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## Battle for top seat pits two iconic political families

**M**y crystal ball is back — and it will shock you. The year 2017 is around the corner, and you know what that means. There's one more epic duel between the Kenyattas and Odingas. CORD boss Raila Odinga, the indomitable son of Jaramogi, will once again go mano-a-mano with Kamwana, the scion of the Burning Spear. Every time the two families have squared off, the Odingas have come out with the short end of the stick.

Even in 2002, when Mr Kenyatta lost to NARC's Mwai Kibaki — with Mr Odinga's pivotal support — the son of Jomo was arguably the winner. That's because that loss prepared him for his 2013 ascent to State House. I'll peel your eyes.

There's never been a coherent Opposition in Kenya without an Odinga in charge. That's fact, not fiction. Jaramogi was the doyen — and father — of Opposition politics. His demise left a large vacuum that

# Could Uhuru, Raila drop their deputies for 2017?

Raila, his son, has filled. But like the father, the younger Mr Odinga risks living out his life never having achieved the ultimate prize — coralling State House. The closest he came was numero dos, as Prime Minister, just like his father, who became Vice President. For the Odingas, the struggle to the pinnacle of state power has been Sisyphean. This is a story with layers of Greek tragedy. But 2017 represents arguably the last good shot that Mr Odinga will have at redeeming the family name.

For Mr Kenyatta, life has been a bed of flowers. The man born and raised in State House is now its tenant — this time as the country's CEO. Mr Kenyatta has suffered none of the tribulations that his opposite number — Mr Odinga — has endured. Mr Odinga is one of the longest serving detainees in Kenya's history. Virtually a decade of his life was lost behind bars. While Mr Odinga was confined, Mr Kenyatta was either in school, or minding the family store. The two are princes, but of different pedigree. That's why Mr Odinga will likely never regard Mr Kenyatta as his political equal. One toiled in the vineyards of democracy where the other harvested the grapes. It's true there are other plausible players in Kenya apart from Mr Kenyatta and Mr Odinga. In fact, there are plenty of more able

players. But my guess is that no one will have a real chance of unseating Mr Kenyatta and Mr Odinga from the pinnacle of Kenyan politics easily. That's because hoi polloi adore them, and the elite genuflect around them.

**U**RP boss William Ruto thinks of himself as presidential material. So does Amani's Musalia Mudavadi. Wiper supremo Kalonzo Musyoka is knocking on the door. Senior Counsel Paul Muite was once headed to State House. The list is long. But Mr Odinga and Mr Kenyatta are clogging the middle — like colossi.

I've news for the three would-be challengers to Mr Kenyatta and Mr Odinga. These are Mr Ruto, Mr Mudavadi, and Mr Musyoka. They will have to wait for the Kenyatta-Odinga family feud to exhaust itself. I have a strong feeling neither of the three have the patience to spectate another Odinga-Kenyatta slugfest. They believe they are pretty good pugilists themselves. That's why one of two things will happen. First, Mr Odinga will either consign Mr Musyoka to second fiddle, or drop him altogether. Mr Musyoka could also walk, and declare independence. Don't forget he once cut himself loose from former President Daniel arap Moi. Second, Mr Kenyatta is

likely to cut Mr Ruto, or force Mr Ruto to bolt out of the barn.

In either scenario, Mr Odinga and Mr Kenyatta will go to war in 2017 without their current lieutenants. I know folks in Jubilee want us to believe that Mr Ruto will play Mr Kenyatta's bride again so that he can be required in 2022. As they say, it ain't happening. Their marriage of convenience has been over for quite some time. They both know it, and can barely function in what is euphemistically called the Presidency. In CORD, Mr Musyoka keeps on saying he will gun for the top seat. Perhaps only he hasn't gotten the memo. No one is stopping Agwambo from confronting Mr Kenyatta — for the last time — in another titanic clash. You heard it here.

All this begs the question — have the Odingas and the Kenyattas held Kenya hostage to a family feud? Let's admit it — the answer is in the affirmative. As they say in Kiswahili, "kama ni mbaya ni mbaya" [it's what it is]. Unfortunately, the contest between the two usually takes ethnic tones as their lackeys and supporters whip up tribal hysteria. Do the two have what it takes to de-ethnicise their expected contest, and go to the mat without the tribe?

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## New land law must protect peasants



Pauline Vata

**T**he clamour to enact a law which proposes a tenure system that protects community land rights is as old as colonialism. The Community Land Bill (2015), discussed and moved through the second reading in Parliament last week, is the furthest successive regimes have gone in getting a law towards protection of communities that own land jointly.

For far too long, community land was treated as a poor cousin to registered individual land. The Bill is therefore a bold and radical attempt to reverse and change this historical anomaly and injustice that rendered millions of individuals and groups vulnerable to marginalisation, forced evictions and poverty.

Together with the Eviction and Resettlement Bill, it is noteworthy that the new Bill is the supposed output of a taskforce formed by former Lands Minister James Orengo in 2012. However, a careful scrutiny of the Bill before Parliament shows that it isn't the one prepared by a taskforce and underwent rigorous stakeholder review and input. It is a pity that public resources were used only to get a different outcome!

