imports standardisation mark stamps through the Sicpa-managed EGMS. Sicpa's country manager, Lilian Atogo, declined to comment on the issues raised in this story, arguing that its customers, KRA and the government, were better placed to answer queries over the agreements.

## kenya lens

## ■ EASE REGISTRATION OF BUSINESSES

● By MACHARIA GAITHO

As the government rolls out its plans for establishment of the 'Hustler Fund' and other initiatives in support of small businesses, there has been disappointment from some of the intended beneficiaries.

According to the Chief Executive of the Micro, Small and Medium Enterprise Alliance, Sammy Karanja, Trade and Investments Cabinet Secretary Moses Kuria was chest-thumping with his mixed messaging on mitumba.

Earlier this month, Kuria came back from a visit to South Africa, where he noted that importation of second-hand clothes has been banned to boost local garment and textile manufacturing.

In the wake of news reports that the CS intended to ban mitumba and the ensuing social media uproar, Kuria beat a hasty retreat. Pleading that he was misquoted, he explained that what he intended was to make the mitumba trade expensive through taxation and regulatory measures. That way, cheap used garments will no longer be the only option and Kenyans will turn to local-made clothes, boosting local industry.

But according to Karanja, Kuria is putting the cart before the horse as local textile and garment manufacturers simply don't have the capacity to meet the national demand for quality and affordable clothing. Priority would be to first ramp up local production and then allow consumers to make their choices from what is available on the market, whether imported or local.

He points out that the mitumba trade supports four million people across the entire chain of importing, transportation, clearing, distribution and retail, and should not be shut down when there is no alternative.

Ironically, the government stance on the mitumba industry, whether it is in banning it or making the garments expensive as a way to protect and promote local manufacturing, exactly echoes the position pushed by opposition leader Raila Odinga during the presidential campaigns.

President William Ruto's Kenya Kwanza machinery launched vicious attacks on Odinga after he suggested that curbs on mitumba imports will be key to opening space for revival of local industry and employment creation.

Odinga was accused of fronting an elitist plot to kill businesses controlled by the hustler classes and whose products are also largely used by those at the bottom of the economic ladder. The position on mitumba

# THE LANDMINES IN HUSTLER FUND

**Business leaders say funds should be disbursed through sacco and traders' associations, where common bonds and peer accountability rate highly in regard to loan repayments**

reflects realities meeting the promise of interest-free hustler loans, relaxed import duty and taxation regimes, unhindered imports of sub-standard and counterfeit goods, and other key planks of the Ruto campaign.

No sooner had the new administration assumed office than the harsh realities set in. Hustlers who expected cash to be liberally dished out to support micro, small and medium enterprises might have been taken aback once the Public Finance Management (Finan-

cial Inclusion Fund) Regulations, under which the 'Hustler Fund' will be managed, were published.

The basic lesson is that there will be no free money, but loans that will attract eight per cent interest. That is still a welcome rate weighed against the prevailing bank rates exceeding 10 per cent.

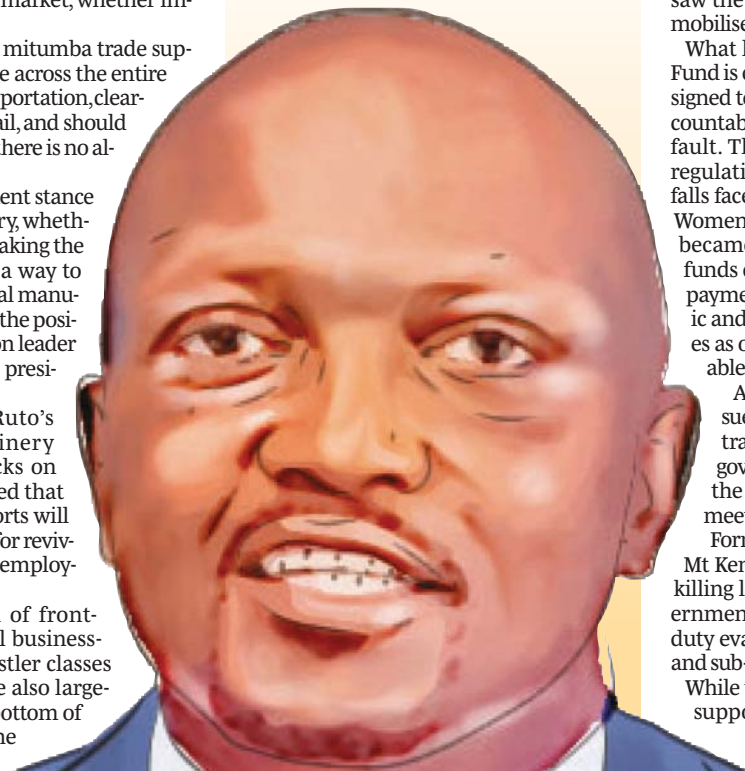
There will also be stringent requirements to access the loans, capped at a modest maximum of Sh50,000 per application, a figure that drew scorn from critics, which in turn saw the Kenya Kwanza social media brigade mobilised to counter.

What has become clear is that the Hustler Fund is coming with stringent regulations designed to ensure proper management and accountability, as well as manage the risk of default. The management structure and the regulations seem designed to avoid the pitfalls faced by previous initiatives such as the Women and Youth development funds that became nothing more than political slush funds dished out with no expectation of repayment. They were also managed in chaotic and corrupt fashion, leading to huge losses as officials stole most of the money available.

And then there is the whole taxation issue. Far from the implied relief for small traders, they are not being spared the governments vigorous attempt to widen the tax base as the key strategy towards meeting budgetary shortfalls.

Former President Uhuru Kenyatta lost his Mt Kenya base on propaganda that he was killing local small-scale enterprise with government crackdowns on smuggling, import duty evasion and importation of counterfeit and sub-standard goods.

While the Kenya Kwanza regime has voiced support for the informal business sector and small enterprise in realisation



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## kenya lens

## ■ THE WAR IN CONGO

**KDF: LIBERATORS OR OPPORTUNISTS?**

**As Kenya Defence Forces join peace-keeping efforts in the DRC, fresh questions arise about the true intentions of countries sending their troops into the troubled, resource-rich country**

● By KWENDO OPANGA

**O**n a walkabout in Goma in eastern Democratic Republic of Congo (DRC) last week, recently retired President Uhuru Kenyatta, now peace envoy for the DRC for the East African Community (EAC), was mobbed by displaced local people eager to personally brief him about their plight at the hands of the M23, the chief protagonist in the conflict between Kinshasa and insurrectionists.

Conflict in the DRC and intervention by neighbouring countries in the imbroglio are not new. In 1998, Zimbabwe, Angola and Namibia intervened militarily to prevent the ouster of the government of President Joseph Kabila and soon afterwards his son, Laurent, by rebels supported by Rwanda and Uganda.

This time around, troops from Kenya, Uganda, Burundi and South Sudan are intervening in the conflict in the mineral-rich eastern part of the DRC to end the fighting between the armed rebels and the forces of the government of beleaguered President Felix Tshisekedi, restore peace and disarm the combatants.

In 1998, the intervening forces did so under the aegis of the Southern African Development Community (SADC) states and this time it is the turn of the EAC. The EAC did not exist in 1998, having collapsed in 1977. And last March, DRC joined the Community, bringing to seven the membership of the bloc and giving the regional body reason to intervene in its internal struggles.

The DRC, Africa's second largest country after Algeria, borders nine countries, namely Angola, Burundi, Rwanda, Uganda, Republic of Congo, Central African Republic, South Sudan, Tanzania



Maj-Gen Jeff Nyagah (right), the East African Community (EAC) force commander, greets Kenyan soldiers upon arrival at EAC headquarters during a press conference in Goma, in eastern Democratic Republic of Congo, on November 16. PHOTO IAFP

and Zambia. Nairobi is playing a prominent role in the efforts to bring about peace in the country in a process that was started last March by Kenyatta and which has been embraced by his successor, William Ruto, and the EAC heads of state.

Dispatching an initial detachment of 900 troops of the Kenya Defence Forces (KDF) to the DRC, President Ruto was clear that, "as neighbours with varied linkages, the destiny of DRC is intertwined with ours. We all have a stake in a stable Democratic Republic of Congo and its security is an obligation that we commit our best efforts to achieve".

The EAC would appear to have used the SADC intervention in the DRC as a template. Per the African Centre for Constructive Res-

toration of Disputes (ACCORD), "the deliberate and determined involvement of African organisations and intervention efforts in the DRC is based on the recognition that the conflict risks becoming forgotten and that its endurance will breed intractability and an ingrained culture of violence".

ACCORD observed further that SADC's intervention in the DRC showed the increasing need by the African Union and sub-regional organisations to be more involved as first responders to conflict situations in the region through preventive diplomacy efforts, mediation, peace support operations, peace keeping, peace building and post-conflict reconstruction.

Nairobi appears to be in sync on this mission. Before President Ru-

to dispatched the KDF, his Cabinet Secretary for Foreign and Diaspora Affairs, Dr Alfred Mutua, had told *The Weekly Review* that Nairobi is keen to promote peace in Ethiopia, Somalia, South Sudan and the Democratic Republic of Congo "because with peace and political stability in the region will come economic prosperity" and that "the success of the DRC, a country blessed with wood, potential for hydro-power and rich land, not to mention minerals, would be a success for the region".

Echoing these sentiments, Mr Aden Duale, the Cabinet Secretary for Defence, told *The Weekly Review* in an interview carried elsewhere in this edition that Nairobi is happy to participate in the mission in the DRC for various reasons, "including the fact that we





A Congolese military escort stands guard at the airport in Goma, DRC, on November 15. PHOTO | AFP

are investing in peace in the region from which we stand to gain immensely”.

Justifying the deployment of the KDF to Parliament, Mr Nelson Koech, who chairs the Parliamentary Committee on Defence and Foreign Affairs, told our regional stablemate, *The East African*, that through the process, “Kenya will also serve its vital interests, including businesses like banks operating in the DRC, numerous Kenyan businesspeople in the country, bilateral trade with the DRC and utilisation of the Mombasa port by the DRC, among others”.

But the elephant in the arena remains that Nairobi and the KDF are marching into war. War has financial costs, and it has human costs. Second, once a war gets going it attains its own momentum and may lead combatants in directions they did not envisage at the outset. It was not until after four years that the drawdown of the SADC intervention in the DRC began.

The United Nations’ so-called peace keepers have been in the DRC for 22 years, but the blue berets have brought no peace to the country and are currently loathed by the local people, who want to see the back of them.

Nairobi estimates that it will cost about KSh6 billion for a six-month execution of the mission in the DRC.

That’s a hefty price tag for an economy reeling from the effects of the Covid 19 pandemic, mired in debt and struggling under ris-

ing prices of basic commodities.

But, according to Duale in his justification to Parliament of the intervention in the DRC, the cost of inaction may turn out to be far more than that of intervention, an argument Parliament bought into.

Third, there are pitfalls in the intervention. The UN accused the militaries that intervened in the DRC in the ‘90s of looting the mineral resources of the country.

A different report said that Zimbabwean soldiers privatised and ran mining operations in the DRC. Jason Stearns, a professor at Simon Fraser University in Canada, founder of the Congo Research Group and a published author on the DRC, accuses Kigali and Kampala of exporting gold and tin from the country.

