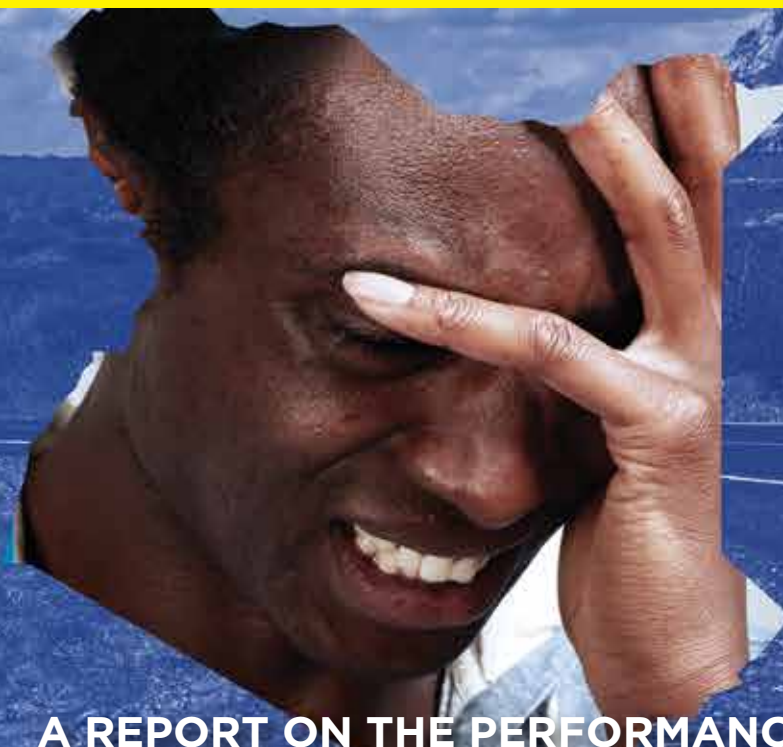


TAKING A HUNDRED STEPS BACKWARDS

FROM HUSTLERS TO SUFFERERS



**A REPORT ON THE PERFORMANCE
OF THE ADMINISTRATION OF PRESIDENT
WILLIAM RUTO DURING THE FIRST 100
DAYS IN OFFICE SINCE BEING SWORN IN
ON 13TH SEPTEMBER 2022**



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Executive Summary

The first 100 days of the Kenya Kwanza regime have been marked by the pronouncements, actions, and policy failures that evidence a troubling trend line across the spectrum. An overarching theme is already emerging. The key takeaways this early are the Kenya Kwanza regime's disdain for the Constitution and laws of Kenya, the contempt for democracy and its institutions, the flagrant violation of Chapter Six of the Constitution on Leadership and Integrity, the intolerance and speed with which the regime has run roughshod of the rule law, the rush to destroy the political opposition and quash dissent, the blatant throttling of the free press, and the naked attempt to kill devolution.

All of these actions have been taken without the least attempt to even camouflage the dictator's hand. To cap it all, the state has moved quickly to capture the IEBC and the Judiciary, the two key pillars of Kenya's democracy. What is shocking is that while taking all of these malign actions, the state has utterly failed to give the people breathing space from penury. From expensive and bloated foreign trips with hundreds of hundreds of cronies, heavy and unsustainable borrowing, the runaway prices of basic commodities and the removal of essential subsidies that gave relief to the most vulnerable, the Kenya Kwanza administration has been tone deaf to the economic plight of the majority of Kenyans.

If the first 100 days of the Kenya Kwanza regime are anything to go by, Kenyans face a long stretch of destitution and tyranny unless something is done to change course.

Background

Kenya held a General Election on 9th August 2022. The Presidential Elections was a hotly contested election with four candidates battling it out in the ballot for the highest office in the land. The election was largely a two-horse race between Azimio leader Raila Odinga and his running mate Martha Karua against William Ruto and his current Deputy President Rigathe Gachagua from the Kenya Kwanza Coalition. The election witnessed slightly over 14 million Kenyans go to the polls to exercise their democratic right.

The campaign season officially kicked off on 29th May 2022. During the campaigns several promises were made by both parties to sway voters to support their candidature. Each candidate had broad and daring campaign promises and each was each questioned by the media and the general public regarding their ability to deliver on the same. Each candidate assured the Kenyan public that they would deliver on their promises when elected. Many of these promises were made as “100 day promises”, indicating the commitment of the candidate to the pledges they were making.

President Ruto was controversially announce as the winner of the Presidential Election and even more controversially confirmed by the Supreme Court of Kenya. His first task as a President was the selection, formation and swearing in of his administration that would help him achieve promises made to Kenya as well as dispatching his responsibility as the President of Kenya. This report will firstly look at the various politicians and public figures appointed by the president to run his administration, their ethical qualifications and suitability to serve as determined by Chapter 6 of the Constitution of Kenya.

The report will also look at the genuineness of the promises made by the Kenya Kwanza coalition to the voters and the commitment of the coalition to the delivery of its promises. The political narrative used by the Kenya Kwanza Coalition was one that appealed to the lower working class in Kenya. This was popularized by the ‘hustler and mama mboga’ narrative that was widely spread across the Kenya Kwanza campaign. This campaign slogan was used to sway and implore the citizens of the lower class to gain trust in the coalition and in turn vote for William Ruto and his running mate. Kenyans were swayed with the myriad of promises to vote for William Ruto with hopes of having better living standards and alleviating the level of poverty in the country.

These promises and so many other promises are amongst the many projects that the Kenya Kwanza coalition promised to achieve within at least their 100 days in office. This report will categorically break down all the promises made by Kenya Kwanza government into the different sectors that the promises fall in. This will help grasp the intensity of the fallacies issued to Kenyans and the consequent impact that the promises have had post the August Presidential elections particularly the impact of their failure to achieve the set promises and the consequent effect on the common good of the country.

CHAPTER ONE

Agriculture and Food Security



1. The fertilizer controversy

In his inauguration Speech on Tuesday 13th September 2022, President William Ruto directed that 1.4 million bags of fertilizer be availed to farmers at a maximum subsidized price of Kshs 3,500 per 50kg bag down from Kshs 6500, as part of his Government’s interventions to address the high cost of living.

On 19th September 2022, the Permanent Secretary Crops Development and Agricultural Research Dr Francis Owino announced that the Government had availed Kshs 3.55 Billion, to subsidize 71,000 Mt of fertilizer for growing food crops during short rains season. He also announced the new prices for the fertilizer.

On the 20th September 2022, it was announced that the fertilizer had arrived in the country and on 22nd September 2022, Deputy President Rigathi Gachagua flagged off a consignment of subsidised fertiliser to various parts of the country.

The president and his deputy were immediately accused of lying to Kenyans by taking an initiative of the outgoing regime and pretending it was theirs. In April 2022, the Uhuru Kenyatta administration had unveiled a Kshs 5.7 billion fertilizer subsidy fund to subsidise prices for 2.28 million 50-kg bags of fertilizer for farmers growing food crops. Farmers were to pay KSh2,800 for a 50Kg bag.

Apart from the fact that the Ruto administration had added Kshs 700 to the price that had been given to farmers by the Uhuru administration, there lingered the yet unanswered question how 71,000 Metric tons of fertilizer were bought, shipped and delivered by the Ruto administration in 7 days.

There is also the lingering question where the fertilizer had come from with suspicious queries raised regarding a highly publicised promise by Russia to give African countries fertilizer for free. Had the Ruto administration sold to Kenyan farmers fertilizer that had been gifted to the farmers by Russia? The controversy remains.

2. Feeding Kenyans genetically modified foods by force

On 3rd October 2022, President Ruto chaired a Cabinet meeting that lifted a ban on the cultivation and importation of genetically modified foods and seed. The lifting of the ban removed a prohibition that had been put in place since 8th November 2012 placed by the Kibaki administration.

In the years following the ban in 2012, Kenya had dealt with the issue of use of genetically modified foods and seeds on a case by case basis. Where safety of individual

products have been established, Kenya has granted the necessary permissions to allow the use of the genetically modified product in question.

Such permissions have been granted after ensuring compliance with scientific and legal mandates and after thorough vetting by regulatory authorities.

On 2nd September 2016, Kenya authorized trials in the planting of BT cotton, a genetically modified strain of the cotton plant. The approval was for the limited purpose of conducting national Performance Trials under the supervision of Kenya Plant Health Inspectorate Service (KEPHIS). It required that there be a twenty year period of monitoring the performance of the crop and its effects.

Last year, on 15th June 2021, Kenya approved the growth in Kenya of genetically modified cassava that was resistant to Cassava Brown Streak Disease following comprehensive safety assessment that showed the crop did not pose any risk to human and animal health or to the environment.

The genetically modified cassava crop was developed by the Kenya Agricultural and Livestock Research Organization (KALRO) and had been evaluated for a period of five years in field trials. The approval remains provisional until after another five years of further trials.

