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Kenya Research project by Robert M. Press [see: Press, Robert M. (2006) *Peaceful Resistance: Advancing Human Rights and Civil Liberties*. Aldershot, U. K.: Ashgate.]

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Interview conducted by Robert M. Press (bob.press@usm.edu; press.bob@gmail.com)

Interviewee: Ndung'u Wainaina

Location of interview: office of the National Convention Executive Council, where he was Program Manager at the time of this interview, Nairobi, Kenya.

Date of interview: December 15, 2005 (2005 is correct); follow up of a 2002 transcribed interview.

Transcription by Bob Press. BP = interviewer (Bob Press); NW = respondent (Ndung'u Wainaina). Bracketed, underlined, or bold research notes or important points are also shown, along with some tape counter numbers.

Wainaina was one of the leaders among Kenya youth activists, including at the time of my first interview with him in 2002. At the time of this interview, the opposition had won the presidential election in 2002, though many activists were disillusioned with the real pace of change in political rights. The old colonial-era constitution was still in effect. The steam for more reforms had lessened, though there was still a drive to adopt a new constitution.

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NW (): For almost 15 years in the youth struggle, starting when I was a student activist to enter into human rights work as a mere community organizer, mobilizer, to become now a real actor in the civil society...coming to the level where I am at, there have been a lot of challenges

First, you are young. So you are putting your future into this ...you don't have free time to develop yourself academically, scholarly and all that; which means that considering the changing dynamic of the world, skills become a critical thing. So first, at the university level we were putting our lives at risk.

Secondly, our future. In fact, to tell you the truth, several of my colleagues, who even now as we are speaking, they never finished their degree. Also mine was by a whisker... I was suspended; but after a struggle it was repealed.

The other thing – on the streets, [organizing] demos, demonstrations against a very repressive regime: **you could be shot in the streets**. You could be arrested and tortured. There were so many people who were tortured. You could also be forced to go into exile; we have so many students who were forced to go into exile.

Thirdly was the question of your [livelihood]. We were forced to stay many, many years without a job.

BP (29): We're talking about youth activists. Would we be talking about 35 and under?

NW Yeah, physically. Most of us are under that, physically. Most of us are getting to our 30s...toward our mid 30s. Most of them were between the age of 19 and 22; so they were very young [apparently the age when many became activists. So if they started about 1990 (see his first statement above), they would have been no more than about 26 to 29 by 1997 when the major dangerous demonstrations were organized by them; today, 2006, they would be 35 to 38.]

BP You had a reform government come in 2002. Is there still the need for youth activists?

NW I remember very well in 2001...an international human rights council [??] organized a forum and that forum was interrogating the question of: What is the future of human rights activists? To become professional, or [what] in a society that changes. I want to tell you that **people are living in an illusion in this country, believing that there is any fundamental change.** But I want to tell you that is not the case. In fact we are far from that. **What we have just obtained is a space. But the real [change] for which we have struggled is yet to be realized.**

The young people today [he refers to the day's edition of *The Daily Nation* [a leading Kenyan, private newspaper] in which the writer says the civil society has changed] "and the younger people have almost taken it over." **The younger people of this country have played a very crucial role in bringing this change. Yet the media still continues to treat them with contempt.** It does not appreciate that; it does not recognize that. Neither does it put forward their case.

BP So younger people are going into civil society?

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NW All this was headed by young people – very young people [including NGOs]. That's one thing that has changed. Second, we're starting to see youth become more organized and aggressive among themselves. Because at the initial stages, most of them...actually used to act as mere 'spanner boys.'

BP What do you mean by 'spanner boys?'

NW They used to do the ground work, whatever there was to be done.

BP The 'foot soldiers.'

NW The 'foot soldiers were in that [category]. But of late you find them coalesced and seriously started screening their space. Not just a matter of leadership but competing with ideas.

BP Running for Parliament.

New wave of young activists are entering politics at the local level?

NW Parliament? Yeah. Of course there are some who can say they have won. And actually **I can assure you that we have so many activists**

BP How many of them have won.

NW Particularly **if you go to local authorities, we have a huge chunk of them who have won.**

BP At the local level?

NW Local level; local authorities. Parliamentary, we have a number. A good example is this leader who was appointed Assistant Minister for Foreign Affairs – Cecily Mbarile [spelling??] Actually she was appointed Assistant Minister for Youth Affairs [verify title] in a Cabinet shuffle in late 2005, but within a week transferred to the Ministry of Transportation, which seemed to mystify even she; she said she

would still be alert to issues involving youth. My attempts to reach her for an interview were unsuccessful.]