Fourth, Kinshasa and Kigali trade blame over the insurrection in eastern DRC, with the former accusing the latter of supporting and providing military support and logistics to M23, and the latter accusing the former of harbouring the Democratic Front for the Liberation of Rwanda.

Uganda last year moved troops into eastern DRC to fight the Allied Democratic Forces, which it accused of bombing targets in downtown Kampala.

Fifth, the upshot is that two active participants in the mess in the DRC, namely Uganda and Rwanda, are also players in the Nairobi peace process and military intervention even though the latter has been restricted to a logistical role

and its forces not allowed in. It is a mess but it is this state that keeps the players, state and non-state, in the business of exploiting the DRC’s resources.

Last, the reason for the recent flare-up in fighting in eastern DRC is attributable to the fact that the government in Kinshasa has been weak and its military unable to impose itself on the insurgents.

According to Stearns, when Tshisekedi visited eastern Congo for the first time, he branded his own military a mafia and lamented that the state (which he leads) is dead.

M23 took up arms last year because, it says, Kinshasa reneged on a deal agreed on after the end of the hostilities in 2013. The violence is aimed at forcing Kinshasa to meet its part of the 2013 bargain when, it should be remembered, M23 was beaten.

It is right, therefore, that military intervention be backed by diplomacy, which is why Kenyatta was in Kinshasa and Goma last week, but post-conflict peace keeping, peace building and reconstruction must be on the EAC’s agenda.

And this wish by Koech too: “After the initial deployment, we are likely to attract funding and the pressure on the exchequer will ease. Peace missions are expensive. This is different because of its peace enforcement mission. We must ensure our troops are well equipped to crush the conflict that started in 1996.”

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## What traders say on the Hustler Fund

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of the Bottom Up economic policy, nowhere has it allowed ‘free for all’ importation outside the formal customs regime and quality standards.

In fact, the zeal with which the government is moving to widen the tax brackets means that the so-called ‘Nyamakima Economy’, which for years has operated under the radar of taxation and regulatory regime, will invariably be forced to give Caesar his pound of flesh.

Kamau expresses disappointment that the small-scale traders’ lobby was never invited for input during drafting of the Hustler Fund regulations or any of the various taxation proposals that will affect the sector.

“We are not very hopeful as we were initially,” is his verdict on the Kenya Kwanza promise around the Bottom Up economic platform.

In his view, the Hustler Fund is bound to fail like other initiatives under past regimes unless key issues are addressed. He is concerned that if the door is open for every individual entrepreneur to access the fund, it will take on the characteristics of political campaign handouts and default rates will be very high.

He instead proposes that funds be disbursed only through cooperative societies, market traders’ associations and other organised groups where common bonds and peer accountability rate very high in regard to loan repayments.

The government should ease registration of such groups, which can then be the platforms where members are educated on the fund and through which applications can be made and processed.

## kenya lens

■ CONFRONTING MORE THAN 150 REBEL GROUPS IN THE DRC

**'WE DON'T NEED A BORDER WALL'**

**In a wide-ranging interview with 'The Weekly Review', Defence CS Duale shares his vision on strengthening KDF, the war on Al-Shabaab in Somalia, troop involvement in the Congo and the militarisation of the state by the Uhuru administration**

● BY OSCAR OBONYO

**R**emember the construction of a 700-kilometre concrete wall along the Kenya-Somalia border aimed at restoring peace in the region and keeping at bay the Al-Shabaab militia group? Now the new Defence Cabinet Secretary, Aden Bare Duale, describes the move as archaic and plots to roll out a modern, sophisticated and comprehensive security system.

The notion of the wall was mooted following a series of bloody attacks in Kenya by the Somalia-based militia group, including the deadly attack on Garissa University on April 2, 2015 that claimed 148 lives. Complete with security cameras, a heavy mesh and razor wires running, the wall was aimed at limiting the movement of armed militants across the porous border.

In an interview with *The Weekly Review*, Duale also addresses the long-standing Kenya-Uganda dispute of Migingo Island, described rather hilariously by Uganda's President Yoweri Museveni as "a senseless battle over some rocky grounds in Lake Victoria".

In the interview, Duale also responds to the delicate issues of Kenya Defence Force's (KDF's) latest deployment to eastern Congo, the mission in Somalia, and the tasks ahead at the Defence Headquarters.

Below are excerpts...

**Let us start with your appointment. Why do you think the President picked you for the Defence slot? Do you have any background or understanding in this area?**

I have no idea why he picked on me as only he can talk about my suitability. However, I will take the heavy responsibility bestowed on me by the President to perform my duty with the diligence and satisfaction that is required. And except for having an early brush with the military fraternity at high school, that is Moi Forces Academy, where I did my Form Five and Six, and being a son-in-law of an army general, I have no military background. Nonetheless, I am very much at home with the military fraternity and I will try to make a difference during my tenure as Defence CS.

**Kenyan Somalis as well as those in So-**

**malia, Ethiopia and in other parts of the Horn of Africa regard you as an influential political leader in the region. How will you balance their expectations with those of your countrymen and women?**

It is true that I am a prominent leader among the Somali and Muslim communities in Kenya and the Horn of Africa. This notwithstanding, I am first a Kenyan, and Somali next. I have been a legislator for three terms and had just won my fourth term and having been the first and longest-serving Leader of Majority in the National Assembly, I now want to make a mark and impact in government. I need to add value to my government.

**And do you think you will be conflicted with clan politics?**

This is a rather irritating, if not unfair, question that keeps being directed at me. I am not the first Kenyan from a community that transcends our borders to be appointed to the Defence docket. Or are we suggesting that the Maasai, Luo, Bukusu, Kuria, among others, should never hold this portfolio?

In any case, I am not the first Somali to hold the Defence or security docket. Others before me like the Senator Yusuf Haji, did their bit and I don't think they underperformed or compromised our country's security.

**As you settle down into office, there have been concerns among Kenyans over the "militarisation of government services". Should we expect an extension of the same by this government?**

It was wrong for the former President (Uhuru Kenyatta) to have given military personnel civilian authority, and the question of efficiency by KDF as the excuse for doing so should not arise here. Whether or not my officers can do a better job, that role must be played by the right institutions and personnel as envisaged by the Constitution. Devo-

lution is particularly important and a critical phase of our Constitution, and that is why we maintain that notion of NMS (Nairobi Metropolitan Service), headed by a military officer, was a big mistake. Even the notion of transferring the Kenya Meat Commission docket to the military was inappropriate and we are right now in the process of reversing all that. I can assure you that going forward, the Commander-in-Chief of the KDF will revise any such previous mistakes.

**Separately, what are your thoughts on the long-standing controversy surrounding the ownership of Migingo Island in Lake Victoria?**

This is under consideration under our watch, not just of my ministry but three others – Interior, Foreign Affairs and Lands. Consultations on this matter are being handled at the highest level of both governments of Kenya and Uganda.

**What about our fishermen, who are perpetually harassed and arrested by Ugan-**



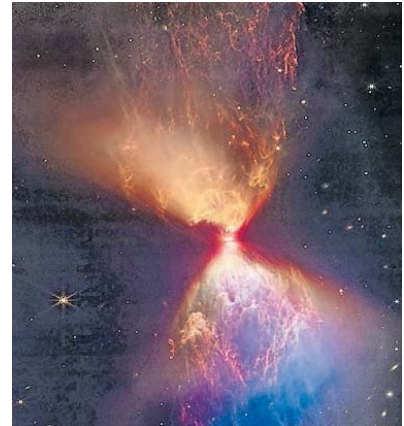
Defence Cabinet Secretary Aden Duale. DENNIS ONSONGO | NATION



# the limelight



The commander-in-chief of the Tigray rebel forces, General Tadesse Worede (left), and the chief of staff of the Ethiopian Armed Forces, Field Marshal Berhanu Jula (second right), greet former Nigerian President Olusegun Obasanjo and former Kenyan President Uhuru Kenyatta after the signing of the declaration of the Senior Commanders' Meeting on the implementation of the Ethiopia Permanent Cessation of Hostilities Agreement between the government and the Tigray People's Liberation Front in Nairobi on November 12. PHOTO | AFP



An image from the James Webb Space Telescope's Near-Infrared Camera instrument on November 16 shows the protostar within the dark cloud L1527 embedded within a cloud of material feeding its growth. PHOTO | AFP



A representative from Sotheby's Hong Kong holds up the Golden Canary diamond in Hong Kong on November 15. The diamond (303.10 carats) is expected to fetch at least US\$5m at Sotheby's this December. PHOTO | AFP



The site where a missile strike killed two men in the eastern Poland village of Przewodow, near the border with war-ravaged Ukraine on November 15. PHOTO | AFP



A Ukraine police demining unit checks the area of a grain elevator facility used as a Russian military base during the occupation in Snihurivka on November 16. PHOTO | AFP



People gather at the Flag plaza in Doha on November 15 ahead of the Qatar 2022 World Cup. PHOTO | AFP



Former US President Donald Trump speaks in Florida on November 15. He pulled the trigger on a third White House run, setting the stage for a bruising Republican nomination battle after a poor mid-term election showing by his hand-picked candidates. PHOTO | AFP



The  
**Aren**

# QUEEN OF PATENT

*Former university beauty pageant winner and lawyer Liz Lenjo saw a gap that she set out to fill, leading her to the helm of the Kenya Copyright Tribunal*

OPEN SPACE

# HUSTLING? A FORMAL JOB IS THE REAL DEAL

**Developing countries:** The problems experienced in Kenya largely emanate from over-reliance on an informal economy

• BY WYCLIFFE OSABWA

The Hustler Fund, Kenya Kwanza government's signature project, is beckoning. It is meant to facilitate access to credit, bringing to the fold the bottom drawers of society, as well as boosting existent small enterprises.

If I read it well, the government is attempting two feats at the same time. One, it is targeting expansion of the formal sector by requiring that all beneficiaries of the Fund are duly registered. Two, it's attempting to fund the 'hustlers' so that the latter extricate themselves from poverty.

The problems experienced in Kenya, like any other developing country, largely emanate from over-reliance on an informal economy. This is a situation where individuals and firms hide their proceeds from authorities so that the latter aren't able to quantify, hence, tax the income thereof. A formal economy, on the contrary, allows easy and predictable tax collection, alongside other statutory dues such as NHIF and NSSF. This is critical, since no government can subsist in the absence of such collections.

Whatever measures the government takes, it ought to remember that the informal sector – its strengths notwithstanding – thrives on the weaknesses of the formal one. Some people join the informal economy unwillingly, for instance after losing their jobs. Others do so willingly so as to escape the negative experiences in the formal one, such as high taxes. Does this ring a bell?

In sub-Saharan Africa, it is estimated that the informal economy accounts for 70 per cent of the working population. And of these, 90 per cent are can only offer unskilled labour, having no land, financial capital or technology. This population, characteristic of Kenya, needs careful treatment; the last thing one should do is throw a little money their way, for they will spend it on subsistence.

Which leads me to suggest that the Hustler Fund would best suit those already in formal enterprise so that they can expand and incorporate the hustlers who live from hand to mouth. When applying econom-

ic theories, one needs to study the culture of the people in question, as well as the state of the economy. We have a population that has been socialised into salaried employment, and tax evasion when they opt for self-employment. Expanding opportunities in the formal economy is one easy way to trap them so that the tax base is broadened. Further, the pressing needs of most 'hustlers' make nonsense of a one-off loan advance, which, if not immediately spent, will evaporate in their hands during trial-and-error efforts at some business idea. I won't mention those who borrow with no intention of repaying, or self-help groups that go under faster than they were cobbled together. Give the money to newbies at your own peril.