The 2012 Cabinet prohibition on genetically modified organisms did not close the door on the use of biotechnology in Kenya but rather closed the door on the introduction of foods that are untested by local regulatory agencies and that may be introduced regardless of the health, religious and cultural sensitivities of the people of Kenya.

In truth therefore, the decision of the Ruto administration to allow the cultivation, importation and sale of genetically modified foods in Kenya did not lift a ban on genetically modified organisms in Kenya as none actually existed but instead removed all regulatory barriers that had been established over the last ten years for the protection of the people of Kenya.

The ostensible reason given by President Ruto for the removal of all prohibitions established in 2012 was the

need to increase food productivity in Kenya and thus ensure food security. He stated that as Kenya is currently under the throes of a severe drought and the removal of all prohibitions would be the panacea to hunger as the genetically modified seeds would produce faster and better and the imported foods would be cheaper.

However, the established policy of the government of the Republic of Kenya ratified by successive administrations including the administration of Hon. William Ruto is that the key to food security in Kenya lies in the shift from rain fed agriculture to adoption of irrigation agriculture.

Indeed, one week to the Cabinet decision that pronounced introduction of genetically modified foods as the panacea to food shortage in Kenya, the administration of Hon. William Ruto had restated its belief in irrigation agriculture as the solution to food security in Kenya.

The administration announced that it would be introducing legislation in Parliament to establish a legal and regulatory regime to facilitate private investment in water resources that would expand irrigation agriculture.

The hasty removal of all regulatory protocols in the cultivation and trade in genetically modified foods in Kenya is therefore neither rational nor reasonable.

The issue assumed a diabolical dimension when the Minister of Trade Moses Kuria, taking the first steps at implementing the Cabinet decision, issued a statement authorizing the importation of genetically modified foods and told Kenyans, regarding their concerns of the safety of GMO foods, that :

“Being in this country you are a candidate for death. And because there are many things competing for death, there is nothing wrong with adding GMO to that list. That is why we are deliberately allowing GMO into this country.”

It is slowly coming to light that President Ruto has made promises to various international commercial interests to whom he must deliver notwithstanding the interests of lives and livelihoods of Kenyans.

CHAPTER TWO

Governance



Appointees to public office

This next part of the report focuses on the interrogation of the personalities the President has appointed since the assumption of office on the 13th of September vis-à-vis the high call of integrity in Chapter 6 of the Constitution. Most appointments made by the President are of persons that have an ongoing court case or have been part of a graft scheme. The first appointments that will be looked at are the 7 members of the Council of Economic Advisors appointed by President Ruto on 15th October 2022 and a synopsis of the scandals and graft cases marring their integrity. The report will then look at several appointments made to head strategic parastatal institutions and lastly, the appointments made to the Cabinet.

A. Members of the council of economic advisors

i. Mohamed Hassan

Mohamed Hassan was one of the members appointed by the President. Mr. Hassan has previously been adversely mentioned in a Money Laundering Scheme. In March 2016, while serving as the Chairman of the National Bank of Kenya, he was accused of aiding a Sh100 billion money laundering scheme at one of Kenya's largest chartered flight operators--Bluebird Aviation.

Yusuf Abdi Adan, the Bluebird Aviation shareholder, claimed in court that his partners have been using Mohamed Hassan to fraudulently channel massive funds out of the company. He was accused of facilitating Hussein Ahmed Farah, Hussein Unshur Mohammed and Mohammed Abdikadir Adan to transfer approximately between \$750 million (Sh76 billion) and \$1 billion of Bluebird Aviation's money to their personal investments.

Yusuf Abdi Adan made these claims in court in a liquidation suit **RE: Winding Up of Blue Bird Aviation Limited [2016] eKLR**

ii. Dr Kamau Thugge

The Anglo-Leasing payment Scandal

He has previously worked in the Ministry of Finance as head of Fiscal and Monetary Affairs Department, Economic Secretary and as Senior Economic Advisor. During his tenure in the Kibaki Regime and Moi regime, he was grossly mentioned in the Anglo-Leasing Scandal. The Anglo-Leasing was a series of security-related scandals involving 18 state security contracts, collectively worth about \$770 million (Sh55 billion).

On May 21st 2014, he confirmed before the Public Accounts Committee of Parliament that the National Treasury relied on a presidential fiat when it drew Sh1.4 billion from the Consolidated Fund to settle contentious claims by two Anglo Leasing firms.

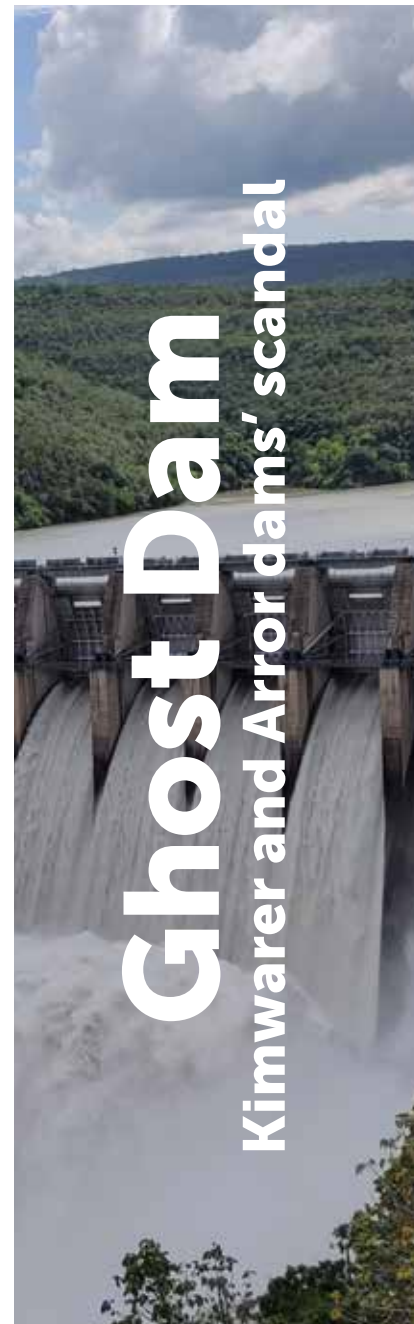
Serving then as the Treasury principal secretary Kamau Thugge told a parliamentary committee that he released the payment on the President's directive, which was communicated through an email from State House.

The Controller of Budget vehemently denied the claims that it offered consent to Treasury to make the payment and it maintained then that the said step was taken by Dr. Thugge purely on Executive orders in a clear violation of the laid down procedures.

Kimwarer and Aror dams' scandal

On 23 July 2019, Kamau Thugge was among 26 government officials charged in the multibillion-shilling Kimwarer and Aror dams' scandal . He was charged with five counts of abuse of office where he was accused of using his office to improperly to confer a benefit to Intensa San Paulo S.P.A, London Branch and CMC Di Ravenna-Itiniera joint venture by unlawfully approving payment of EUR 2.5 (Sh295,877,663) for the development of the Aror multi-purpose dam.

The charges were later withdrawn when he agreed to testify against his co-accused who included his Cabinet Secretary, Henry Rotich.



iii. Adan Mohammed

The KCC helicopters

In 2018, the EACC commenced investigations on a corruption case where the Kenya Co-operative Creameries boss Nixon Sigey used Sh2.6 million to hire a helicopter to ferry the then, Deputy President William Ruto and Trade Cabinet Secretary Adan Mohamed to Nyahururu, Kiganjo, The then CS allowed exorbitant amounts of money to be used by KCC in hiring the chopper among other expenses when indeed the office of the CS had sufficient allocation available for facilitating the CS on official duties.

into the Kenyan market and the CS never took any steps in

The mercury sugar scandal

In the same year, Adan Mohamed was implicated by what was called "the poison sugar report" of The Parliamentary Committee on Trade, Industry and Cooperatives for his failure to monitor and ensure that Kenya Bureau of Standards (KEBS) were allowing only safe sugar into the country.

At that time, mercury-contaminated sugar was sneaked

ensuring KEBs ensured importers complied with relevant standards as at the entry of the products into Kenya from the neighbouring EAC countries.

The report was however defeated on the floor of the house amidst intense lobbying and cross-allegations of bribery and influence.

B. Heads strategic parastatals

i. Anthony Ng'ang'a Mwaura

- Chairperson, Kenya Revenue Authority.

Corruption

Mr. Anthony Ng'ang'a who served as the immediate former Director of the UDA Elections Board and currently appointed as the Chairperson of the KRA has been adversely involved in a major graft case centered on the fraudulent contracts with the Nairobi County Government in 2019.

The Assets and Recovery Agency (ARA) in 2019 got an order freezing his Assets in terms of millions of money they alleged he had acquired through the corrupt deal tenders with the County Government of Nairobi. ARA had obtained orders stopping Mwaura, his wife Rose Njeri and their two companies Hardi Enterprises Ltd and Toddy Civil Engineering Ltd from disposing, using or transferring nine vehicles, pending determination of the dispute. The agency also obtained orders freezing his two accounts with Sh9.5 million over claims that the businessman had benefited from illegal tenders from Nairobi County.

