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# The Continent

**Accused of DRC  
war-profiteering**  
but living the good Mzansi life

Illustration: Wynona Mutisi





**Cover:** South African troops are in the east of the Democratic Republic of Congo, trying to counter a greed-fuelled conflict. The DRC's fabulous mineral wealth has for centuries attracted those wanting to profit. Swiss national Christoph Huber allegedly got so rich that he has been accused of violating international laws on pillaging. A new investigation by Open Secrets has tracked him down to the southern tip of South Africa, where Huber owns homes worth millions of rands. That investigation is being published exclusively in *The Continent* this week (p11).

# Inside:

- **Health:** A rare win against Big Pharma (p9)
- **Kenya:** Ruto's belated political education and the lives it cost (p16, p19)
- **Data:** Gen Z Kenyans just wanna have healthcare (p22)
- **Nigeria:** Justice rushed is justice denied (p23)
- **Review:** The debut album of already super-famous Tems (p25)
- **Quiz:** Do you remember Blaise Compaoré? (p26)
- **Comment:** Fix Kenya's clientelism or go home (p27)



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**SOUTH SUDAN****Security law ambush imperils peace talks**

Peace talks to pave the way to elections in South Sudan are in limbo following the introduction of a new security law. It grants security agencies sweeping powers, including arresting people without a warrant. The talks in Kenya had reached a draft agreement but now the non-government groups say any agreement signed would be useless if security agencies can operate with impunity. Without an agreement it's doubtful that the country will be secure enough for elections in December, as envisioned.

**RUSSIA****Arrest warrant issued for Putin adversary's widow**

Yulia Navalnaya, the widow of Russian dissident Alexei Navalny, will be arrested if she returns home. Navalnaya, who lives abroad, was on Tuesday charged in absentia at a hearing in a Moscow court with alleged involvement in an extremist group. Her husband, a strident critic of Russian President Vladimir Putin, was charged with similar alleged crimes, arrested upon his return to Moscow from Germany, eventually sentenced to 19 years in prison, and died in a penal colony while serving that sentence.



**Forget about it: Carla Bruni-Sarkozy made her husband's accuser an offer French prosecutors are eager to j'accuse.** Photo: Alberto Pizzoli/AFP

**FRANCE****Former first lady charged with witness tampering**

Carla Bruni-Sarkozy, the former first lady of France, was charged with alleged witness tampering on Tuesday. She is suspected of pressuring a witness, Ziad Takieddine, who claimed her husband former president Nicolas Sarkozy received illegal campaign financing from then-Libyan president Muammar Gaddafi. A one-term right-wing president, Sarkozy has faced multiple criminal charges since leaving office, and was convicted on two, making him the first former French president in modern history to get a prison sentence.

## ERITREA

## Girmay's triple threat: 'Let me open the door'

Biniam Girmay, a 24-year-old Eritrean cyclist, has won three stages of the current Tour de France. He sprinted past the

competition in the 231km stage three, the 183.4km stage 8 and the 204km stage 12. He is the first black person to win a stage (or three) in the history of the world's best-known cycling race. Celebrating on social media, Girmay said: "Let me open the door." He will leave the race with the ultimate sprinter's prize: the green jersey.



**Tour de force:**  
Biniam Girmay wins  
the eighth stage of  
the Tour de France.

Photo: Marco  
Bertorello/AFP

## MAURITANIA

## Ghazouani elected for a second term

President Mohamed Ould Ghazouani won a second five-year term with a 56% share of the vote. His lead opponent, anti-slavery activist Biram Ould Dah Abeid, says the result is fraudulent. Ghazouani became the country's first-ever elected president in 2019. Since independence from France in 1960, power had until then always been taken through coups d'état.

## UGANDA

## TikToker serves time for serving Museveni

A magistrate has sentenced a 24-year-old TikTok user to six years in prison for ridiculing President Yoweri Museveni, his wife and his son. Magistrate Stella-Maris Amabilisi said this would teach him to "respect ... the president, first lady and first son." The three ridicules are all public workers – Museveni made his wife a cabinet minister and his son commander of the army.