Creation of a formal economy is a process that requires careful strategy. For developing countries, it is best done by enabling growth of the existent formal entities. Today, many a firm is still struggling following the devastating effects of Covid 19. It would make sense to fund existent venture capital, technology hubs and start-ups.

Further, obstacles that push viable enterprises into the informal sector, for instance unreasonable legal requirements and convoluted tax compliance mechanisms, ought to be addressed. We have many individuals running lucrative businesses informally but who go untaxed. Most operate clandestinely, hence, below optimum, for fear of the law. Even if the government were to employ more tax enforcers, it would end up spending the collections to pay them, leave alone the bribes that will be taken in between.

Let the government focus on growing a formal economy, however long it takes. Africans leave for other countries because the latter have formal economies capable of absorbing them.

*Mr Osabwa is a lecturer at Alupe University in Busia*

*Any feedback on topical issues? We would like to hear from you. Send your views to: [weeklyreview@ke.nationmedia.com](mailto:weeklyreview@ke.nationmedia.com)*

■ MIND SPEAK



**Benard Karanja**

Kenyans want to see radical action against criminals. Instead of the police publishing danger zones, patrols should be increased and reinforced in such areas. We are headed to the festive season and Kenya feels like one big crime scene. The government needs to show seriousness in addressing insecurity. Interior Cabinet Secretary Kithure Kindiki should order a crack-down.

— Youth leader & former KU student leader



**Tonny Olela**

More than 50 per cent of all convicted criminals are young people aged between 16 and 25. Lately, insecurity has increased due to high population, drug abuse, poverty and unemployment. Low morale among police officers due to victimisation has made things worse. Provide jobs for the youth and improve the working conditions of officers.

— Youth Advisory Panel, UNPF



**Faith Jeruto**

There has been an increase in crime across the country, with police doing little to stop it. A majority of those involved are the youth, who want to make quick money. The government should intervene and provide solutions before things get out of hand. These young people can be productive in many sectors of the economy, given opportunities.

— Student



**Deon Wandera**

Crime spikes when socio-economic conditions deteriorate. The government also made a mistake by disbanding the Special Services Unit of the Directorate of Criminal Investigations. It may have had its shortfalls, but it did a good job in fighting crime. On the issue of cattle rustling, the government needs to be pragmatic.

— Youth leader, Democratic Action Party

## MY TAKE



# W. CUP: THE BEAUTIFUL GAME

**The 'lingua franca' of sports:** By far the greatest event ever devised, it mixes nationalism and machismo, and is an ongoing tally on which country is best

● BY WAGA ODONGO

Football is the world's *lingua franca*; we all know it and speak it. Americans pretend not to like it — their football is an adulterated version of rugby with shoulder pads — but they do. Over there, soccer is more a women's game.

The US Women's National Team has won four gold medals and the same number of World Cups. Once the men's team has a decent showing at a world event, they will jump on the bandwagon.

Football's global success lies in a bit of challenge about it being bipedal and all, to move fast as others chase you while controlling an object with only your feet. Sports played with your hands feel like a bit of a cheat. We are very good with our thumbs so anything involving hands tends to feel easier. Football feels both difficult enough to marvel at the skill on display and yet accessible enough to give it a go. Every boy everywhere has had two thoughts at one point in time: how high can I throw this rock, and how far can I kick a ball. It comes naturally, it is the world's default game.

The World Cup is, therefore, by far the greatest event ever devised. It mixes nationalism and machismo, and is an ongoing tally on which country is best; a bracket tournament, where countries get to play out their rivalries.

Win and you have four years' worth of bragging rights. Who can forget when the Senegalese walloped their former colonial masters in 2002? And the final game is the stuff of legends. Who can forget Zidane's moment of madness against Materazzi? If only he had held it together for a few more minutes until the penalty kicks...

The World Cup is so popular that football's governing body, Fifa, has 211 member states trying to qualify for its tournament yet the UN only has 193 members. It invites countries to exit political marriages of convenience in search of sporting glory. The UK splits asun-

der the Act of Union with Scotland to ensure that all four of its constituent nations get on the pitch. It is okay to share a currency, Parliament and be subjects of a king but what truly matters to the Scots is beating their English wardens in international football.

The problem, though, is in hosting the World Cup. Hosting the tournament has become a

jingoistic jamboree of nationalism. Football itself is nowadays a proxy for geopolitical power plays and is war without guns. This disease is particularly prevalent in the Middle East. Qatar bought PSG and proceeded to assemble the greatest collection of footballing talent ever seen in one team. The country that was blockading them a while ago, Saudi Arabia, bought Newcastle and is slowly doing the same. Abu Dhabi, meanwhile, has Manchester City,

English champions in four of the last five years. To be a top club in Europe nowadays you need to be the sporting arm of a petrodollar superpower. One thing you can be sure of is that if the sanctions on Iran were lifted today, the Mullahs will call a press conference to denounce American Imperialism, damn the West for its decadence and announce the purchase of Manchester United with the hopes that they will topple City and Newcastle.

Hosting the tournament itself has become an expensive waste that only the budgetary incontinent dare consider. The World Cup and its ugly sibling, the Olympics, are known to bankrupt cities; in Brazil, they led to wholesale destruction of slums and eviction of the poor while Greece went bankrupt and is still smarting from its decision to host the Athens Games. The tournaments leave behind a herd of white elephants and impoverished nations.

Even by the wasteful standards of the World Cup, the one in Qatar has hit new highs. The country has spent a fortune making itself hab-

itable with planes that seed clouds, air-conditioning units the size of mountains and accommodations that have been built from scratch.

In the end, the total cost will be over US\$200 billion, which could probably help cure half of the world's diseases.

Fifa as an organisation seems keen to squelch and squeeze as much money as possible from host nations' leaders desperate to bask in the glory of the crowds. It operates more like a crime cartel than a sporting body, with allegations of bribery stalking every event.

Now, Qatar is insanely rich, sitting atop an ocean of gas at a time the world needs it. It can afford to host the World Cup but the 2022 event comes off the backs of untold misery of exploited migrants.

The problem, also, is the feeling that the next country needs to one-up the spectacle.

This tournament joins a long list of recent events held in rich countries with less than savoury human rights records. Even Saudi Arabia, the only nation without a river, is hosting the 2029 Asian Winter Olympics; it must be a matter of time before we get the World Cup in Riyadh.

Football should be about competition and not a plaything for autocrats. The World Cup hosting job probably needs to be ring-fenced to a few European countries with all the necessary infrastructure already existing and venues to spare.

The tournament itself is already a European event with participation invitations sent across the world, with only teams from the continent having any shot of winning it. The last four Champions are European. Even the few times a South American squad wins, it's usually off the backs of players who play and live in Europe.

The world can no longer afford a travelling caravan for the beautiful game.

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## INTELLECTUAL PROPERT RIGHTS

**BEAUTY, BRAINS AND COPYRIGHT LAW**

**Ms CATHOLIC UNIVERSITY:** As a student, Liz Lenjo saw a gap in legal representation for image rights and decided to fill it, putting her on the path to heading the Kenya Copyright Tribunal

● BY EDDY ASHIOYA

If looks are deceiving, then I have been sufficiently fooled by Elizabeth ‘Liz’ Lenjo, who is five-foot-one yet packs as much punch as Robert Wadlow, the dear, old, beaming all-time giant of the Guinness Book of Records. Let the record also reflect that our conversation, albeit hilarious, is against a backdrop of sadness.

Death and loss eavesdrop on our conversation, flies on the wall that go to extra lengths to be noticed. It’s just short of a month since Liz Lenjo buried her father, and you don’t need to be an empath to feel pain’s raw tenterhooks, the ache of longing still apparent.

We are at the Sarit Centre, and she’s recalling flying to the United States to celebrate with her father, having been appointed the Kenya Copyright Tribunal Head. A case of so close yet so far. She tells me this and my own mortality flashes before my eyes, the futility of it all, but still there’s the desire to keep on keeping on.

Liz long gave up the Nairobi ghost and has lived in Malindi for the past four years. She occasionally, though rarely, lands in the erstwhile green city in sun, “mostly for work meetings”. In other words, if you want to talk to her, you go to her, which is not as bad as it might sound. Talking to her, it dawns on you that you may just have caught lightning in a bottle.

She has been an actress, a model, a singer and a lawyer. Hers is the Classic Cinderella story: a girl from nowhere who looks at others and asks, why them? Why not me? Like her late father, Liz is an all-or-nothing figure and rarely does anything half-heartedly. First one in, last one out. So where to start? How about the beginning?

“Growing up I wanted to be a musician. Michael Jackson was it for me. My parents were not in agreement and I had to figure out a ‘serious’ career.” Among the pioneering class of Law at the Catholic University of Africa, Liz apprenticed as an editor of its local journal (*Campus Vybe*), starting as a volunteer. Earlier, she had already sent tongues wagging after hitting the runway as Miss Catholic University. She is 5’1”, maybe one of the shortest models in Kenya’s history. From there she was a shooting star, exploding into a supernova.

The story of how she got into copyright law? “I was a pull-out girl in a campus magazine, and they attached my image to a brand I was not comfortable being associated with. Finding legal representation was hard as (most) people did not even know what image rights (when one’s image is used without their ex-

press consent) were. I saw the gap, and I filled it.”

During that time, she was also in a girl group, still on course to become her own version of Michael Jackson. Those were the days of boy and girl groups. Just think of the Tattus and the Semas. In between she was also acting in a movie while modelling and writing. It was while interviewing (majorly) celebrities that she noticed most of them were not using lawyers in their contract negotiations. A whisper burned in her ears, and the content of that whisper was: It can be done.

And done, it was. She set up a blog in

the dog years of 2010 and it picked up. To penetrate the market, she did probono work. She became the go-to for Wanjiku and Kevo. “I was very deliberate and that got me other job opportunities.”

June Gachui, another lawyer-cum-singer, entrusted her with one of the biggest projects of her career (yet), Coke Studio Season 1. This was just a few months after Liz had taken a sabbatical after Kenya School of Law to have her son.

“My work was to get licensing from the rights holders”. The brief included finding out who the songwriter was and who had the publishing rights. Now,



Elizabeth Lenjo is an expert in copyright law. EDDY ASHIOYA | NATION





## MONEY MARKETS

● BY AMINA WAKO

When software developer Mark Irungu began loaning money to friends for a profit in 2010, he probably had no clue how far the idea would grow. Today, the 36-year-old is the founder of PD Fund, a money lending company that officially began operating in 2016.

“Three of us came together and contributed Sh32,000 as seed capital for a lending business after we realised that our friends needed money in between pay days,” Irungu says. A few months into the business, however, the three had ‘eaten’ all the investment and profit, and the business collapsed.

Fast forward to 2013, when Irungu and his two friends got a tender to supply 8,000 T-shirts to the Kenya Revenue Authority (KRA) for the Taxpayer’s Week celebrations.

“We were among the first people to benefit from tenders set aside for youth, women and persons with disabilities through the Access to Government Procurement Opportunities scheme,” he says.