He was also charged alongside Nairobi Governor Mike Sonko with money laundering, fraudulent acquisition of public funds and embezzlement of Sh357 million.





ii. Hamisi Mwashobo Mwaguya

- Chairperson, Kenya Maritime Authority.

Obstruction of Justice and contempt of court

In a ruling in Kenya Airports Parking Services Limited & 16 others v Governor, Mombasa County Government & another [2017] eKLR the High Court in Nairobi found Mr Hamisi Mwashobo Mwaguya guilty of contempt of court.

The court found that Mr Hamisi Mwashobo Mwaguya in violation of a court order made on 17th June 2009 restraining the Municipal Council of Mombasa from collecting parking fees within Mombasa Municipality. Notwithstanding the order, Hamisi Mwaguya did, on 14th March 2014, issue a directive to the officers of the County Government that called on them to undertake actions that undermined the authority of the court order.

iii. Mary Wambui Mungai,

Chairperson, Communications Authority of Kenya

Tax evasion

On December 9 2021, Mary Wambui Mungai was charged with eight counts of unlawfully omitting taxes amounting to Ksh.2.2 billion. within the period between 2014 and 2016. At the time of her appointment, she had offered Kenya Revenue Authority an out of court settlement but the same had not been done.

iv. Ferdinand Waititu Babayao,

Member, Nairobi Rivers Commission

Ferdinand Waititu was impeached by the Kiambu County Assembly on December 19th 2019 on the grounds of Gross misconduct, Abuse of office and engaging in corruption and Gross violation of the Constitution of Kenya, the County Governments Act, the Public Finance Management Act, and the Public Procurement and Disposal Act.

This impeachment was confirmed by the Senate in January 2020, the decision was never appealed at any court.

As at the time of making the purported appointment, the President was fully aware of the fact that Mr. Waititu is unfit to hold any other public office.



C. Members Of The Cabinet

i. Musalia Mudavadi

"Prime Cabinet Secretary?"

The President appoints all Cabinet members who are inclusive of the Attorney General, the Deputy President and a minimum of 14 and a maximum of 22 Cabinet Secretaries. There is no such position as the "Prime Cabinet Secretary. This is a clear act of violation of the Constitution by the President. The President cannot alter the structure of the Cabinet and create positions in the Cabinet that are not provided in the Constitution. Musalia Mudavadi is an accessory to this transgression by accepting an appointment to a non-existent position, submitting to a vetting for the same and finally taking oath and assuming office.

The Goldenberg scandal

Musalia Mudavadi was adversely named in the Goldenberg scandal that saw the Kenyan government losing close to Kshs. 5.8 billion to dubious export compensation claims for gold, a commodity which was mined in negligible quantity in the country. Though Musalia Mudavadi's name was subsequently cleared by the 2005 Report of the Judicial Commission of Inquiry into the Goldenberg Affair, many accounts of the scandal continue to cast doubt about his role in the execution of the scandal.

Anglo-leasing scandal

At the beginning of the Anglo-Leasing scandal, Musalia Mudavadi was serving as Vice President and Minister of Transport. Although not adversely mentioned as a suspect, he was identified as a person of interest in the scandal. He was listed as a witness against former Minister of Finance during Moi's government, Chris Obure, who was implicated in the scandal. According to court records, Musalia Mudavadi confessed to have signed letters requesting the finance minister to undertake direct procurement for the goods and services to one of the companies that would eventually form part of the Anglo-leasing companies. Though the case was lost and the accused persons acquitted many accounts still leave doubt about Mr. Musalia involvement in the scandal.

Nairobi City Council Cemetery Land Scandal

The scandal which happened in 2010 involved an overvaluation of a piece of land procured by the Nairobi City Council to establish a cemetery. According to the Kenya Anti-Corruption Commission, the proper value of the land was estimated at Kshs. 20-30 million but the NCC paid Kshs 283 million for it. The money was then distributed to different beneficiaries through lawyer accounts. At that time, Musalia Mudavadi was serving as Deputy Prime Minister and Minister for Local Government. A report by KACC titled A Report on the Procurement of Cemetery Land by the Nairobi City Council, records an allegation by then NCC's legal director who implicated Mudavadi's involvement in the transaction through a middleman. According to the report, the middleman by the name Newton Osiemo, was introduced to her by the mayor to take care of the interests of Mudavadi.

The Goldenberg scandal



ii. Prof. Njuguna Ndung'u

- CS NATIONAL TREASURY

The Grand Regency Scandal

In 2008, Prof. Njuguna Ndung'u and former Finance Minister Amos Kimunya were accused of irregularly selling the Grand Regency Hotel below market price and flouting procurement rules. The government sold the five-star property in Nairobi to a group of Libyan investors for USD45 million. Analysts at the time, however, said the hotel was worth USD115 million, suggesting the property was undervalued.

The Imperial Bank Scandal

Prof Njuguna Ndung'u is also accused of having had a role in the collapse of the Imperial Bank. He is accused that while serving as the Governor of the Central Bank, he allowed his wife to receive gifts from Imperial bank's former managing director Abdulmalek Jan Mohamed as part of a calculated scheme by Abdulmalek Jan Mohamed to co-opt the banking sector regulator into abetting a massive fraud that crippled Imperial Bank and led to losses of billions of shillings to depositors.

It is alleged that Mr. Jan Mohamed paid for a 2014 trip by Mrs. Nancy Ndungu to a luxury resort in Thailand.

iii. Mithika Linturi

- Cs Agriculture

The degree saga

Mithika Linturi, when asked to prove his academic credentials by the parliamentary vetting committee, said that he could not present some of his education credentials following court orders that bar him from accessing his house where the said documents are stored. He said he was only able to present evidence of the documents in which he was in possession of and that did not have court cases tied around them.

It is currently unclear what Mithika Linturi's qualifications are. The Ethics and Anti Corruption Commission has questioned the manner in which Mithika Linturi in a span of 2014-2018 could have attained both the Bachelors and Masters degrees from the University of Nairobi. The Commission has sought unsuccessfully to establish how he could have attained a Masters degree even before formally graduating with a Bachelors in law

Rape

On the 30th of January 2021, Mr. Linturi was charged with attempted rape. He was accused of endeavoring to assault a 36-year old woman in Nanyuki town in Laikipia County. He was additionally blamed for committing an obscene demonstration to a grown-up and indecently touching the woman without her consent.

The charges were withdrawn after his nomination to the Cabinet after the complainant indicated they did not want to pursue the case.

Forgery

Mr. Linturi is accused of forgery in the securing of loan facilities. It is alleged that he forged signatures to secure a Sh530 million bank loan with properties of his estranged wife, Maryanne Kitany, as collateral. The charges include giving false information, obtaining of credit by false pretenses, impersonation, abuse of office and fraudulent procurement of the registration of charge documents.



iv. Aisha Jumwa

- Cs Public Service And Gender

Murder

At the time of her nomination, Aisha Jumwa was facing a charge of murder. She was jointly accused with her aide Geoffrey Okuto with the murder of Ngumbao Jola who was shot dead in 2019 in Kilifi County. At least three witnesses had testified in the case. When the Director of Public Prosecutions, following Jumwa's appointment to the Cabinet, withdrew the murder charge against her, saying she will be a state witness.

Corruption

On 31st August 2020, Aisha Jumwa was also charged with fraudulent misappropriation of Kshs. 19 Million from the NGCDF Malindi Constituency. She faced 13 offenses including forgery, fraud in procurement and money laundering involving the construction of Malindi Sub County education office. Upon her nomination to the Cabinet, the charges were withdrawn by the Director of Public Prosecutions.

v. Simon Kiprono Chelugui

- Cs Cooperatives And Smes

Person of Interest - Corruption investigation

Simon Kiprono Chelugui was questioned by the Directorate of Criminal Investigations in 2020 over the stalled Itaare Dam case. The dam has had an array of challenges ranging from compensation, flawed procurement processes and numerous court cases. No further action was taken on him after the questioning.

He was then Water and Irrigation Cabinet Secretary and was grilled by police over Sh19 billion lost in the stalled Itare Dam project.

vi. Ababu Namwamba

- Cs Sports

Corruption

Ababu Namwamba was adversely mentioned in a bribery scandal involving the Parliamentary Accounts Committee in 2014 while serving as its chair. He was summoned by a committee that was formed to chair the investigations into the serious bribery allegations that marred the PAC. The allegations were so serious that the then Speaker, Justin Muturi suspended the operations of the committee as the investigations were ongoing.