The input of the public in the formulation of the Bill is debatable considering residents of counties such as Laikipia, Isiolo, Garissa where vast lands are community owned, did not participate. Nevertheless, the Bill will herald a paradigm shift in the way community land is managed.

For oversight and conflict management, amendments must be effected to have a Community Land management committee to oversee and run the day to day operations of the communities. They should be between seven and 15 members in the committee for efficiency. I strongly advocate that any voting for a decision in this community assembly must have a one third representation of women and youth to bridge the glaring inequality and discrimination gap that exists in several communities.

The County Governments will hold the unregistered Community Land in trust for the communities. It is, however, not clear what transactions can take place on the unregistered community land by the County Governments. Amendments must be made to specify that the county government shall not sell, dispose, transfer or convert in any way unregistered community land for avoidance of doubt.

This Bill must protect ordinary wananchi from the elite. The past fortnight has seen land reform donor agency, ACT hold community forums with several civil society groups in Isiolo, Laikipia, Kajiado and Nakuru counties. From these forums, cries of dispossession of community resources by a chosen few abound. A cabal of community leaders have enriched themselves and locked out ordinary mwananchi from benefiting from their resources.

The provision on how to address all the illegally and irregularly acquired community land must be included in this law. A schedule to compensate communities for land dealt with illegally since promulgation of the Constitution in 2010 should be included. This will reduce the growing anxiety by communities as the Bill heads for the final stretch.

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# Leaders need good advice to make wise decisions



Dr Oginde

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**T**he other day I was confronted by a member who wanted to know what we had done about a serious incident that apparently happened three or so months ago. Listening to the details of the incident, it was clear in my mind that this was a mere rumour with no factual basis. This was premised on the notion that our systems are such that no such serious incident could occur without my knowing about it — certainly not for that long a time.

I thus concluded in my mind that my enquirer was merely out to tarnish the good name of the church and discredit my able leadership. I however promised to find out. When I did, I was surprised to find that the incident not only occurred but it was worse than had been told to me by the church member. To my shame I had to accept that I was not seized of critical information, and thus spoke out of ignorance.

Likewise, it has been sad to see

our topmost leader slip up on critical decisions. The recent flips on the appointment of Justice Tunoi tribunal are just the latest among a long list of such missteps. It paints our President badly, both locally and internationally. And though some may point fingers at the President, the real culprits are his advisors and managers.

The wise Solomon said: Plans fail for lack of counsel, but with many advisors they succeed. As one gets atop the leadership ladder, decision making becomes a key responsibility. Yet, this higher elevation takes the leader further from where issues to be adjudged occur. That is why every leader needs good advisors who can feed him or her with facts and figures necessary for a wise decision. At the level of a President, one so depends on good advice and efficient management that he or she becomes more like a computer — garbage in garbage out. Correct data from good intelligence is paramount. Technocrats must provide counsel on various areas of expertise. A meticulously managed calendar ensures that appointments do not clash. Indeed, a President must never be late for assignments. In this

**“Technocrats must provide counsel on various areas of expertise**

time and age, it not only reflects disorganisation within his team, but inadvertently implies disrespect for the people waiting — sometimes for hours. Yet, with a good and empowered team, precision can be achieved.

**T**wice, many years ago, I had the honour of making preparations to host President Moi at our church functions. As usual, the President's team came well in advance of the day to ensure everything was in order. On the previous day, the Nairobi PC came to inspect everything. We inquired of him the time to expect the President. "9:23am," said the PC. Shocked, we asked him why such an odd time. "Because he will arrive at 9:23am," he replied, with a sense of pride and confidence. Indeed, at exactly 9:23am the following day, the President stepped out of his limousine at our gate. On another occasion, a couple of years later, the PC told us the President would arrive at 10:17am — and he did. I have never forgotten.

There are several categories of teams that can mess up the leader. First are sycophants who tell him only what they think he needs to hear. Then there are those who efficiently deal with matters and consider it a bother to report. Both are intent on shielding the leader from bad news. Others are simply disor-

ganised, and consequently disorganise the leader. For example, last year President Robert Mugabe of Zimbabwe was given a wrong Parliamentary opening speech.

The panic and confusion that followed resulted in the President having to read a second speech, thus throwing the assembly into a standing orders quagmire. The opposition insisted it had embarrassed the President, and the country, and heads had to roll.

In his book, *Bad Advice*, Harold Bruff explains how on several occasions, top lawyers in the Bush administration decided to manipulate the law for political expediency. The President thus proceeded to make constitutional blunders in his decisions, sometimes with disastrous consequences. Similar goofs and gaffes have dogged our own Presidency.

The President has severely been obviously mismanaged and at times, badly advised. This erodes the dignity of the office and must stop. With a good team, Pharaoh should worry about nothing except the food he eats. Otherwise, he will tumble and fumble over even the simplest decision — leaving him naked and badly ashamed.

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