Armed with a Local Purchase Order from KRA, Irungu and friends knocked on the doors of several local banks, seeking funds to process the tender. (LPO financing enables businesses to obtain funds from banks on the strength of purchase order, or letters of award to deliver goods and services or carry out contractual works).

“We tried to convince the banks to finance our tender deal but they wanted security; they said that when we had made our first deal and been paid, they would finance the next one,” Irungu recalls. Eventually, the three friends gave their logbooks to moneylenders to raise money for the KRA deal.

They managed to deliver the T-shirts but had to wait for 90 days to be paid. “As we waited for the money, our loans were accruing interest,” says Irungu. “By the time we got paid, most of the money went to repaying the loans.”

They got more tenders to supply T-shirts and envelopes, but the returns, particularly from the envelopes, were minimal.

Their experiences left Irungu wondering if there was a way young businesspeople could access fast and affordable loans.

While he was still puzzling it out, he moved from InterNews-Kenya to a well-paying position with a pan-African institution.

Being young, single and with tender deals coming his way, Irungu saved all his salary and was able to loan large amounts.

“I downloaded my first contract from the in-

# CASHING IN ON EASY LOANS

**FINANCE:** Mark Irungu began loaning funds to friends who fell short of cash before pay day and developed the idea into a profitable money-lending business



PD Fund Chief Strategy Officer Mark Irungu during the interview at the company’s offices in Gigiri, Nairobi, on September 30. FRANCIS NDERITU | NATION

**Our biggest challenge was developing a system to determine who qualifies for the money. The second was how to recover money from defaulters, but the Small Claims courts have greatly helped, with a two-month turnaround per case.**

Mark Irungu



ternet and customised it. I didn't have a company name for the business; it was a bit informal but it worked." Most of his clients, he realised, were salaried people. In 2016, he registered the PD Fund Lending Company and decided to work with companies to give salary advances to their employees.

"When you ask for a salary advance in the middle of the month, you disrupt the running

of the company by creating an imbalance. So I thought, what if I partnered with companies so that when employees wanted salary advances, they would send them to us and we would facilitate the payment?" His friends raised funds to help him to meet the high demand.

Seven years since he started the PD Fund, Irungu defines it a learning journey marked with challenges.

"Our biggest challenge was developing a system to determine who qualifies for the money. The second was how to recover money from defaulters, but the Small Claims courts have greatly helped, with a two-month turnaround per case.

"The third challenge was understanding the borrower's psychology. "Borrowers, no matter how regular, have three endings: they either find a cheaper loan, adjust their lives and live within their means, or default," he observes. With this insight, Irungu developed a system that could 'read' customers and understand their borrowing and repaying patterns.

"Luckily we are not dealing with the mass market but companies, which gives us some security."

Irungu runs two other ventures – Ndani Medical Supplies, which deals with disposable radiology products, and Ndani Technologies Africa, which provides end-to-end ICT infrastructure solutions for banking, Telcos and government. He is not done with establishing business; he has about five more to go, he says.

"Being a pastor's child, I read the Bible a lot. Ecclesiastes 11:2 says: 'Invest in seven ventures, yes, in eight; you do not know what disaster may come upon the land.' For me, it's a journey to eight, and I have picked past areas of interest," he says.

The second child in a family of three was born and raised in Nairobi's Dagoretti estate by staunch Christian parents. They were an average family but life became hard while he was in Form Two at Highway Secondary School in the city.

"Being in a day school was hard because I could see how my parents struggled. There was a time I was sent home for school fees but I kept showing up at school each morning until my desk was removed from the classroom and I had nowhere to sit," he remembers. Things started looking up when he was in Form Four, and after high school, he joined the United States International University Africa for undergraduate studies in Information Systems and Technology.

In 2008, he interned at UNEP and the World Agroforestry Centre, before getting his first paid job on a salary of KSh60,000.

What would he change about the past? "When we went to school, a lot of emphasis was placed on passing exams and getting the best grades. If I had to go back now, I would focus more on developing skills. If I was 19 again I would not waste time going for my Master's degree; I would focus on developing a skill."

One lesson that he has picked up in the years that he has been doing business is the importance of "getting up and showing up".

"But the showing up bit can be full of disappointment. You show up the first day and are turned away; you show up the next day, and whoever you want to see is not in. You show up again and the bodyguards push you away. But persistence leads to success. Young people should be persistent and must now allow other people's perceptions of them to determine what they become.

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**The 91.7 SIDE**  
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**WOMAN POWER**

**MEDIA PERSONALITY PATIENCE NYANGE HAS BEEN APPOINTED AS THE EXECUTIVE DIRECTOR OF THE ASSOCIATION OF MEDIA WOMEN IN KENYA (AMWIK).**

**BEFORE HER APPOINTMENT, SHE HAD VIED FOR THE TAITA TAVETA GUBERNATORIAL SEAT - AMONG THREE WOMEN WHO CONTESTED FOR THE POSITION.**

**MS NYANGE SAID SHE WOULD DO HER BEST TO TAKE THE ORGANISATION THAT DRAWS ITS MEMBERSHIP FROM WOMEN JOURNALISTS AND COMMUNICATORS FORWARD.**

**"IT FEELS LIKE BREATHING. THAT'S WHAT YOUR TRUE PASSION SHOULD FEEL LIKE. I AM EQUAL TO THE TASK," SHE SAID.**

**WE BELIEVE YOU ARE, AND WISH YOU THE VERY BEST AS YOU EXECUTE YOUR MANDATE.**

**STAR OF THE WEEK**

**GERMAN-BORN KENYAN FENCER ALEXANDRA NDOLO SAYS SHE FELT QUITE EMOTIONAL TO SEE THE KENYAN FLAG BEING RAISED AT THE FENCING WORLD CUP IN TALLINN, ESTONIA.**

**THE 36-YEAR-OLD MADE HER MAIDEN APPEARANCE IN TEAM KENYA COLOURS LAST WEEK, HAVING PREVIOUSLY REPRESENTED GERMANY AT**

**THE INTERNATIONAL LEVEL." I MADE HISTORY AS THE FIRST EVER KENYAN WOMAN TO COMPETE AT THE FENCING WORLD CUP. SEEING THE KENYAN FLAG RAISED HIGH IN THE HALL WAS DEFINITELY AN EMOTIONAL MOMENT FOR ME," NDOLO SAID.**

**WE ARE RIGHT BEHIND YOU AS YOU GROW FENCING AS A SPORT IN KENYA AS YOU HAVE PROMISED, MS NDOLO.**

## opinion



■ What Abakuria, Abateso, Sabaot and others are looking for is inclusion

# Kenya doesn't need more counties

**K**uria East MP Marwa Maisori Kitayama's Bill seeking the creation of five new counties of Kuria, Teso, Mount Elgon, East Pokot and Mwingi will enjoy significant support because it appeals to a popular rubric that says minorities are marginalised, disadvantaged, discriminated against, denied what is rightfully theirs and therefore endangered.

Kitayama's Abakuria, for example, felt left out by the Luo and Abagusii in what was, until the advent of the 2010 Constitution, Nyanza Province, and they now feel left out and pushed out by the Luo, with whom they share Migori County.

They felt that way when they shared the previous South Nyanza District until the creation of their own Kuria District.

In the gubernatorial campaigns in Kitui County, David Musila, a former Provincial Commissioner and former parliamentarian, argued forcefully that since the county's first two governors, that's Dr Julius Malombe and Mrs Charity Ngilu, hailed from Kitui, it was only fair that he who is from Mwingi should be the next governor.

In Nakuru County, Governor Susan Kihika has taken a great deal of stick especially on social media for nominating a cabinet, better known as County Executive Committee, seven (out of 10) belonging to one community and three others sharing one representative each. The case against Kihika is that her cabinet does not reflect the face of the county of more than 40 ethnicities.

The reason why devolution was regarded as the star of the 2010 Constitution 10 years ago is



**KWENDO  
OPANGA**

that it was meant to disperse power from the centre, from which resources were disproportionately, unfairly and arbitrarily distributed, to the regions where the people are supposed to be involved in making decisions about the management and use of their resources.

It was Sir John Major, when he was British Prime Minister, who argued that politics is about dispute and debate and Mrs Theresa May, one of his successors, who said that politics is not a game because decisions politicians take in cabinet affect the daily lives of citizens. In the UK as in Kenya, the debates and disputes and the decisions that affect daily lives are about resources and their distribution.

Hustler politics and bottom up economics are about resources where the ordinary people, women vegetable vendors and handcart pushers are incorporated in the politics and the economy instead of these being the domain or preserve of members of political and business dynasties.

Indeed, the disquiet some are trying to fan against the government revolves around resources.

What Abakuria, Abateso, Sabaot and others

are looking for is inclusion in the decisions about resources and the message Kitayama's Bill is sending is that the minority are excluded. What Kitayama & Co in the National Assembly are saying is that 59 years since Independence, some Kenyans do not feel they belong, are made to feel they do not belong. They feel left out.

They are saying that such Kenyans can only feel they belong and that they are in lockstep with the rest of the country if they have their own counties hived off from the ones they currently belong to.

It is an accusatory finger that Kitayama & Co are pointing at the managers of the affairs of the counties of Migori, Busia, Bungoma and Trans Nzoia, West Pokot and Kitui.

Tribal cocoons do not mean inclusivity but a frustrated people may be forgiven for thinking they do.

My take is that Kenya does not need more counties but fewer in which the law, ethos and practice are clear that no region or enclave or individual shall be excluded from the table of decision-making or resource-sharing.

[kwendo58@gmail.com](mailto:kwendo58@gmail.com)

opinion

■ PROTECTING THE CONSTITUTION

# Good people, let's debunk the county myth



MACHARIA  
**GAITHO**

The proposal by Kuria East MP Marwa Kitayama for creation of five additional counties might at first glance seem like a reasonable solution for communities that feel repressed under their current devolved units.

Increasing the number of county governments from 47 to 52 looks like a small price to pay if it addresses genuine grievances of groups that have been marginalised under dominant ethnic formations, even with advent of devolution.

Minorities have been shut out of opportunities to elect Governors, Senators, Women MPs, County Assembly Speakers and other leaders and representatives at the county level. They have also suffered deprivation in employment and allocation of development resources.

These are serious issues that must be addressed, for ignoring them leaves a festering sore that sooner or later breaks out into deep feelings of resentment, alienation and ultimately provide the grounds for rebellion.

However, merely creating new counties is a band aid solution that will never work. It will undermine all the good work done in crafting the 2010 Constitution, and take Kenya 60 years backwards into creation of ethnic and clan 'Bantustans'.

It is worth remembering that demarcation of county units was one of the most contentious sticking points during the long negotiations on drafting of the Constitution. Forty-seven counties was a compromise between the push for counties based on the then existing 200 or so administrative districts, or a slight expansion from the eight administrative provinces.

A little background is in order. At Independence, Kenya was divided into 42 districts with in eight provinces. Sometime in the mid-1980s, President Daniel arap Moi started promoting ethnic political kingpins, a strategy that involved creating ethnic domains for them to lord over.

He began with five new districts that were duly gazetted, bringing the number to 47. Keep note of that number.

In coming years President Moi went into a veritable frenzy, creating new districts everywhere he needed to promote some political marionette. Within a short time the number had doubled. When President Mwai Kibaki took over in 2002, he promised an end to the

era of roadside policy declarations, but within short time he was also bitten by the district bug. The existing administrative units were chopped up with such abandon that, within a few years, it was like every little ethnic or clan hamlet had been elevated into a district.