The House adopted the report and recommendations of the Powers and Privileges Committee in 2015, which had investigated the affairs. The recommendations were that the entire team be disbanded and indeed the house did so. They also further gave the Minority house and Majority leadership seven days to reconstitute a new committee of the Public Accounts. Five of the members of the PAC including Mr. Namwamba were completely barred from the new PAC as his integrity had been blemished by the corruption saga.

vii. Hon. Onesimus Kipchumba Murkomen

- Cs Roads

Obstruction of Justice

Mr. Onesmus Murkomen was at the centre of the National Youth Service saga accused of witness intimidation. According to an affidavit sworn by Anne Waiguru who

was then serving as Cabinet Secretary with the NYS under her docket and a memo from Mr Adan Harakhe who was serving as NYS Acting Senior Deputy Director General at that time. Mr Murkomen approached Mr. Harakhe and pressured him to inform the DCI to drop charges against his clients whose payments and accounts had been frozen or he would face unspecified consequences. Mr. Harakhe alleged that soon thereafter, there was a motion in parliament to seek his resignation from his office.

Viii. Hon Moses Kuria - Cs Trade

Embezzlement of CDF

In a report covering the fourth quarter for the period starting October 1 to December 31, 2021, the Ethics and Anticorruption Commission (EACC) said the recommendations followed investigations into allegations of embezzlement of public funds against officials of the Gatundu South NG-CDF. This was on or about the 7th of March 2022.

According to an EACC report, Moses Kuria was under investigations of embezzlement of the NGCDF funds in Gatundu South Constituency. It is also reported that his brother was a beneficiary of a tender awarded by the CDF board & it is alleged that Kuria was a beneficiary of Kshs. 3 million. The report recommended the ODPP to prefer charges against him but no action has been taken so far.

Hate Speech

Moses Kuria has been known to be notorious with making derogatory remarks against other tribes. He has been charged in court several times for hate speech charges which often also include incitement to violence.

Bribery

The MP has been on public record acknowledging to have received a bribe of Kshs. 100,000 in 2020 from Amos Kimunya, the then leader of majority in the National Assembly. The statements were made during a live interview broadcasted by the BBC TV in May 2021.

ix. Davis Kimutai Chirchir

- Cs Energy And Petroleum

The Chicken Gate Scandal

Davis Kimutai was adversely mentioned in the "ChickenGate" scandal that saw officials of the then Interim Independent Electoral Commission receive kickbacks from Smith & Ouzman, a UK- based company specializing in printing security documents, between 2008 and 2010. During that time, Chirchir was a commissioner at the defunct election management body. The UK counterparts in the scandal were eventually charged and found guilty but no investigations were conducted or charges preferred against Davis Kimutai Hon Chirchir.

Corruption

In March 2015, former President Uhuru Kenyatta suspended four Cabinet Secretaries among them Davis Chirchir (Energy) after they were implicated in corrupt deals based on a report from the Ethics and Anti-Corruption Commission. Mr Chirchir was being investigated on several allegations of corruption in agencies under the Ministry of Energy. The Director of Public Prosecutions however stated that the evidence presented by the Commission was insufficient.

x. Prof. Kithure Kindiki

- Cs Interior

Failure to account

In *Manson Oyongo Nyamweya v Kithure Kindiki & another* [2016] eKLR, Prof Kindiki and one other were sued by their client for unjustifiably withholding the proceeds of an election petition which they had successfully defended the plaintiff. The court in assessing the matter reached the conclusion that the plaintiff was deprived of his money by the defendants' wrongful act. The plaintiff has made out a case against the defendants on a balance of probabilities. Consequently, Prof. Kindiki were ordered to pay Kshs. 3,398,735/= together with interest at court rates w.e.f 2nd December 2010 till payment in full."

The defendants appealed the ruling and were granted stay orders at the court of Appeal pending the hearing and determination of the matter. Discrimination on grounds of sex

In the case of *Mokaya v Kithure Kindiki t/a Kithure Kindiki & Associates* (Petition 62 of 2019) [2021] KEELRC 1 (KLR) (30 September 2021), the court found that the firm of Prof Kithure Kindiki unlawfully terminated the petitioner's employment on the ground of pregnancy which amounted to discrimination under Article 27 of the Constitution.

The court found that his firm had violated the Constitutional right of the petitioner and discriminated her on grounds of pregnancy. The court ordered them to pay exemplary damages to the claimant in the sum of Kshs 1,500,000."



xi. Hon. Alice wahome

- Cs Water, sanitation & irrigation

Assaulting a public officer

On October 27th 2017, Alice Wahome was captured on video harassing an official of the Independent Elections and Boundaries Commission. She had insisted on reviewing of election results before they were announced and upon refusal by the official to comply with her demand, she proceeded to harass and assault him. IEBC released a public statement condemning the act and proceeded to file a complaint with the Directorate of Criminal Investigation. The DCI later summoned the MP to record a statement but since then, no further action has been taken against her.

Obstruction of Justice

On 28th March 2017, Alice Wahome was charged in court in Muranga for the offence of Obstruction of Police Officers from executing their duties and abuse of office. The taking of plea took almost after she was summoned to court because she defied the summons issued on numerous instances by the court. She only attended court after a warrant of arrest was issued. Since then, it is not clear whether the case proceeded to a full hearing

Xii. Dr. Alfred Mutua Nganga

- Cs Foreign And Diaspora Affairs

Corruption

While serving as the Governor of Machakos County, Hon. Mutua was under investigations by EACC on an alleged fraudulent tendering of vehicles. It was alleged that fraudulent purchase of motor vehicles for the County government of Machakos was done in violation of the Tendering and procurement laws. The court of appeal stayed the decision of the High court pending an intended appeal but the prosecution was subsequently withdrawn by the DPP.

Xiii. Hon. Aden Duale

- Cs Defense

Obstruction of Justice

Aden Duale was implicated together with Onesmus Murkomen in the NYS scandal for obstruction of justice. According to an affidavit sworn by Anne Waiguru who

was then serving as Cabinet Secretary with the NYS under her docket, Aden Duale called the NYS Acting Senior Deputy Director General Mr Adan Harakhe and urged him to corporate with the political faction of his and Duale's region (URP). He also requested Mr Harakhe to look for him later in the weekend for more advice. The allegations were corroborated by an attachment of a memo dated 10th July 2022 send by Mr. Harakhe to Anne Waiguru complaining about political interference on the investigations.

Xiv. Hon. Justin Bedan Muturi

- Attorney General

Bribery

It is a matter of public notoriety that Justin Muturi was involved in a Bribery case while serving as a Principal Magistrate in Nairobi in 1995. He was accused of soliciting 1 Million shillings bribe in order to sort out a criminal case that was before him.

Muturi was acquitted in late 1997. Then prosecutor Senior Superintendent Jonathan Mwalili appealed against the ruling, but the matter did not proceed any further. However, the Judicial Service Commission did not reinstate him





2. Ethnic and regional balance

One of the most important principles of Article 10 of the Constitution is inclusivity—which calls for ethnic and regional diversity in public appointments. The Constitution of Kenya 2010 envisages that government appointments must be reflective of the regional and ethnic balance.

The table below gives details of the appointments made by President Ruto to the positions of Permanent Secretary.

No.	Permanent Secretary	Portfolio	Qualifications/Background	Tribe& Or Region
1	Julius Korir	State Department for Cabinet affairs	1. Masters in Business Administration 2. Bachelors in Agricultural Economics	Kalenjin/Riftvalley
2	Esther Ngero	State department for Performance and delivery management	1. Bachelors in Education(Business and Mathematics)	Kalenjin/Riftvalley
3	Aurelia Rono	State Department for Parliamentary affairs	1.Masters in Business Administration. 2.Bachelors in Education Science	Kalenjin/Riftvalley
4	Prof. Julius Bitok	State Department for Citizen services	1.PhD in Business Management 2.Masters in Business Administration. 3.Bachelors in Education Science	Kalenjin/ Riftvalley
5	Dr. Korir Sing'oei	State Department for Foreign affairs	1.PhD,Masters & Bachelors in Law	Kalenjin/ Riftvalley
6	Nixon Korir	State department forLands and Physical planning		Kalenjin/ Riftvalley
7	Eng. John Kipchumba Tanui	State department for ICT and Digital economy	1.PhD in Global Business Management-Ongoing 2.Masters in Business Administration 3.Bachelor in Technology ,Engineering and Communications	Kalenjin/ Riftvalley
8	Eng. Peter Tum	State Department forMedical services	1.MSc in Energy Management 2.Degree in Industrial Technology	Kalenjin/ Riftvalley
9	Dr.Belio Kipsang	State Department forBasic education	1.PhD in Education Administration and Planning 2.Masters of Arts in Economics 3.Bachelor of Education	Kalenjin/ Riftvalley
10	Harry Kimutai	State Department forLivestock Development	1. Bachelor of Arts Economics	Kalenjin/ Riftvalley
11	Eng. Festus Kipkoech Ngeno	State Department for Environment	1.PhD in Environmental and Water Engineering 2.Masters and Bachelors in Biosystems Engineering	Kalenjin/ Riftvalley
12	Dr. Chris Kiptoo	State Department for National Treasury	1.PhD in Finance 2.Masters of Science Economics	KalenjinRiftvalley /
13	Dr. Paul Rono	State Department for Water & Sanitation	1. PhD, Leadership & Governance 2.Masters, Business Administration-Project Planning 3.Bachelors, Computer Science	Kalenjin/ Riftvalley
14	Carolyn Nyawira	State Department for Correctional services		Kikuyu/Central
15	Patrick Mariro	State Department forMinistry of Defence	1. PhD, Leadership and Governance 2. Bachelor's of Law, Dip.Law 3. Masters in Public Policy	Kikuyu/Central