She actually played an instrumental role in the formation of our organization called Youth Agenda.

[tape resumes]

BP That's a good comment. Could you say that again?

NW So **moving away from mere 'foot soldiers' to become the 'drivers.'**

[Comment: Yet as of early 2006 there was little evidence of this, at least at the national level. Cecily was the only example cited. For the most part, government was being run by an older generation, including some of the older activists from the late 1980s and 1990s plus a few that dated much further back as colleagues of President Kibaki.

But it is important to note that a number of key human rights activities for whom the youth had been foot soldiers were appointed to key positions in the first Cabinet of Kibaki in 2003, including Kiraitu Murungi (sacked in early 2006 under suspicion of corruption and after disappointing activists for his arrogance in handling affairs as Minister of Justice (title??), Maina Kia, appointed to head the government's human rights agency (title??), Peter Anyang' Nyong'o, appointed Minister of Planning but sacked in a Cabinet shuffle in late 2005; Kivuthia Kibwana (position??) whom some younger activists saw as 'selling out' for his lack of pursuit of a reform agenda; Mirugi Kariuki, who became Assistant Minister for internal affairs in the President's office (check title??) and claimed credit for reforming the police and introducing human rights training for the police. There may be others.]

NW And here we must be very clear. For they are not just becoming 'drivers' for the sake of driving it. It's actually starting and creating a different vision for this country. If you look at the various documentation that has been done of late, you'll find the youth have a common agenda for their action. And a good example was an argument that they began to put across. When they looked around at the defeated proposed new constitution, they said, we must rally around ourselves and see how this thing and have this thing defeated. First, it does not care for our interests. Secondly, once it is defeated, we are losing nothing anyway. And thirdly, it [does not provide organizing space]. And when the new process begins...we shall definitely get our space to push for a new constitution.

BP What was wrong with the new constitution?

NW You see fundamentally, in regard to the youth, it really still continued to treat them as second class citizens. For example, the youth of this country – this country consists of 62% younger people [check statistics]...under 35. That's a very huge number. Yet the law – if you look at the representation in the government [it's most older politicians] If you look at the constitution itself, it still continues to treat the youth as a [?? secondary] actor.

BP So what is the main focus of the youth? You say they are moving from foot soldiers to drivers: what are they doing?

NW. First, shaping themselves; preparing what you can call skills. You find a lot of youth right now as we are talking, other than their daily work here and there, they are also back to school, most of them.

They're sharpening up their skills and all that. [returning to universities]. Most of them are either changing their degree or something like that. Like myself, I have come from a 'bac' [undergraduate bachelor or science degree] of sciences, purely science – I'm trained as a chemist. But for the last four years or so I have transformed myself from being a scientist to being a social scientist altogether, concentrating on human rights work. And now I'm becoming a specialist in transitional justice issues. You know that's a very big shift.

BP Are you going back to school?

NW Yeah, that's my target. [next year]. What I finished last year was a fellowship in transitional justice. And I got a diploma in transitional justice from the International Center for Transitional Justice. [run by whom??] [After his undergraduate degree he got into human rights work and has taken various human rights training courses, apparently locally]

BP So what is the main [youth] focus these days?

NW The main focus is to insure we are able to keep the public, the civic – more aggressive, more vigilant and demanding more from the government – **demanding accountability from the government.**

[Note: the head of the Kenya chapter of Transparency International resigned under threat? He was interviewed in London in early 2006 by members of Parliament, after the Feb. address by Kibaki on Anglo Leasing and Goldenberg scandals and his sacking of Kiraitu Murungi].

NW Secondly, the human rights work goes on. We have also shifted our focus into establishing what you are calling 'human rights communities.' ... You identify a certain community that is dealing with a specific issue, for instance, where you no longer define communities by mere ethnic group of what. It's an issue based community now.

For instance, if its squatters – people without land –and their struggles are based on land, for instance, so that becomes a community, so you capacity build them to engage them in issues that will insure that they are settled and their land issues are [addressed]..

[interrupted by phone call]

BP **So the constitutional debate began as an elite debate?**

NW **As an elite debate. ...somewhere in the city.** And in fact these people [the elites] were just debating in hotels...it's another way of elites fighting among themselves. But, if I remember very well, in 1994, the first model constitution was produced. It was [part of a] big outcry...because for the first time, people started acknowledging what these guys [who??] have been talking about.. In the next period that followed, it is the civil society that went up there now, using that as a tool for mobilizing – telling people why you are not able to get food, why you are not able – why you are being detained, why you are being oppressed, why the chief is actually running away with your chickens, and all those kinds of things – because of this constitution.