It reached a bizarre point when districts outnumbered parliamentary constituencies, with some Members of Parliament cutting across district boundaries.

That was the dilemma that confronted drafters of the new Constitution when it came to creation of counties under the new system of devolved government.

Some politicians were for each of more than 200 districts becoming a county, which would have been clearly unworkable.

Others were for the then eight provinces becoming the counties, but with the larger ones such as Rift Valley and Eastern Provinces being split three ways each so that Kenya would end up with 12 counties.

In the end, a compromise was struck so that the existing gazetted 47 counties became the seats of devolved government. All the other 150-plus districts created by the Moi and Kibaki frenzies had never been formally brought into existence by law. The principles and settlements that created the existing 47 counties are what Marwa Kitayama and those in support want to demolish. It is easy to start with five new counties, but the genie will be uncorked for every little ethnic, clan or other grouping to also demand autonomy.

The scramble that will follow for creation of counties will be impossible to contain and if not managed could see us go back to 200 or more puny county governments and county assemblies. Already, 47 devolved county governments for a small country like Kenya are just too many, but that was a compromise which was necessary at the time.

Ideally, a country of Kenya's size and population should have no more than 12 semi-au-

tonomous regions. That is what we should be discussing, rather than new attempts at ethnic balkanisation that serve no purpose other than massaging the egos of those seeking supremacy within tiny domains.

Of course, we must also debunk the myth that smaller administrative and political units bring development 'closer to the people'. All they do is create additional bureaucracies and political scavengers that must be fed from the same pot, effectively diverting scarce resources from the real needs of the people.

The proposal for creation of new counties must be shot down before it gains momentum.

The first step must be for President William Ruto's government, as well as the opposition led by Raila Odinga, to issue firm and unequivocal denunciations of any plots to mutilate the Constitution. The two leaders must also instruct their respective troops in the National Assembly and Senate to vote down any constitutional amendment bill seeking creation of new counties.

\*\*\*                      \*\*\*                      \*\*\*

The Football World Cup is upon us once again. All full-blooded men across the globe will for the next one month have their eyes and minds trained on the fiesta in Qatar that will be brought live to every television set.

It is well known that football cannot be enjoyed in the house. All wives are therefore required to grant free nightly exit visas for their husbands to join other men in the pubs, clubs, town squares or other public spaces where the game will be beamed live from Qatar.

They must also be sensitised to the fact that while soccer is a 90-minute game, every excursion to the 'stadium' must provide for at least one hour of warm-up, and the final whistle is always followed by extensive post-match analysis. This phase can last anything from one hour to the whole night, depending on the passions and lubrication at play.

The benefit for our better halves is that for the duration, they will now have unfettered and exclusive ownership of the TV remote control, and the right to watch without hindrance and disturbance all the Mexican, Indian, Nigeria, Filipino and other television drama they so desire.

*gaitomail@gmail.com*

**Ideally, a country of Kenya's size and population should have no more than 12 semi-autonomous regions. That is what we should be discussing, rather than new attempts at ethnic balkanisation that serve no purpose other than massaging the egos of those seeking supremacy in tiny domains.**

## kenya lens

■ EAST AFRICAN LEGISLATIVE ASSEMBLY

# POLITICAL DUMPING GROUND?

**The regional assembly is viewed as an opportune destination for Kenyan political bigwigs to reward allies or dump those rejected at the polls**



The East Africa Community headquarters in Arusha, Tanzania.

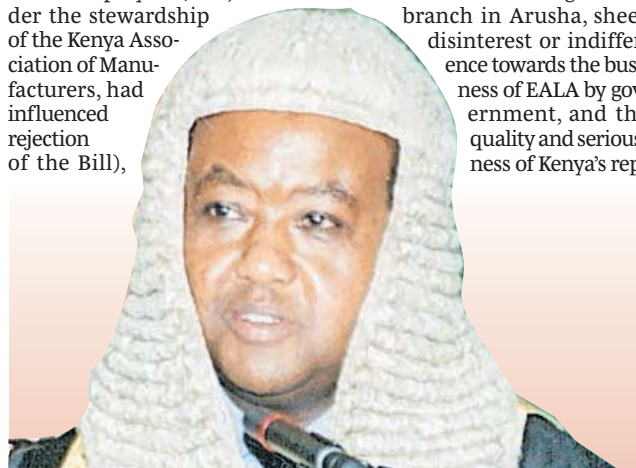
BY OSCAR OBONYO

**O**ne afternoon in November 2016 found a Kenyan legislator passionately pleading the case of banning use of plastic bags at the East Africa Legislative Assembly (EALA). But an interjection by a Ugandan counterpart on whether the MP was aware that Kenya had that morning published a gazette notice to the contrary left the house roaring in laughter and the Kenyan legislator in utter shame.

It was a most embarrassing episode that left egg on the face of the Kenyan legislators at the Arusha-based assembly, recalls former EALA MP Ms Mumbi Ng'aru. "We had never felt so humiliated and confused as representatives of a country. But to save face, we quickly and diplomatically asked for the motion to be briefly shelved as we consulted relevant officials back home in Nairobi."

Clearly, this was the typical case

of the left hand not knowing what the right hand was doing. And although the Kenyan delegation eventually consulted with authorities back home and succeeded to reverse the position taken by the polythene and plastic sector players (who, under the stewardship of the Kenya Association of Manufacturers, had influenced rejection of the Bill),



Former EALA Speaker Abdulrahman Kinana.

the country had already been exposed for its uncoordinated approach on the issue.

This 2016 instance speaks succinctly to three key things: the poor or complete lack of coordination between the central government and the legislative branch in Arusha, sheer disinterest or indifference towards the business of EALA by government, and the quality and seriousness of Kenya's rep-

resentation at the Arusha assembly. It is curious, for instance, that in the case cited by Mumbi, their Ugandan counterpart was more updated on developments in Nairobi regarding the Bill in question than the Kenyan legislator.

A pioneer EALA MP, Calist Mwatela, attributes most of these challenges to the fact that national governments are allegedly disinterested in EALA and the political class are "in a hurry to make their pick" to replace the existing team. Mwatela argues that EALA offers an opportune destination for political bigwigs to reward allies or dump those rejected at the polls.

The fact that the legislative calendars of EALA and the Kenyan Parliament are in sync makes it easy for political actors to pick up their fallen allies after gruelling election campaigns, dust them up and reward them with a ticket to the Tanzanian city of Arusha.

However, that is never a guarantee as that decision has to be af-

# kenya lens

firmed by members of the National Assembly through a vote.

Out of the nine MPs nominated to EALA's last Parliament, for instance, five – representing about 56 per cent – were poll losers in the 2017 General Election or at the party nominations, namely Oburu Oginga, Simon Mbugua, Aburi Mpuri, Aden Omar Abdikadir and Muhia Wanjiku.

The story is no different this year as most of those nominated by various political parties are poll losers, including Hassan Omar, who vied for the Mombasa governor's seat, Jubilee Secretary-General Jeremiah Kioni, who failed to regain his Ndaragwa parliamentary seat, and former MPs Kizito Mugali (Shinyaju) and Fatuma Gedi (Wajir County).

The nomination to EALA of Winnie Odinga and Kennedy Musyoka, who are children of former Prime Minister Raila Odinga and former Vice-President Kalonzo Musyoka respectively, has separately elicited heated debate in some quarters, with some, including the Chairman of United Democratic Alliance (UDA), Johnstone Muthama, protesting what he terms "political leaders misusing this legislative opportunity to send their children and relatives on holiday in Tanzania".

Muthama's claims, whether right or wrong, reflect the general perception of EALA by the general public. To most, it is not a place for crucial and relevant business but rather a destination for holiday or light duties.

Curiously, Kenya is not the only country "guilty" of nominating children of senior political leaders to the Arusha assembly. During its third Parliament, for instance, Makongoro Nyerere and Abdullah Mwinyi, who are sons of former Tanzania presidents Julius Nyerere and Ali Hassan Mwinyi, were seconded to EALA.

Established in 2001 with its first sitting in Arusha on the 30th day of November, with Tanzania's Abdulrahman Kinana as the Speaker of the First Assembly, EALA is the independent legislative arm of the Community. Its membership currently stands at 62, with nine elected members from each of the six EAC Partner States and eight ex-officio members.

Mwatela, as well as former ministers Margaret Kamar and John Koech, are among Kenya's pioneer members of EALA. Others are Maxwell Shamala, Ochieng' Mbeo,

Rose Waruhiu, Abdilahi Adan, Jared Kangwana and Zubedi Mohamed Abdullah.

As the pioneer team, members of the first parliament did the spadework in setting up a number of ground rules, including putting in place a Customs Union, among other enactments. Mwatela points out, for instance, that they also processed the admission of Rwanda as the community's fourth member after Kenya, Tanzania and Uganda.

Other tangible development projects instituted by EALA include the famed "One-Stop Border Post", executed during the third Parliament. Three Kenyan border towns of Busia, Lungalunga and Namanga were among the posts identified in the project.

But perhaps the most memorable activity undertaken by the EALA-Kenya chapter was the awareness programme in which the Kenyan legislators toured 37 out of 47 counties between 2013 and 2016, explaining to citizens the roles and importance of the Arusha-based Assembly, as well as the entire integration process.

These robust efforts notwithstanding, the legislative agenda has largely stagnated over the years – not by design but by structural default. The biggest challenge lies in the processing of bills, a headache that literally slows down the whole legislative process.

There are basically two avenues of bringing forth a bill to the house – through a private members bill and through a council of ministers bill. The former, which is sponsored by an individual member, comes with a caveat to the effect that its execution "must not involve a financial commitment to member countries" – a factor which in itself is a limiting to the legislative process.

A motion moved through the council of ministers has even bigger impediments, according to former EALA legislators, as it requires consensus and lobbying by ministers in charge of regional or EAC affairs. Successful lobbying among member countries leads to the signing of the bills by Attorneys-General before presentation to the head of states, "who must all append their signatures during one sitting".

Ms Ng'aru acknowledges that this is the longest and most laborious route of pushing bills, since the process requires lobbying, ca-

EALA MPs

|   |                      |
|---|----------------------|
|    | Winnie Odinga        |
|    | Hassan Omar          |
|    | Kennedy Musyoka      |
|   | Kanini Kega          |
|  | Zipporah Kering      |
|  | Suleiman Shahbal     |
|  | David Sankok         |
|  | Falhada Iman Dekow   |
|  | Godfrey Mwangi Maina |

joling and even mild threats to get all members to conform. And the Bill risks collapsing in the event even a single member declines to sign. It is a process that may sometimes stretch for as long as three years.

Mwatela, who later served as MP for Mwatate constituency in Taita Taveta County between 2007 and 2013, attributes this state of affairs to what he terms "sovereignty syndrome". With every member state keen on pursuing and protecting its national interests under the cover of sovereignty, uniformity of purpose is a fairly rare ingredient.

The one-time assistant minister for education gives the example of his proposal to constitute a single body to oversee the electoral process in all member countries, which was reportedly trashed owing to "sovereignty reasons" as each country wanted to run its own affairs.

Mwatela had envisaged a standardised poll exercise in the region that would address the never-ending claims of rigging. Reluctance to embrace this proposal raises questions about the possibility of adoption of an even more delicate process: that of building a political federation.