16	Roseline Kathure Njogu	State Department forDiaspora Affairs	1.PhD, Masters, Bachelors and Dip.(KSL) in Law	Kikuyu/Central
17	Amos Gatheca	State Department forPublic service	1. Master of Arts in International Studies 2. Bachelor of Arts Degree	Kikuyu/Central
18	Joseph Mungai Mbugua	State Department forRoads		Kikuyu/Central
19	Charles Hinga	State Department forHousing and Urban development		Kikuyu/Central
20	Dr. Josephine Mburu	State Department for Health Standards and Professional Management	1.PhD in Public Health 2.Masters in Public Health	Kikuyu/Central
21	Dr. Esther Thaara Muhoria	State Department for TVET	1.PhD in Human Resource Management 2. Masters in Arts, Gender and Development studies 3. Bachelor of Arts in Sociology	Kikuyu/Central
22	Patrick Kiburi Kilemi	State Department for Cooperatives		Kikuyu/Central
23	Ephantus Kimotho Kimani	State Department for Forestry	1.Bachelor of Commerce-Finance	Kikuyu/Central
24	Alex Wachira	State Department for Energy		Kikuyu/Central
25	Elijah Gitumbu Mwangi	State Department for Mining	1.Masters in Business Administration 2.Bachelor of Commerce-Accounting Option	Kikuyu/Central
26	Betsy Muthoni Njagi	State Department for Blue Economy and Fisheries	1.Bachelors in Information & Technology–JKUAT 2.Masters in Project Planning—ongoing at the University of Nairobi	Kikuyu/Central
27	James Muhati	State Department for Economic Planning	1.MSC in Information Systems 2.Bachelor of Science	Luhya/Western
28	Prof. Edward Kisiangani	State Department for Broadcasting and Telecommunication	1.PhD in History and Political Economy 2.Masters in Arts(Political History) 3.Bachelor of Arts-Education	Luhya/Western
29	Dr. Beatrice Inyangala	State department for Higher education and Research	1.PhD in ECDE 2.Masters of Philosophy in Economics and Planning 3.Bachelor of Arts-Education	Luhya/Western
30	Juma Mukhwana	State Department for Industry		Luhya/Western
31	Susan Mangeni	State Department for MSMEs development		Luhya/Western
32	Sylvia Museiya Muhoro	State Department for Wildlife	1. Bachelor of Law 2. Bachelor of Education Arts	Luhya/Western
33	Teresia Mbaika Malokwe	State Department for Devolution	1. Masters in Science(Health and Policy) 2. Bachelors in Science(Environmental Health)	Kamba/Eastern
34	Jonathan Mueke	State Department for Sports and Arts	1.Masters in Business Administration 2.Bachelor in Computer Science	Kamba/Eastern
35	Joseph Mugosi Mutavi	State Department for Social Protection and Senior Citizen Affairs	1.Masters in Business Administration 2.Bachelor of Arts	Kamba/Eastern
36	Veronicah Mueni Nduva	State Department for Gender and Affirmative action	1.Master of Arts in Communication Studies 2.Bachelor in Political Science and Public Administration	Kamba/Eastern

37	Mohammed Dhagar	State Department for transport		Somali
38	Philip Kello Harsama	State Department for Crop Development	<ol style="list-style-type: none"> 1. Masters in Public Administration & Policy 2. Bachelor In Education 	Somali
39	Abubakar Hassan	State Department for Investment Promotion		Somali
40	Ismail Madey	State Department for Youth Affairs	<ol style="list-style-type: none"> 1.Masters Degree in Global Business Management 2.Bachelor of Arts in Criminology and Security Management 	Somali
41	Ummy Mohammed Bashir	State Department for Culture and Heritage	<ol style="list-style-type: none"> 1.PhD in International Relations-Ongoing 2.Masters of Arts in Armed Conflict and Peace studies 3.Bachelor of Law 	Somali
42	Mohammed Liban	State Department for Petroleum		Somali
43	Abdi Dubart	State Department for East African Community Affairs.	<ol style="list-style-type: none"> 1. Masters in Business Administration. 2. PhD in Business Administration-Ongoing 3. Bachelor in Commerce-Finance 	Somali
44	Idris Dogota	State Department for the ASALs and Regional Planning	<ol style="list-style-type: none"> 1. Masters in World Economics 2. Bachelor of Commerce, Accounting and Finance 	Somali
45	Dr. Raymond Omollo	State Department for Interior and National Coordination	<ol style="list-style-type: none"> 1. PhD,Masters in Statistics 2. Bachelors in Applied Statistics 	Luo/Nyanza
46	Alfred K'Ombundo	State Department for Trade		Luo/Nyanza
47	Joel Arumonyang	State Department forPublic works		Pokot
48	John Lekakeny Ololtuua	State Department for Tourism	<ol style="list-style-type: none"> 1.Master in Education Administration 2. Bachelor of Education Arts 	Maasai
49	Gitonga Mugambi	State Department for Irrigation	<ol style="list-style-type: none"> 1.MBA,Strategic Planning-KEMU 2.BSC, Agriculture-UoN 	Meru
50	Shadrack Mwadime	State Department for Shipping and Maritime affairs		Mijikenda/Coast
51	Geoffrey Kaituko	State Department for Labour and Skills Development	<ol style="list-style-type: none"> 1. Masters in Public Administration 2. Bachelor of Laws 3. Bachelor of Arts 	Turkana/Riftvalley

The appointees from Rift valley and Central are twenty six in numbers (Thirteen slots per the two regions)—that is more than half of all the slots. Officially, there are at least forty five ethnic communities in Kenya. It means the other forty three communities are left to share the other half.

The Somali community got eight slots in the appointments while the Kisii community got none. Eight slots are not justified by the population ratio.

In the mindset of President Ruto, only those who support him are entitled to the rights of citizens and benefit from public opportunities and resources. This is the classical foundation of autocracy.



3. The Gender Balance

In his manifesto which he launched on 30th June 2022, President William Ruto promised that he would give fifty percent of Cabinet positions to women. He also promised to implement the two thirds gender rule in all elective and appointive positions in the public sector within 12 months after the elections.

When he made his appointments to the Cabinet, he totally ignored the promise he had made to the country. Women comprised thirty one percent of the appointments, nineteen percent short of the promised ratio. Among Permanent Secretaries, the percentage of women was twenty three percent, seven percent short of the constitutional threshold. He has to date not explained his failure to keep his promise or comply with the constitutional imperative.

Foreign Policy



An aimless foreign policy, clueless foreign minister and reckless trade minister

Since independence, Kenya has claimed its place as a significant, if not equal player in international affairs, able to negotiate in its own best interest and prestige, just like all nations do.

Kenya has been a voice looked up to in areas of international trade, peace and security, human rights, democratization and counter terrorism. A significant manifestation of this came by way of Kenya successfully lobbying for the UN Security Council chair.

There are worrying signals that these advantages are endangered.

First is the appointment of two rookies-Alfred Mutua and Moses Kuria-to Foreign Affairs and Trade dockets respectively. These are critical dockets with significant bearing on Kenya's place among community of nations.

It was the expectation of Kenyans that the Ruto administration would prioritize diplomacy of economic prosperity. The complexities of such diplomacy requires depth of thought and knowledge combined with experience in global affairs complete with a web of networks ready to be deployed in the interest of Kenya.

This is particularly critical given that Mr. William Ruto himself has very limited experience on the global stage.

This lack of exposure manifested itself early when Mr. Ruto went back and forth on Kenya's recognition of the Sahrawi Arab Democratic Republic (SADR). That was despite the fact that Brahim Ghali, the President of Sahrawi Arab Democratic Republic, a partially recognized State agitating for independence from Morocco, was among the leaders invited to attend Ruto's inauguration.

The appointments to the dual dockets of foreign affairs and trade indicate the administration is taking Kenya back to the foreign policy of prestige and politics instead of economic growth. Nobody expects that Alfred Mutua and Moses Kuria as the persons now entrusted with the centre of our global engagements will deliver on critical areas like debt negotiations, trade negotiations, balance of power between old and emerging powers and global conflicts like the ongoing Russia-Ukraine war.

On global trade, we have already succumbed to what we believe is a case of arm-twisting by global powers and multinational corporations to allow "GMO" foods into the country. "GMO" foods is a major diplomatic and trade issue around the globe.

Mexico, a key trading partner with the US is currently embroiled in conflict with the US over "GMO". Mexico has decided to abandon "GMO" food and instead go

for direct agreements with farmers in the United States, Argentina and Brazil to secure non-genetically modified yellow maize imports as it works on banning "GMO" foods in 2024.