[The constitution that was rejected was intended to offer certain reforms, including reducing the powers of the President to have appointment powers of officials all the way down to local chiefs. Critics

argued that the devolution of power was more of a mirage than genuine and also attacked specific controversial provisions. The constitutional referendum turned it down by a clear majority.]

[sentence unclear] The **constitutional debate** even shifted from the hands of so-called elite to the people themselves now... [sentence unclear]. So it **stopped being a civil society elite demand; it became now a natural, people-driven demand.** And that's why someone like [President] Moi, at one point, came to say, to demand: what is civil society doing? Moi was not saying that because of his ...it's the fear he had generated that...the level of discussion within the public had got out of his control.

Today as we are speaking, the reason why Kenyans had to go to the referendum and vote – one of the fundamental reasons is that [people started to see] that in the constitution, that's where our interests are. So if my interests are not taken care of here, I cannot support that document....

...The constitutional referendum was not informed only by one [??]. There's a community here...A good example is that – in the proposed constitution was established a national land commission. And the politics of that is that all of the land that is currently owned by local authorities or whoever, will now be transferred to the National Land Commission....If the game parks are transferred to the National Land Commission, communities like the Maasai felt that 'we've lost our land.' So for them, one of the key things they could not support [in] that draft [constitution] – is purely, they are going to lose their land.

There were also individual interests....the devolution (of power) proposed in that constitution did not suit the devolution they [unnamed] wanted. We did not have any reason why we should vote for that constitution....

[New government showing non-democratic tendencies with regard to power.]

The third issue was the question of a protest against the government. Because the brief has been that **this government within three years has mutated from being a broad-based government to a small clique government...a small oligarchy.**

By the end of the referendum date, the whole issue has been reduced fundamentally. Even the key issues that were raising in there got messed up by the political divide.

...We [gave] Kibaki 3.6 million votes [verify] 62.6 % [verify??] of all the votes cast. That's a very big mandate. Reducing the whole of that into a small clique of the government – mostly Kikukus –

BP Mostly Kikukus.

NW Mostly Kikukus

BP It's a traditional mistake.

NW Of course. Because even Kenyatta did the same thing. Moi did the same. Kibaki has also been making the same mistake....The real question in Kenya must be dealt with, because it has not been dealt with.

BP What is the real question.

NW **The real question is, what you can call the power relation in this country.**

BP You mean the President still has too much power?

New regime lacking substantial changes

NW **It's not even about the presidency; it's about the whole spectrum [of] ...power divisions.** For instance, people talk about devolution: devolution is a critical element.; and it also effects fundamentally the Executive powers. The people want enough power; people making decisions: people starting to own and control their own resources. That's one.

Two: the whole question of distribution of the country's resources....The people who happen to control power also ...define who gets what....this thing must not be left in the hands of people who come to power. In fact, it's a question of - people don't want a situation where by mere change of government from one individual to another, you don't change the spectrum. **People want a real change, the real substance of it.**

If, for instance, we have a very clear constitutional provision of what sort of devolution we want, it technically means that even the power, Executive power; people will be able to locate it properly. And even the ownership of that power. So it's a critical question that needs to be addressed.

And until that question is revolved in this country, I can assure you that you don't expect too much.

[comment: vague and unclear analysis by NW]

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[Returning to the question of youth activists]

NW It's now where the youth are saying – and they have been putting it very hard- that if our struggle has been to fight to be recognized, our recognition was not to be recognized as an individual member of this society. But it is where we as individual Kenyans as a corrective unit of people are given the due recognition: ...in the constitution as well as the management of this country.

So when the youth say 'we are now starting to take on the driving wheel,' it's a question of saying we want a paradigm shift: ...in the manner of governance; ...in the manner of management, and all those things.

What I'm getting from them [youth?] is they have now come to acknowledge one fact: that without putting into place this new constitution, which they believe must make clear – it must not have any form of contradiction or ambiguity. Without that in place, even themselves they believe that running for Parliamentary or whatever seat in public office, [you'll make no friends??] So their main focus is to put in place a constitution that will put in place institutions that whether difficulties are there or not, those institutions have...a certain culture that must be [??]

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