But for Mwatela, perhaps the biggest statement of the low vale that the Kenyan Executive attaches to the Arusha assembly is the fact that MPs who have served at EALA for two terms, or one term apiece in EALA and the Kenyan National Assembly, are not eligible for pension and retirement benefits. This is because they are not deemed to have served for two consecutive parliamentary terms like their National Assembly or Senate colleagues. Those affected include Mwatela and Mbeo, who served for one term as MP for Nairobi's Mathare constituency before switching to EALA. The two petitioned former President Uhuru Kenyatta over the matter, but he reportedly declined to act.

With other member countries nominating former vice-presidents, a former prime minister and former Cabinet ministers, Kenya needs to relook at its process of electing representatives to EALA. Muthama, in particular, hopes that a time will come when Kenyans will not remember EALA only after a general election but that they will be keenly interested in the assembly's activities throughout its sittings in Arusha.

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## SCIENCE &amp; TECH

## Google to pay record Sh47bn settlement



Google will pay \$391.5m (about Sh47 billion) to settle allegations about how it collects data from users. The technology giant tracked the location of users who opted out of location services on their devices, 40 US states said.

Google has been told to be transparent about location tracking in the future and develop a web page telling people about the data it collects. It is the largest privacy-related multi-state settlement in US history.

A Google official said: "Consistent with improvements we've made in recent years, we have settled this investigation, which was based on outdated product policies that we changed years ago." Last month, Google agreed to pay Arizona \$85m over similar issues concerning how it collects location data.

There remains one outstanding case on the topic in the US courts, after Texas, Indiana, Washington and the District of Columbia took legal action against Google in January. Knowing a user's location helps advertisers target products.

And location services help Google generate \$200bn in annual advertising revenue.

Oregon Attorney General Ellen Rosenblum, who led the case — alongside Nebraska Attorney General Doug Peterson — said: "For years Google has prioritised profit over its users' privacy.

"It has been crafty and deceptive. Consumers thought they had turned off their location-tracking features on Google but the company continued to secretly record their movements and use that information for advertisers."

The attorneys-general said Google had been misleading consumers about location tracking since at least 2014, breaking state consumer-protection laws.

# TO THE MOON: A NEW ERA FOR HUMAN SPACEFLIGHT



The Artemis I unmanned lunar rocket lifts off from launch pad 39B at Nasa's Kennedy Space Centre in Cape Canaveral, Florida, on November 16. The Artemis 1 mission is a 25-and-a-half-day voyage beyond the far side of the Moon and back. The meticulously choreographed uncrewed flight should yield spectacular images as well as valuable scientific data.

LONDON

**W**ith a roar of its mighty engines, Nasa's new rocket has lifted us into a new era for human spaceflight.

Nasa launched the most powerful rocket ever built on a journey to the Moon this week in a spectacular blaze of light and sound that marked the start of the space agency's new flagship programme, Artemis.

The 32-storey Space Launch System (SLS) blasted off from the Kennedy Space Center in Florida at 0647 GMT, producing a record 8.8 million pounds (39 meganewtons) of thrust. "What you have done today will inspire generations to come, thank you!" Charlie Blackwell-Thompson, Nasa's first female launch director, told cheering teammates.

Fixed to the rocket's top was the uncrewed Orion spaceship that will orbit Earth's nearest neighbour in a test run for later flights that should see the first woman and first person of colour touch down on lunar soil by the mid-2020s. About two hours after launch, Nasa said the

spacecraft was on its trajectory to the Moon, and later released the first images taken of Earth receding behind the craft.

"Now we are going back to the Moon, not just for the sake of going to the Moon, but to learn how to live on the Moon in order to prepare to send humans all the way to Mars," Nasa administrator Bill Nelson told a news conference after the launch. "This is the next beginning, this is the Artemis generation," added Nelson, who said he watched the launch from the roof of the rocket assembly building along with a group of astronauts.

America last sent astronauts to the Moon during the Apollo era, from 1969-1972. This time it hopes to build a sustained presence — including a lunar space station — to help prepare for an eventual mission to Mars in the 2030s.

There were nervous moments as teams worked to overcome technical issues that ate into the two-hour launch window, which opened at 1:04 am.

First, engineers were forced to pause the flow of liquid hydrogen into the core stage

Tuesday night because of a valve leak, but a team sent to the launch pad resolved the issue after about an hour by tightening loose bolts.

Later, the space agency reported that a radar site monitoring the rocket's flight path was experiencing problems due to a faulty ethernet switch, which had to be replaced.

It was third time lucky for NASA after two previous launch attempts were cancelled for technical reasons. The launch was also delayed due to weather setbacks including Hurricane Ian, which battered Florida late in September.

About 100,000 people were expected to have gathered along the coast to witness the historic event. Todd Garland drove from Frankfurt, Kentucky to watch from Cocoa Beach.

Wearing an Artemis T-shirt, the 55-year-old told *AFP* tearfully: "This has been an experience I've looked forward to all my life.

"My first memory is my mother waking me up at two years old to watch the Moon landing. I've always wanted to see a launch ever since, and now I have."



# africa lens

■ THE SEARCH FOR ELUSIVE PEACE IN THE CONGO

## UHURU'S MISSION POSSIBLE



Former Kenyan President Uhuru Kenyatta talks with military authorities upon his arrival in Goma, eastern Democratic Republic of Congo, on November 15. Troops in the DRC were battling M23 fighters in Kibumba, 20 kilometres north of Goma, security officials said.

**I cannot ignore what I have seen. I must say to all parties: You cannot negotiate in the face of human catastrophe, says former Kenyan leader**

● KINSHASA

**K**enya's former President Uhuru Kenyatta was in eastern DR Congo's main city of Goma this week as fresh clashes with M23 rebels occurred just to the north, sending thousands fleeing.

Troops in the Democratic Republic of Congo (DRC) were battling M23 fighters in Kibumba, 20 kilometres north of Goma, security officials and local residents said.

The M23 has recently seized swathes of territory in North Kivu province, displacing tens of thousands of people in their advance.

Kibumba is considered one of the last obsta-

cles to the rebels before Goma, a commercial hub of one million people on the Rwandan border. On Tuesday, rumours that the M23 was approaching sent a fresh wave of people fleeing to the Kanyaruchinya displacement camp, south of Kibumba.

About 40,000 people are currently in the camp, according to its head.

A security official who asked for anonymity said that people began to flee after seeing soldiers themselves retreating towards Goma after clashes with M23 rebels.

North Kivu's military governor, General Constant Ndima, urged people to remain calm. "I want to reassure you... Loyalist forces are con-

taining the enemy on the heights of Kibumba," he said. The crisis has cratered relations between the DRC and its smaller central African neighbour, Rwanda, which Kinshasa accuses of backing the militia.

Kenyatta, a mediator for the seven-nation East African Community (EAC), arrived in Goma and visited Kanyaruchinya. He said the stories he had heard were "heart-breaking". "I cannot ignore what I have seen," Kenyatta said. "I must say to all parties: You cannot negotiate in the face of human catastrophe."

Mr Kenyatta, who is on a work tour of the

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## africa lens

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country, said he was shocked by the scale of the situation and strongly denounced the humanitarian crisis facing the people of North Kivu.

“All these children, mothers and old people we have seen who have become strangers in their country. Whatever our differences, let us have pity on them. Let us have pity on them and stop the war before we start talking,” he said. “What I have seen is a catastrophe. This war must be stopped immediately.”

Kenyatta’s visit to the DRC is the latest in a round of diplomatic bids to defuse the crisis in the impoverished country’s volatile east.

The former president landed in the Congolese capital, Kinshasa, on Sunday for talks, following on the heels of a visit from Angolan President Joao Lourenco. The EAC has also called for a “peace dialogue” in Kenya’s capital Nairobi, on November 21. In addition, the bloc has agreed to send a peace-keeping mission to eastern DRC. Kenyan troops arrived in Goma over the weekend as part of that operation.

Kenyatta urged armed groups to put down their arms and return to the negotiating table. “There is nothing that can be gained through the barrel of a gun,” he said. United States Secretary of State Antony Blinken said he had discussed the situation with Rwanda’s Foreign Minister, Vincent Biruta, on the margins of the G20 meeting in Indonesia.

“I underscored the United States’ deep concern about the continuing violence in eastern DRC, and called on Rwanda to take active steps to facilitate de-escalation,” he said in a tweet.

Biruta, for his part, tweeted that Rwanda is committed to regional diplomatic mecha-

## EAC intensifies efforts in search for peace in DRC

nisms to bring peace to eastern DRC, as well as to finding a political solution to the crisis.

Over 120 armed groups roam the region, many of which are a legacy of regional wars which flared at the turn of the century. The M23 — a mostly Congolese Tutsi group — first leapt to prominence in 2012, when it briefly captured Goma before being driven out.

But the rebel group returned late in 2021 after years of dormancy, claiming the DRC had failed to honour a promise to integrate its fighters into the army, among other grievances.

It captured the strategic town of Bunagana on the Ugandan border in June. In recent weeks, the rebels have also won a string of victories against the Congolese army, edging closer towards Goma. The DRC expelled Rwanda’s ambassador late in October amid the renewed M23 offensive. Despite official denials from Kigali, an unpublished report for the UN seen by *AFP* in August pointed to Rwandan involvement with the M23.

Rwanda accuses the Congolese government of colluding with Hutu militants who fled across the border after the 1994 Rwandan genocide. Meanwhile, a former adviser to the DRC president went on trial Monday for alleged



**I underscored the United States’ deep concern about the continuing violence in eastern DRC, and called on Rwanda to take active steps to facilitate de-escalation.**

United States Secretary of State Antony Blinken



corruption in a case that erupted after the emergence of hidden camera footage. Vidiye Tshimanga, 46, appeared in a Kinshasa court accompanied by eight lawyers to answer charges of passive corruption, influence peddling and causing offence to the head of state.

In September, the Organised Crime and Corruption Reporting Project and Swiss newspaper *Le Temps* published an investigation into Tshimanga, who was a special adviser to Congolese President Felix Tshisekedi.

Video footage released by the publications showed Tshimanga promising two unidentified people, who claimed to represent a Hong Kong-based conglomerate interested in minerals, to protect their investment in the DRC.

“If we do business together, I will take my percentage of the investment,” Tshimanga said in the footage. He also underlined his apparent close relationship with Tshisekedi, saying he had helped finance the latter’s 2018 presidential campaign.

The video provoked an uproar on social media in the central African nation, which is rich in minerals but poor and suffering from endemic corruption. The Congolese president’s office has said that the fight against corruption is a priority for Tshisekedi. Tshimanga has denied wrongdoing and said his words were taken out of context. The court is due to return its decision in 10 days.



An escort of Kenyan and Congolese military personnel stands guard at the airport in Goma, eastern Democratic Republic of Congo, as former Kenyan President Uhuru Kenyatta lands on November 15.



## global lens

### ■ THE CUP OF LIFE

# IT'S TIME TO GO GAGA

**From Ziyech, Neymar and Messi to Partey, the world is ready for one big party in Qatar as the finest footballers go head-to-head for global glory**

● BY KWENDO OPANGA

**W**ill African prides roar, stars shoot or eagles soar past the quarter-final stages of the Fifa World Cup, which kicks off in Qatar today? Samuel Eto'o, the President of the Cameroon Football Federation, is banking on the Indomitable Lions to make it to the final of the tournament on December 18. And, he predicts, Cameroon will play another African side in that final.