On the question of GMO imports, our foreign policy under William Ruto has failed. Why Kenya moved fast to accept "GMO" foods points to a diplomatic weakness in William Ruto, a cluelessness in Alfred Mutua and a recklessness in Moses Kuria.

We do not believe that Moses Kuria has the capacity to help Kenya navigate the international trading system and trade negotiations. We do not believe he has capacity to absorb and internalize even with the best advice from the best of technocrats. We do not believe his foreign affairs counterpart will be of much help either.

As trade and diplomatic affairs have gotten intertwined, they require people with capacity to comprehend and navigate complex and rapidly evolving mass of political and economic arrangements, the impact of trade in national development interests and ability to address trade barriers and disputes. We are clearly wanting in this area and the country will pay for it.

Expensive foreign travel

The president has been air-borne more times than any newly elected president in our country's short history of changing presidents.

He has been to the United Kingdom, US, Uganda, Tanzania, South Sudan, South Korea, Egypt, Ethiopia and DRC. But we have nothing to show for it. In South Africa, the United Kingdom and the US, he mostly repeated what President Uhuru Kenyatta had initiated, without any additional benefits.

Each of these travels cost over Kshs. 100 Million each.

Aware that he lacks popular mandate back at home and has limited international exposure, Ruto's forays abroad are not about Kenya. Ruto is merely looking for approval and patronage. That is why the trips aren't yielding much for the country much as they cost the country. We are yet to see the fruits of Ruto's diplomacy and ability to negotiate for Kenya.

Engaging with our foreign creditors

We are yet to see clear direction on the issue of debts which is a major diplomatic and trade issue.

We had expected the regime to immediately embark on scrutinizing our commercial agreements and embark on debt renegotiation, seeking debt relief, debt swaps and/ or conversions so that we do not continue spending all our revenue on debts.

China is Kenya's biggest foreign creditor, second only to the World Bank. It accounts for about one-third of Kenya's 2021-22 external debt service costs. Kenya is not on China's list of African nations that will receive its debt relief in 2022. This was reason enough for quick engagement with China and influence its debt diplomacy towards our country and negotiate existing debt. We haven't seen it. Instead, we are seeing more debts being negotiated and granted. The mortgaging of the country continues, contrary to what the regime promised.

As a party, we believe that Kenya needs to bid for any opportunity that arises in the international system. To this end, we agree with and support the administration's decision to nominate Ambassador Nancy Karigithu for the position of Secretary General of the International Maritime Organization (IMO). We stand with her but we expect much more robust support by the government than mere announcement that she has been nominated.



Economy



1. Bottom up versus austerity measures : over ambition or political conmanship

President Ruto's voters did not vote for austerity. They voted for what was termed a "bottom up" approach to economics that entails heavy investment in the lower economic classes of the Kenyan nation. Instead, after making these promises to the Kenyan people, the president's rhetoric and language has changed since he was sworn in. He has been preaching fiscal austerity and repeatedly stressing publicly that the government must start living within its means. He is implementing an austerity program that involves spending cuts and higher tax which will amount to a savage attack on living standards of the populace on a scale last witnessed at the height of the structural adjustment impositions of the early 90's.

Within days of assuming power President Ruto suspended the fuel subsidy program thereby wilfully imposing austerity on the public causing widespread misery and hardship on the citizens. The fuel subsidies were removed across the board without providing targeted safety nets to vulnerable households and to the socially excluded.

President Ruto has abolished the safety net program for slum dwellers known as 'kaazi kwa mitaa'.

The social safety net work known as "pesa kwa wazee" for the elderly and the disabled is also not receiving money anymore making countless of vulnerable citizens

desperate and without a way to sustain their lives.

The priority of Ruto's government is no longer economic growth or helping households cope with high prices. Instead the focus is on balancing books and meeting benchmarks so as to please donors from whom he hopes to borrow even more money.

Kenya needs policies that will transform the economy-not simply react to the latest crisis. The Ruto administration has no idea of how to do this.

2. Public Debt

The new administration has shown that it has no solution or strategy of dealing with the public debt problem in a durable manner. It seems that the only plan Ruto's administration has is an IMF-sanctioned savage attack on the living standards of the citizens through austerity. The administration has nothing beyond talk about 'debt re-profiling' and 'switching' of bonds.

The most important indicators of debt sustainability are those relating to the cost and the country's capacity to service the debt and these are rapidly approaching distress thresholds.

The Ruto administration is trying to address the problem by taxing Kenyans more. More tax revenue will not solve our debt and deficit crises. In fact, it will make it worse, because no matter how robustly our tax revenue grows and no matter how much we tax our citizens, we will always find a way to spend everything we collect — plus more.

The Ruto administration, despite its promises to cut costs, has done the opposite and made the government bigger. While the constitution put a limit of the size of the cabinet at 22, the president has expanded the size of the executive by arbitrarily establishing what are being called "Cabinet level" offices and increasing the number of state departments. The upshot of this is an executive with an elastic number of Cabinet Secretaries in contravention with the intention of the Constitution and a total of 52 principal secretaries.

President Ruto's style is the use of broad constitutional powers to build acquiescence and loyalty across the state apparatus and to build an expansive loyal networks of operatives that penetrates the length and breadth of the civil service. All these will make the debt situation worse.

Further, the Ruto administration is itself actively seeking any loan it can get. Between South Korea, China, IMF and World Bank, the Ruto administration is set to increase Kenya's indebtedness by an extra over One Trillion shillings in the next two months. During the campaigns, William Ruto had viciously criticised the last administration for over borrowing.

3. Hustler Fund

The Ruto administration has rolled out its much anticipated and flagship program – The Hustler Fund. The first product – The Personal Finance Product – was launched on 30th November 2022. It is a borrow and save product.

The product is poorly designed and is likely to lead to massive wastage of public resources. The fifteen million 'hustlers' that applied for the loan as at Jamhuri day, were on averaging receiving Kshs. 573. This amount is too little to make any meaningful impact as far as empowering the youth is concerned. Indeed the entire exercise was derided by the youth saying they applied for money to put up a barbershop but instead were given money to have a hair cut.

The total amount disbursed (target is 50b) is also likely to cause fiscal crisis given the current fiscal position of the country. It does not make sense that at a time when the country is begging the IMF to loan it 52b, it is at the same time giving its citizens welfare cheques worth 50b. In fact, there are rumours that this is one of the outstanding issues with the IMF and the one causing a delay in presenting the approval of Kenya's loan proposal to the Executive Board of the Fund. It is therefore fair to conclude that the administration is lying to the youth. It cannot and does not intend to fulfil this pledge



With expected high default rate, the fund is likely to be depleted faster than it would be replenished given the short repayment period of 14 days. A lot of public funds will be lost because most of the money will not return.

It looks like the product was designed to not help the hustlers but was targeted at fighting existing mobile lenders like Fuliza. Fuliza and like lenders provide liquidity and overdraft facilities to their clients. Such products have a short term tenor and are for LIQUIDITY purposes and are not LOAN CAPITAL.

The Fund is also illegal as no Board or Secretariat exists as is the requirement of the law. Who is currently over sighting the already disbursed 7.5b? Where is the savings component remitted to? Where is the money coming from? All issue surrounding the Hustler Fund remain secretive and at best opaque.

4. Monetary and Fiscal Policy

A. Ruto administration has no idea how to avoid the impending of sovereign default.

The recent decision by Ghana to impose haircuts and interest repayments has sent shivers in markets and raised anxiety about a possibility of a sovereign default case in Kenya. Last year, the National Treasury initiated engagements with holders of external commercial debts where it sought to negotiate a re-profiling of debts and to make major amendments on the facility agreements for these debts. The Ruto administration has deferred the initiative.

Dealing with the \$ 2 billion Eurobond repayments which must be done within 24 months remains a ticking time bomb and the biggest challenge for the Ruto administration in the management of Kenya's external debt liabilities. The IMF has demanded that Kenya must table a workable proposal on how it intends to repay the huge maturities. Kenya has been planning to set up a sinking fund to finance the maturities when they fall due. But a sinking fund to specifically settle the Eurobonds maturing in June 2024 would imply that Kenya is elevating the interest of one class of creditors above others and that this would amount to a breach of the principle of comparability of treatment of creditors.

According to the latest annual debt report published by the National Treasury, the total external debt service- principal repayments and interest payments- on government debt as at end June 2022 has ballooned to a level to Kshs. 305.6. External debt service paid to multilateral creditors was Kshs. 51 billion, bilateral creditors Kshs. 101,9 billion and commercial creditors Kshs. 151,8 billion.²⁵ . The increase in debt service payments due to bilateral debt is attributed to the end of Debt Service Suspension (DSSI) extended to Kenya at the height of the Covid pandemic.