No African team has gone beyond the quarters, with Cameroon being the first to reach that stage in 1990, followed by Sen-

egal's Lions of Teranga in 2002 in South Korea and Japan, and by Ghana's Black Stars in 2010 in South Africa. The Black Stars would have gone to the semi-finals had they stopped a Luis Suarez-inspired Uruguay, to whom they lost on penalties.

Cameroon is Africa's most successful team, having been to the World Cup eight times. Morocco's Atlas Lions and Tunisia's Carthage Eagles have each participated six times to Ghana's four and Senegal's three. Senegal, Cameroon and Ghana are in the West while Tunisia and Morocco are in the north, but the con-

tinent is united in wishing any of them success in Qatar. Eto'o, who as striker and winger terrorised defenders on the turfs of Europe and Africa, playing Paul the Octopus or Shaheen the Camel, is saying the Jules Rimet Trophy is coming to Africa, to Cameroon to be precise, in December. Paul the Octopus and Shaheen the Camel are not in play, but insurers Lloyd's of London and sports data provider OPTA have different views.

Lloyd's, who base their predictions on the insurable value of players and team posit that England, with an insurable value of

US\$3.7 billion, are favourites to win the trophy after topping their group and then beating Senegal, France and Spain in the knockouts and Brazil in the final. And Lloyd's are boasting that, using their formula, they rightly predicted the 2014 and 2018 World Cup winners.

OPTA, on the other hand, using artificial intelligence (AI), have pencilled in Brazil as the favourites to win the tournament, but are also saying that each goal scored in the round robin and especially in the knockout stages, will affect how other teams pre-

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global lens

# Who are the favourites to win it in Qatar?

Continued from Page 27

pare and fight to prevail in their matches and how they plot their strategies. OPTA backs talent, Lloyd's appears to back salaries.

OPTA gives the Black Stars of Ghana a 0.02 per cent chance of winning the World Cup. Still, OPTA thinks Ghana has a better chance of winning the cup than Cameroon, Morocco and Tunisia. Ghana is ranked 11th on the African continent by Fifa, Cameroon sixth on the continent and 37th globally. The Atlas Lions come in at second at home and 24th in the world. Senegal top Africa and are 20th on the globe.

Having beaten the Pharaohs to lift the African Cup of Nations last year and then stopped then Liverpool teammate Mohammed Salah and Egypt from going to the World Cup, the Lions of Teranga will garner great interest in Qatar. Unfortunately talisman Sadio Mane is nursing an injury.

Lloyd's may have backed Germany to win in Brazil in 2014 and France in Russia in 2018, but it is not doing so this time round despite the fact that *Les Bleus* are the defending champions in Qatar and the Germans are never really written off until they are out of the running. But history and recent form suggest that France will struggle in Qatar.

No defending champion, save for Brazil in 1962 from 1958, has ever won it back to back. While *Les Bleus* boast a fierce striking partnership in Karim Benzema, Kylian Mbappe and Antoine Griezmann, the absence of tireless bob-to-box operator Ngolo Kante and Paul Pogba in the middle of the park appears likely to drag down the rest of the squad.

Since 1998, Europe's four World Cup champions have all failed to make it beyond the round robin stage in the following tournament. Germany was knocked out of the group stage in Russia in 2018 and most pundits believe the so-called curse of World Cup champions is stalking the French. Germany will be seeking to draw level with Brazil as five-time winners, but new coach Hans Flick, who won six titles with powerhouse Bayern Munich, may wish he had had a bit more time with the squad. He took over as pre-

decessor Joachim Low, wound down on a low note with two losses, a draw and one win as Germany bowed out of Uefa Euro 2020 to England. Fifa ranks Brazil tops followed by Belgium, France, Argentina, England, Italy, Spain, Portugal, Mexico and the Netherlands to complete the world's top 10.

That would suggest that Belgium's talented side, considered by many pundits as the country's

golden generation, and featuring Kevin De Bruyne, Eden Hazard and Romelu Lukaku, may use the Qatar stage to advantage.

Could Belgium prove to be the dark horse of this tournament as Croatia was in the last one, surprising everybody by going all the way to the final? Who will be the star in Qatar? Lionel Messi would love to exit the stage with the one trophy that has eluded him all

along. Neymar Junior wants it for Brazil, Harry Kane and Tottenham teammate Son Heung-min want it for England and South Korea respectively, and then there is the Golden Boot for the star goal grabber of the tournament.

One thing is for certain; for the next 29 days, the attention of the world will be focussed on Qatar as fans follow their teams up to the final on December 18.

**FIFA World Cup: Guide to who's who in Qatar**

World Cup appearances, including 2022 | World Cup wins

|  |   |   |  |
|--|---|---|--|
| <b>QATAR</b><br>Rank 50*<br>Coach: Félix Sánchez Bas ESP<br>Captain: Hassan Al-Haydos<br>Best finish: Tournament debut<br>Record: W0-D0-L0 | <b>ECUADOR</b><br>Rank 44<br>Coach: Gustavo Alfaro ARG<br>Captain: Enner Valencia<br>Best finish: Round of 16 2006<br>Record: W4-D1-L5    | <b>SENEGAL</b><br>Rank 18<br>Coach: Aliou Cissé<br>Captain: Kalidou Koulibaly<br>Best finish: Quarter-final 2002<br>Record: W3-D3-L2                | <b>NETHERLANDS</b><br>Rank 8<br>Coach: Louis van Gaal<br>Captain: Virgil van Dijk<br>Best finish: Final 1974, 1978, 2010<br>Record: W27-D12-L11    |
| <b>ENGLAND</b><br>Rank 5<br>Coach: Gareth Southgate<br>Captain: Harry Kane<br>Best finish: Winner 1966<br>Record: W29-D21-L19              | <b>IRAN</b><br>Rank 20<br>Coach: Carlos Queiroz POR<br>Captain: Ehsan Hajsafi<br>Best finish: Group stage 5 times<br>Record: W2-D4-L9     | <b>USA</b><br>Rank 16<br>Coach: Gregg Berhalter<br>Captain: Christian Pulisic<br>Best finish: Quarter-final 1930<br>Record: W8-D6-L19               | <b>WALES</b><br>Rank 19<br>Coach: Robert Page<br>Captain: Gareth Bale<br>Best finish: Quarter-final 1958<br>Record: W1-D3-L1                       |
| <b>ARGENTINA</b><br>Rank 3<br>Coach: Lionel Scaloni<br>Captain: Lionel Messi<br>Best finish: Winner 1978, 1986<br>Record: W43-D15-L23      | <b>S. ARABIA</b><br>Rank 51<br>Coach: Hervé Renard FRA<br>Captain: Selman Al-Faraj<br>Best finish: Round of 16 1994<br>Record: W3-D2-L11  | <b>MEXICO</b><br>Rank 13<br>Coach: Gerardo Martino ARG<br>Captain: Andres Guardado<br>Best finish: Quarter-final 1970, 1986<br>Record: W16-D14-L27  | <b>POLAND</b><br>Rank 26<br>Coach: Czesław Michniewicz<br>Captain: Robert Lewandowski<br>Best finish: Third place 1974, 1982<br>Record: W16-D5-L13 |
| <b>FRANCE</b><br>Rank 4<br>Coach: Didier Deschamps<br>Captain: Hugo Lloris<br>Best finish: Winner 1998, 2018<br>Record: W34-D13-L19        | <b>AUSTRALIA</b><br>Rank 38<br>Coach: Graham Arnold<br>Captain: Mathew Ryan<br>Best finish: Round of 16 2006<br>Record: W2-D4-L10         | <b>DENMARK</b><br>Rank 10<br>Coach: Kasper Hjulmand<br>Captain: Simon Kjær<br>Best finish: Quarter-final 1998<br>Record: W9-D5-L6                   | <b>TUNISIA</b><br>Rank 30<br>Coach: Jalel Kadri<br>Captain: Youssef Maakni<br>Best finish: Group stage 5 times<br>Record: W2-D4-L9                 |
| <b>SPAIN</b><br>Rank 7<br>Coach: Luis Enrique<br>Captain: Sergio Busquets<br>Best finish: Winner 2010<br>Record: W30-D15-L16               | <b>COSTA RICA</b><br>Rank 31<br>Coach: Luis F. Suárez COL<br>Captain: Bryan Ruiz<br>Best finish: Quarter-final 2014<br>Record: W5-D5-L8   | <b>GERMANY</b><br>Rank 11<br>Coach: Hansi Flick<br>Captain: Manuel Neuer<br>Best finish: Winner 1954, 1974, 2002, 2010, 2018<br>Record: W67-D20-L22 | <b>JAPAN</b><br>Rank 24<br>Coach: Hajime Moriyasu<br>Captain: Maya Yoshida<br>Best finish: Round of 16 2002, 2010, 2018<br>Record: W5-D5-L11       |
| <b>BELGIUM</b><br>Rank 2<br>Coach: Roberto Martínez ESP<br>Captain: Eden Hazard<br>Best finish: Third place 2018<br>Record: W20-D9-L19     | <b>CANADA</b><br>Rank 41<br>Coach: John Herdman ENG<br>Captain: Aliba Hutchinson<br>Best finish: Group stage 1986<br>Record: W0-D0-L3     | <b>MOROCCO</b><br>Rank 22<br>Coach: Walid Regragui<br>Captain: Romain Saïss<br>Best finish: Round of 16 1986<br>Record: W2-D5-L9                    | <b>CROATIA</b><br>Rank 12<br>Coach: Zlatko Dalić<br>Captain: Luka Modrić<br>Best finish: Final 2018<br>Record: W11-D4-L8                           |
| <b>BRAZIL</b><br>Rank 1<br>Coach: Tite<br>Captain: Thiago Silva<br>Best finish: Winner 1958, 1962, 1970, 1994, 2002<br>Record: W73-D18-L18 | <b>SERBIA</b><br>Rank 21<br>Coach: Dragan Stojkovic<br>Captain: Dusan Tadic<br>Best finish: Fourth place 1930, 1962<br>Record: W18-D8-L20 | <b>SWITZERLAND</b><br>Rank 15<br>Coach: Murat Yakin<br>Captain: Granit Xhaka<br>Best finish: Quarter-final 1934, 1938, 1954<br>Record: W12-D8-L17   | <b>CAMEROON</b><br>Rank 43<br>Coach: Rigobert Song<br>Captain: Vincent Aboubakar<br>Best finish: Quarter-final 1990<br>Record: W4-D7-L12           |
| <b>PORTUGAL</b><br>Rank 9<br>Coach: Fernando Santos<br>Captain: Cristiano Ronaldo<br>Best finish: Third place 1966<br>Record: W14-D6-L10   | <b>GHANA</b><br>Rank 61<br>Coach: Otto Addo<br>Captain: Andre Ayew<br>Best finish: Quarter-final 2010<br>Record: W4-D3-L5                 | <b>URUGUAY</b><br>Rank 14<br>Coach: Diego Alonso<br>Captain: Diego Godin<br>Best finish: Winner 1930, 1950<br>Record: W24-D12-L20                   | <b>S. KOREA</b><br>Rank 28<br>Coach: Paulo Bento POR<br>Captain: Son Heung-min<br>Best finish: Fourth place 2002<br>Record: W6-D9-L19              |

Source: FIFA | \*FIFA ranking Oct 2022 | © GRAPHIC NEWS

## global lens

■ ALLEGATIONS OF CORRUPTION, VOTE-SWAPPING, AND LINKS TO TRADE DEALS

## A DUST-STORM OF CONTROVERSY

**Qatar has provoked dismay and anger during the 12 years since Fifa shocked the world by handing it the right to organise football's showpiece event**

● LONDON

**N**ow is All's the official Qatar World Cup slogan. A message, perhaps, to focus on the present — and the on-field action that is about to begin. To move on from the past. If only it were that simple.