The Ruto administration is totally at sea on this challenge and is likely to drive Kenya back into the collapse of the economy in the 1990s. **B. The Ruto**



administration is sabotaging the Kenya shilling

The Foreign Exchange Market has completely broken down. The interbank market shut down and no foreign exchange trade between banks is taking place. There is shortage of dollars everywhere and bank customers are unable to source dollars in order to trade. There has been little or no effort from the new administration to resolve this problem.

The Kenya shilling is no longer regarded as free floating and Central Bank bank is managing the foreign exchange rate having in mind the fiscal position of the country. This goes against the principle that the central bank should be independent and focus on monetary policy. But if the currency is allowed to float freely, the foreign debt component of the public debt will balloon and that is what CBK is worried about.

Because the Ruto administration cannot come up with any solutions, what is likely to happen now is that eventually, a new Central Bank Governor will let the shilling find its true value. This will lead to a sharp fall in the currency, overnight ballooning of the debt and massive imported inflation. Basically, the Ruto administration is simply postponing a massive problem which the administration seem not to know how to deal with it.

The one idea the Ruto administration has come up with is a disaster and amounts to sabotaging the Kenya shilling. The president recently announced that the government will issue a dollar bond in the domestic market. This is an attempt to raise dollars and boost the CBK reserves. What this will do is to mop up the \$7.5b held by individual Kenyans and businesses from the market. But it is a very bad idea.

Firstly, it will send a wrong signal to the markets - When a government raises funds domestically using a currency other than its own, it will be sending a message that it has little confidence in its own currency. This will have negative impact on the exchange rate.

Secondly, it is unlikely to work. The truth is that Kenyan businesses and individuals are holding dollars because they have lost faith in the foreign exchange markets and they have doubts about the ability of CBK to sell dollars to them when the need it. What businesses and individuals have done is to basically create their own reserves. Why would they sell their dollars when the most need it to import goods?

And if it does work and people buy this dollar bond the government issues dollar bonds domestically at attractive rates, this will encourage those holding Kenya shillings to also look for dollars so that they can take advantage of the attractive rates being offered. This will increase the demand for dollars and further weaken the shilling.

The Ruto administration seems to be ignorant of the fact that we are supposed to be attracting dollars into the economy and not mopping up what is already

The Ruto administration is sabotaging the Kenya shilling





in the country. When the government gets hold of these dollars, they will be used by Central Bank to pay foreign debts and this would further widen the current account deficit and worsen the exchange rate problem.

Lastly, the Ruto administration is sabotaging the Kenya shilling by dollarizing the economy. Recently, Kenya Power announced a move to ask some of its big customers to pay their bills in dollars. This is a terrible idea. The continued dollarization of the economy will lead to every business starting to reference the dollar for calculating its costs. There is already a forex adjustment cost on power bills so that Kenya Power don't make losses. All Kenya Power is trying to do is move the headache of sourcing foreign exchange from themselves to the consumer. If they succeed, everyone will follow suit and no one will want to trade in the Kenya shilling.

As things stand, the tight liquidity in the forex markets is beginning to exert pressures on key real sectors of the economy, especially manufacturing. The Kenya Association of Manufacturers has reported that several of its members may be forced to close down their operations because they are not able to access dollars from the local market to purchase imported inputs. Many companies have lodged permanent buy orders for dollars with their commercial Banks. 'Buy at any price' has become the order of the day.

C. Ruto allies have captured the electricity sector

In October, immediately upon assuming office, the Electricity and Petroleum Regulatory Authority (EPRA) wrote to Kenya Power directing the utility to immediately submit a power tariff application to the authority. The last time Kenya Power made an electricity tariffs application was under Uhuru Kenyatta's administration in 2018. The Ruto administration is set to increase power tariffs

The Ruto administration is going to raise power prices in order to get revenues to pay recently commissioned IPPs , including Selenkei and Cedate power stations in Eldoret, Malindi Solar, Kipeto Solar, Olkaria V and Kianthumbi Power. Prominent businessmen linked to the president Ruto are said to beneficial ownership of these IPPs.

Under the IPP model followed by Kenya, every merchant power plant that comes on board brings its own revenue requirements. This means that Kenya Power must apply for a tariff increase whenever a new plant comes into operation. Since the Ruto administration is signing too many of these IPP agreements within a very short period, the system will witness an unsustainable build-up in payments for unused electricity.

The Ruto administration is also raising the power tariffs so as to facilitate the commencement of a Kshs. 5 billion procurement project at the Kenya Power company. Hardly a week after Ruto was declared as president-elect and even as the country was waiting for the outcome of the presidential election petition, renowned allies of the new president were on Twitter warning Kenya Power against proceeding with awarding contracts for supply of metres, transformers and poles to specific companies.



Kenya Power is clearly going to be one of the centre stages for fresh power games between greedy elites. Top members of the Ruto administration and political and financial allies of the new president own a concrete pole treatment plants and are big supplier of electricity poles and of metres and transformers.

The current tariff that reduced the 2018 tariff level by 15 per cent was approved EPRA on January 7, 2022, in line with the recommendations of the Presidential Task Force on Review of IPP Power Purchase Agreements. The lower tariff is to lapse by December 2022.

D. Payment of pending bills

The Ruto administration promised to settle all pending bills as soon as it assumes office. The pending bills are over Kshs. 500 billion. The administration promised to securitise the pending bills and sell these securities in the capital markets and use the proceeds to settle the pending bills. What they did not realise it that this would be akin to a new borrowing and the entire Kshs. 500b would be added to the debt book, fiscal deficit will jump and many debt sustainability thresholds will be breached.

In a recent cabinet paper, the cabinet approved Kshs. 92b of pending bills to be paid to road contractors through a proposed back hand securitisation program that raises a lot of questions. The cabinet directed that the Petroleum Development Levy (PDL) be amended to provide the allocation of the levy to pay these debts. Because collecting the money through the levy will take time and because they need the Kshs. 92b now, the cabinet approved a framework to settle the Kshs. 92b through a bridge bond.

The above proposed arrangement raises a number of issues. This Petroleum Development Levy is already funding the current budget. The pending bills are outside of the budget. How can funds already committed to fund expenditures already in the budget be diverted to fund expenditure that is not in the budget? The administration has no idea how they can settle pending bills without also causing macroeconomic instability.



Health Care

high
hospital
bills

Free Universal Health Care: Over ambition or political conmanship

On the 17th of February 2022, while addressing Kenyans on the campaign trail at Kibingoti in Ndia, Kirinyaga County, President Ruto promised that by December 2022, every Kenyan would have a free National Hospital Insurance Fund medicover that would provide free health care in all hospitals.

But on 13th September 2022 when he was being sworn in, he changed the narrative and said that the NHIF cover would be paid for and payments would be scaled based on the income of the person. The promise of free universal health care has never been talked about again and is treated by the President as though it was never made.

The Linda Mama program is also on the verge of collapse as the Ruto government has stopped financing it

Education



Removal of subsidies on fees

When it launched its manifesto, Kenya Kwanza promised that its government would commit to address inequities in our education system to level the playing field for all children irrespective of their background. It committed to deliver equitable universal basic education which it defined as 12 years of schooling.

Since then, Ruto administration has removed the school fees subsidy. The school fees subsidy had been introduced by the Uhuru Kenyatta administration during the economic crisis brought by the Covid-19 lockdown. Since then though, the economic crisis has become worse, cost of living gone even higher, and there has been no time a subsidy on school fees has been needed like in current times.

Further, the Ruto administration has also announced its intention to raise tuition fees in public universities. Universities have proposed that tuition fees be increased to Sh48,000 from the current Sh16,000 which call has been supported by the Ruto administration.

Education Cabinet Secretary Ezekiel Machogu, speaking at Dedan Kimathi University in Nyeri on Saturday, November 5, 2022, said that universities should seek alternative means of raising revenue. He said the government will no longer fund public universities and colleges.

Education is the most efficient equalizer in Kenya. It is only education that has helped very poor boys and girls rise up to the highest echelons of Kenya's economic, social and political life. The removal of education subsidies and raising of university fees will have the most devastating effects on equality in Kenya with education becoming available only to the select few who can pay.

The removal of school fees subsidy and the increase in university tuition fees is the greatest betrayal of the poor by the Ruto administration.

Constitutionalism and rule of law



1. Ruto has killed and buried Chapter Six

The Ruto administration has designed and implemented a deliberate policy of populating the National Executive, the civil service and key national institutions and agencies, with individuals who have or are still facing corruption charges. Having a case in court, or a scandal at least, appears to be a critical qualification for appointment to office by President Ruto. President Ruto is clearly seeking out people with very low ethical standards and who have cut their teeth on eating public money.

Further to appointing these criminal suspects to office, President Ruto is having all their criminal cases systematically withdrawn and issuing them with clean bills of health thereby not only cleaning their record but also legalising the conduct for which they were being held culpable.

Going forward, there will be no test on integrity required within the Executive arm of government. If the president does not include Chapter Six as a prerequisite qualification for those he appoints to office, it will be insubordination for any officer junior to him to try to do so. Ruto has killed and buried Chapter Six of the Constitution in so far as the Executive arm of government is concerned.

2. Ruto is proving to be thin skinned and vindictive

In the address he gave accepting victory after he was announced as winner of the presidential election, President Ruto said:

"There is no room for vengeance, there is no room for looking back, we are looking into the future," he said. "I am acutely aware that our country is at a stage where we need all hands on deck to move it forward. We do not have the luxury to look back."

But immediately he was sworn in, he unleashed a vengeful attack against persons he blamed for his political woes when he was Deputy President and during the elections. He said that the four commissioners who had dissented

on the declaration that he had won the elections Juliana Cherera, Justus Nyang'aya, Francis Wanderi and Irene Masit must face the rule of law as he set up a tribunal to try the four after a hastily executed process of parliamentary petitions.

After what was undoubtedly a fast tracked hearing by Parliament with members of the Justice and Legal Affairs Committee divided over the procedure and pace in hearing and determining four petitions seeking removal of four IEBC commissioners, a resolution was passed by the House on 2nd December recommending the establishment of a tribunal to consider their removal from office.

Within hours, President Ruto had appointed and gazette the tribunal and the Chief Justice was on standby to swear the members on the same day in what was clearly a choreographed operation. All but one of the commissioners succumbed to pressure to tender their resignations within a few days following.

Prior to the IEBC saga, President Ruto has been trying to frame the former Director of Criminal Investigations Mr. George Kinoti with criminal charges. Several detectives arrested after Ruto's swearing in on charges of extra judicial killing have told the court that they were being blackmailed into writing statement to frame George Kinoti with murder in exchange for their freedom.

President Ruto's vendetta against Kinoti was because on 21st July 2022, detectives from the Directorate of Criminal Investigations had arrested three foreigners at Jomo Kenyatta International Airport and confiscated evidence that showed that they were in Kenya to manipulate the presidential election.

On July 24, George Kinoti had revealed the identities of three Venezuelans and identified the three as Jose Gregorio Camargo Castellanos, Joel Gustavo Rodriguez Garcia and Salvador Javier Sosa Suarez.

Speaking on the same day July 24, at Kapkatet Grounds, Kericho County, a furious Ruto had unleashed a tirade against George Kinoti.

"George Kinoti awache ujinga. Huyo Kinoti hakuna kitu amefanya hii Kenya, anaendesha tu makesi ya kisiasa... Yeye ni mtu wa sinema. Anaendesha makesi kwa magazeti. Anatuandikia barua sijui kilometer ngapi. Mr. Kinoto please save your time, stop writing to us long letters, leave matters of elections to IEBC. You have no business in IEBC. You have failed as DCI, we don't want you to fail our elections. Huyo Bwana Kinoti awache ujinga yake anaendesha pale. Kwa sababu anatukasirisha. Huyo Bwana Kinoti. Tunataka tukwambie, aache watu wa IEBC wafanye huyu uchagusi. Alipatiwa kazi. Bwana Kinoto you have failed and should wait for August so that you can go home."

On 27th September 2022, two weeks after he was sworn in, President Ruto announced that George Kinoti had resigned as the Director of Criminal investigation.

3. Ruto is using Christianity to usher in autocracy

While the Constitution clearly states that in Kenya there is no state religion, President Ruto had at every opportunity tried to mainstream Christianity at the expense of all other religions and beliefs. He is on record famously stating;

'Kenya is a Christian Nation and I have no apologies to make to anybody'

While many Christians and particularly "evangelicals" have found this as a spiritually inspired devotion, President Ruto is trying to play out the Zambian script in Kenya and usher in a theocracy that supports an autocratic rule.

Both President Frederick Chiloba of Zambia and President Edgar Lungu tried to use Christianity as a cover to implement autocratic rule over Zambians. Zambians eventually realised that it was a ruse and their position on the hypocritical use of Christianity was captured by the words of Archbishop John Mambo, head of the Church of God in Zambia, who said:

"There is a rise in immorality and corruption in our country which puts a question mark on our being called a Christian nation. There is very little to show that we are a Christian nation with so much wrong-doing, both in private and public life. There is nothing to distinguish us from secular

nations. This is sad."

Alarmed by a rapidly deteriorating human rights and political climate in Zambia, the three leading Christian Church bodies, known in Zambia, as the "three Church Mother bodies, the Zambia Conference of Catholic Bishops; the Evangelical Fellowship of Zambia and the Council of Churches in Zambia, also issued a stinging rebuke critical of Zambian President Edgar Lungu's leadership.

President Ruto is implementing President Edgar Lungu's scheme almost word for word, with prayers in State House, National prayer days and a Ministry of Christianity. It also includes inclusion of churches and clergy in governance and in executing government policies and programs.

Ruto's aim, as that of President Frederick Chiloba and President Edgar Lungu, is to establish a dictatorship.



4. Ruto is out to silence the free media

Since he was sworn in, President Ruto's administration is on an onslaught against the free media. Independent minded journalists like Mutuma Mathiu Churchill Otieno, Mark Masai among others have been fired from their jobs at the instigation of the Ruto administration. Media houses that are deemed to be independent are also being denied advertising from government to arm twist them into firing independent journalists.



Establishing a functional and coherent administration

Since the Kenya Kwanza administration came to power, it has treated Kenya to contradictions, inconsistencies and sometimes jokes which have started becoming worrying. As Kenyans wait for the administration to start the work of ruling the country, and to start solving the many life threatening problems that they promised to, the administration is instead still on the campaign trail, already with their eyes on 2027, looking for scape goats for their inability to deliver on their promises and setting up Kenyans against each other.

The following are some of the tragic, dismaying, and sometimes outrightly comical actions and pronouncements of the Ruto administration.

a. In order to solve the famine problem, the administration has set up a public fundraising initiative and asked members of the public to contribute. The administration launched an Mpesa number for the general public to send mobile money contributions. They have also asked public servants and officers to make contribution, with the Kenya Defence Forces soldiers leading with a donation of one days salary.

In the meantime, Kenya donated a planeload of food to Somalia and the Deputy President gave away Kshs 300,000 to students of Komarok Primary School pupils so that they can have a party after they finish their Kenya Certificate of Primary Education (KCPE) examinations.

b. President Ruto announced an austerity program that would involve shaving Kshs 300 billion from the budget

in a bid to curb wastage. The affected expenditures were foreign travel, training, purchases of furniture and motor vehicles.

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In the first week of November this year, Kenya sent one of the largest delegations to the United Nations Climate Change Conference (COP27) in Egypt. Kenya sent 386 participants, 293 from the national government. Kenya's delegation was the second largest in Africa and fourth globally.

c. In what is supposed to be a signature policy initiative of his administration locally and internationally, President Ruto has not lost a chance to take very passionate positions on climate change. In his debut address to the United Nations General Assembly as President of Kenya, he told the world :“We cannot afford to waste another moment debating the merits of doing something vis a vis doing nothing. It will soon be too late to reverse the course of events.”

His address was reported as follows:

“Mr. Ruto noted that droughts and heat waves in Kenya, the scale of which has not been seen in decades, have forced the country to put more focus on famine relief, education support, social protection, and health systems. 3.1 million people in the country are food insecure, he said, as water becomes more scarce, and food prices rise.”

Elsewhere, he has blasted Western countries for “skirting around issues and delay tactics” when dealing with Africa which he says bears the worst of the impacts of climate change.

In the meantime, his administration has re-introduced the “shamba System” which allows local populations to enter cultivate forests and plant food crops. The initiative was launched by Deputy President Gachagua who has been it's strongest and loudest proponent.

When criticized for the initiative, the Deputy President said that the administration would design the shamba system in a way that would increase forest cover threefold.

The shamba system was banned by President Mwai Kibaki in 2003 for causing deforestation and is particularly blamed for destruction of Mau forest cover.

d. On 17th November 2022, Trade Cabinet Secretary Moses Kuria announced that the government would allow duty-free importation of 10 million bags of GMO maize over the next six months and said he would issue a gazette notice to authorise the importation.

Agriculture Cabinet Secretary Mithika Linturi immediately denounced his Cabinet colleague and said he was not aware of any plans to ship into the country genetically modified corn. Prime Cabinet Secretary Musalia Mudavadi also issued a statement saying the matter should be left to the Agriculture ministry.

e. In the same address as he announced plans to allow GMO maize importations , the Trade Cabinet Secretary Moses Kuria told Kenyans that:

“We have so many things that can kill us in this country. Being in this country, you are a candidate for death. And because there are many things competing for death, there is nothing wrong with adding GMOs to that list. This is why we have deliberately decided to allow GMO into this country.”

He has neither apologized for the statement nor has the President rebuked him for it.

f. On 26th April 2021, then President Uhuru Kenyatta, in a highly publicised ceremony,officially opened a Semi-Conductors Technologies factory at Dedan Kimathi University of Technology's Science and Technology Park in Nyeri County

On 19th December 2022, Deputy President Rigathi Gachagua went back to the same University and in a similarly highly publicised ceremony opened the same project.