It says a great deal that Qatar 2022 is considered by many to be the most controversial sports mega-event in a very long time.

After all, the competition for such a title is considerable. Over the past 20 years, China has twice played host to the Olympics. In the past decade, meanwhile, Russia has staged both the Winter Games and the 2018 football World Cup.

Yet, despite the scale of the human rights atrocities that both those countries stand accused of — and fears such events have been used to embolden their autocratic regimes — it is arguably Qatar that has provoked most dismay and anger during the 12 years since world governing body, Fifa, shocked the world by handing it the right to organise football's showpiece event.

The promise is this first Middle Eastern World Cup will be a spectacular, ground-breaking tournament that should be celebrated.

An event that will welcome all, grow the sport, inspire youth, boost tourism, diversify the country's economy, and promote sustainability. And with regional tensions partly eased by the lifting of an economic blockade by Qatar's neighbours last year, there are hopes it could also prove a unifying force.

But there is no denying the build-up to this tournament has been especially troubled.

### The bid and the fallout

As soon as the since-disgraced former Fifa president Sepp Blatter announced Qatar's victory back in 2010, there was deep suspicion over how precisely this tiny desert state — with no history in the World Cup, and scorching summer temperatures — had won.

Allegations of corruption, vote-swapping, and links to trade deals at the highest levels of government have always been denied by organisers and remain unproven.

But it cannot be overlooked that of the 22 Fifa executive committee members who voted on that fateful day 12 years ago, with two other officials already suspended at the time

after a newspaper expose that alleged the pair had asked for cash in return for World Cup votes, most have since been accused, banned or indicted over allegations of corruption and wrongdoing. As recently as 2020 — as part of the FBI's vast corruption probe into the governing body — US prosecutors accused three former senior Fifa officials of receiving bribes for voting in favour of Qatar.

### Migrant worker deaths and LGBT fears

Most damaging to the reputation of the event have been persistent fears over the human toll of building the infrastructure required in such a short period of time and in such a climate, along with discriminatory laws which prohibit homosexuality and curtail women's freedoms through male guardianship rules.

The authorities say there have been three 'work-related' deaths on actual stadium construction sites since work began in 2014 — and 37 more off-site fatalities that are not 'work related'. The Supreme Committee vows worker welfare is a priority.

Official figures show 15,000 non-Qataris died in the country between 2010 and 2019.

The authorities insist that figure is commensurate with the size of the migrant workforce.

But how many of those deaths were linked to work — and whether that work was linked to the World Cup — is both disputed, and unclear. Regardless of the official statistics, or recent labour reforms, campaigners insist this tournament will always be blood-stained.

### Can the World Cup bring social change?

Qatar 2022 has certainly forced sport to consider to what extent such tournaments can bring about social change, whether compromise is incumbent on the host country — or those who visit — and the tensions that arise when global events expand into new territories.

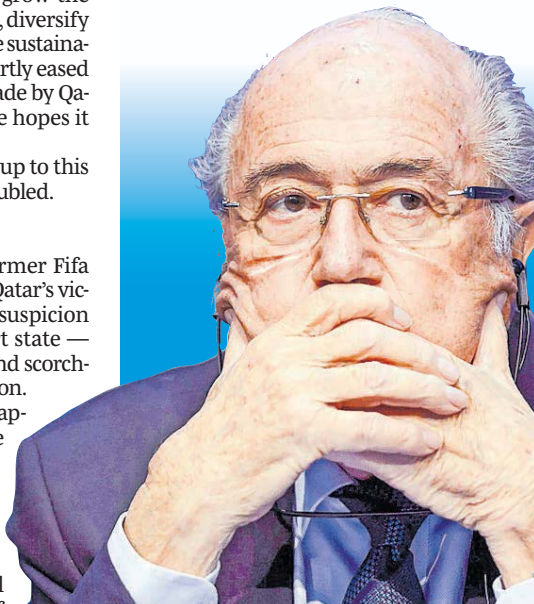
It is hard to argue that hosting major sports events in Russia and China, for instance, was a catalyst for change. Most agree amendments to Qatar's labour system in recent years — with more protection for workers, a minimum wage and the dismantling of the 'kafala' sponsorship system — have only happened because of the greater international scrutiny that has accompanied the World Cup. However, human rights groups also say these have yet to be fully implemented. And they are dismayed by the failure to set up a Migrant Worker Centre and a compensation fund for the families of those killed or injured.

### 'Focus on football'

It is a sign of the emotions that swirl around this event, and the divisions it has caused, that some of the game's highest-profile names have found themselves drawn into these debates.

Former England defender Gary Neville, for instance, has been criticised for agreeing to commentate at the World Cup for a Qatar-owned TV network, while close friend David Beckham has drawn similar opprobrium — as well as Eric Cantona, another Manchester United great — for accepting a lucrative ambassadorial role for the event. Fifa, meanwhile, sparked an outcry by urging competing teams to "focus on football", rather than getting "dragged into every ideological or political battle".

Meanwhile, with a host of teams taking stands via video, training tops and armbands, perhaps Fifa was worried about how and where to draw the line. No country is perfect, after all. And its stance received support from the football confederations of both Asia and South America.



Former Fifa President Sepp Blatter

# OBIT

■ LIFETIME ACHIEVEMENT EMMY

## THE SAD ‘DAYS OF OUR LIVES’

**Aniston, the Greek-born actor who played Victor Kiriakis on more than 3,000 episodes of the popular American TV drama for over three decades, dies at 89**

● NEW YORK

**J**ohn Aniston, the Emmy-winning star of the daytime soap opera *Days of Our Lives* and father of Jennifer Aniston, died at 89 this week.

The actor's daughter posted a tribute to him Monday morning on Instagram, announcing that he had died Friday, Veteran's Day. John served in the US Navy.

"Sweet papa... John Anthony Aniston," Jennifer Aniston wrote. "You were one of the most beautiful humans I ever knew. I am so grateful that you went soaring into the heavens in peace — and without pain. And on 11/11 no less! You always had perfect timing. That number will forever hold an even greater meaning for me now."

John's acting credits included *Search for Tomorrow*, *The West Wing* and *Gilmore Girls*. But he was best-known for his long-running role on *Days of Our Lives* as family patriarch Victor Kiriakis, the former drug lord who goes on to found the powerful Titan Industries.

In 2017, his work on *Days of Our Lives* brought him an Emmy nomination for best supporting actor in a drama series. The performance earned him two Soap Opera Digest Awards — for lead actor and outstanding villain — in 1986, and a supporting actor nomination at the Daytime Emmys in 2017.

Earlier this year, he was presented a lifetime achievement Emmy, with Jennifer Aniston honouring him via video.

"It's an opportunity to not only pay tribute to a true icon in the daytime television world, but it's also a chance to recognise the lifelong achievements of a great and well-respected actor, who also happens to be my dad," Jennifer Aniston said at the time. "John

Aniston has been working in television consistently for over half a century. For over 30 years, his dedication to that show has gained him respect and admiration of his fellow actors, deep friendships and thrilled millions of fans around the world," she added. "His career is literally the definition of lifetime achievement."

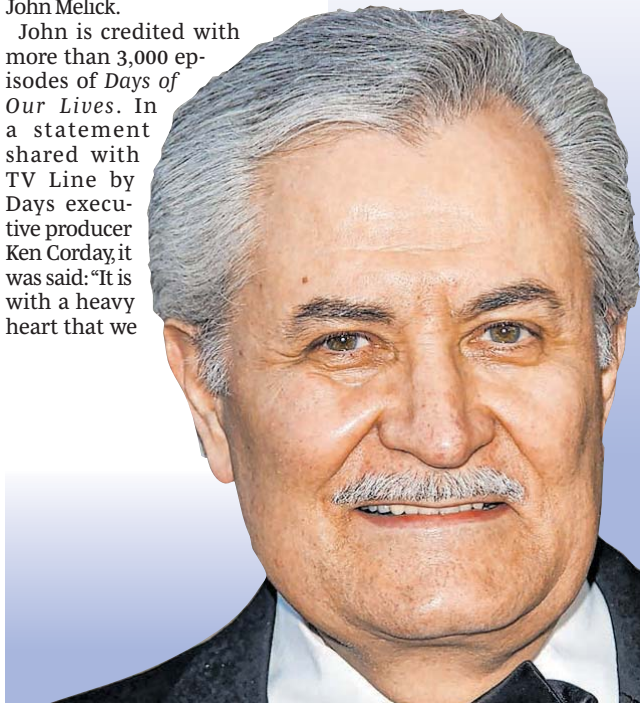
John was born Yannis Anastasakis in Crete, Greece, and emigrated with his family to Pennsylvania when he was a child. A theatre major at Pennsylvania State University, he began his professional acting career in the 1960s, with early roles in *Combat!*, *I Spy* and *The Virginian*.

John was married twice, most recently to Sherry Rooney. He had two children, Jennifer and Alexander Aniston, and a stepson, John Melick.

John is credited with more than 3,000 episodes of *Days of Our Lives*. In a statement shared with TV Line by Days executive producer Ken Corday, it was said: "It is with a heavy heart that we



Actress Jennifer Aniston with her father, actor John Aniston, during her Hollywood Walk of Fame star ceremony in Hollywood, on February 22, 2012.



Greek-US actor John Aniston at the 29th annual People's Choice awards in Pasadena, California, on January 12, 2003.

confirm the passing of one of our own — our beloved and legendary cast member and dear friend, John Aniston. It is truly unimaginable to think he won't be stepping foot on our set again, but it's comforting to all of us to know that he is at rest and no longer in pain."

Of the actor's character, Corday added: "He, along with our Victor Kiriakis, will forever be in our hearts. Our love and support goes out to his family and all those who knew him."

Aniston was married to actress Nancy Dow, who was Jennifer's mother, from 1965 to 1980. He married Sherry Rooney in 1984.

Justin Theroux, Kaley Cuoco and Naomi Watts are among the stars who shared heart emojis in the comments section of Jennifer Aniston's post.

"Sending big love," Watts wrote. Earlier this year, John received a Daytime Emmy Lifetime Achievement Award. Though he did not appear at the ceremony, Jennifer accepted the award virtually on his behalf.

Born on the island of Crete, Greece, on July 24, 1933, John moved to the US with his family when he was two years old. The family settled in Chester, Pennsylvania, and John went on to graduate from Pennsylvania State University with a degree in Theatre Arts. After serving in the United States Navy following college, John would begin his acting career in 1962 with a small role in *87th Precinct*.

From 1970, John was a regular on soap operas, first appearing on *Days of Our Lives* as a character named Eric Richards. He would go on to star in *Love of Life* as Eddie Aleata, *Search for Tomorrow* as Martin Tourneur, and eventually returned to *Days of Our Lives* in 1985 as Victor Kiriakis, a character he played up until 2021.

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