**Own goal: Gambian women express support for female genital mutilation.** Photo: Muhamadou Bittaye/AFP

## GAMBIA

### FGM likely to remain banned, despite regressive pushback

Legislators endorsed recommendations by a joint committee on health and gender to maintain a ban on female genital mutilation. It has been banned since 2015 but in March independent lawmaker Almaneh Gibba tabled a Bill to repeal the ban, triggering widespread fear that the country was going to regress back into cutting women's vulvas and clitorises for vague "cultural" reasons. A final vote on the Gibba bill is scheduled for 24 July, but this week's move by his peers signals that it might be defeated.

## RWANDA

### Kigali refuses to deport funds to UK

The United Kingdom's controversial on-and-off-again plan to send asylum seekers to Rwanda as a "deterrent", has died its final death. New Prime Minister Keir Starmer scrapped the so-called "Rwanda deal" on his first day in office. Rwanda says it's under no obligation to refund the \$310-million it received saying it already spent "significant time and resources" in preparing to receive the migrants. A Rwanda government spokesperson later suggested they can discuss refunds in case there were "some overpayments."

## KENYA

### Ruto dissolves his cabinet (but like not in acid or anything)

President William Ruto said on Thursday that he had sacked his entire cabinet, except the deputy president and foreign minister. This came after weeks of protests against his government by young Kenyans. Initially triggered by a proposed new law that included a slew of new taxes and tax hikes, the protests escalated into calls for Ruto to resign after police responded brutally, killing dozens of protesters. MPs passed the bill, prompting protesters to storm parliament minutes later. Ruto declined to sign it into law.

## EQUATORIAL GUINEA

### Former justice minister freed after calling boss a 'demon'

Rubén Maye Nsue Mangué, a pastor who was once Equatorial Guinea's justice minister, has received a presidential pardon after two years behind bars. Mangué was arrested for calling President Teodoro Obiang Nguema (80), the continent's longest ruling president, a "demon" and criticising his governance. Mangué is no saint himself: In 2014, he was accused of assaulting a young woman at his home in the United States. Diplomatic immunity saved him then.



**Clemency time: Rubén Mangué has been pardoned after serving two years in prison for criticising President Nguemo.**

## ALGERIA

### Tebboune says yes okay fine he'll run for re-election after all

After demurring for a few months, President Abdelmadjid Tebboune confirmed this week that he will run for election in the elections slated for September. When he was first elected in 2019, Tebboune was seen as the electoral sleight-of-hand with which the establishment retained power after pro-democracy protests, led by the Hirak movement, forced the ailing Abdelaziz Bouteflika to resign. After his election, Tebboune, who served as Bouteflika's prime minister and is now 78, then cracked down on Hirak activists.

## MALI

### Military junta lifts ban on political party activities

Mali's ruling military junta has now lifted its three month suspension on political party activities. That is after concluding a "national dialogue" without voices from the main political party. The junta banned political party activities in April at the start of the national dialogue which concluded that the military rulers should be given another two to five years in power, before organising an election. It also gave the current military leader Assimi Goïta, the chance to run in that eventual election.

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# South Africa

## State agency compels Big Pharma to put people's lives before profit

**A** campaign to challenge Johnson & Johnson's secondary patent on bedaquiline bore rare fruit in South Africa.

Johnson and Johnson agreed to “not enforce” a patent on an essential tuberculosis drug in South Africa, to end an investigation by the Competition Commission into its conduct.

The pharmaceutical giant and its subsidiary Janssen Pharmaceutica had sought to extend its patent on bedaquiline to 2027 in South Africa. That would have continued to keep manufacturers of generic versions of the drug out of South Africa, where each year an estimated 50,000 die of tuberculosis – the country's leading cause of death.

Keeping competitors out allows the company to charge high prices for the drug. South Africa's health ministry was buying each course of treatment from Johnson & Johnson for R5,577.12 (\$310).

As part of this month's settlement with the antitrust agency, the company has agreed to sell it for 40% less.

Last year's decision by South Africa's antitrust agency to investigate allegations by local activists that Johnson and Johnson's patent conduct was anti-competitive and put poor patients at a disadvantage, was fairly unusual.

“Last year, activists in countries including India, Belarus and Ukraine protested against efforts by J&J to protect its patent on bedaquiline, but had little response,” reported Associated Press. The outcome in South Africa could encourage other regulators elsewhere to stand up for poor patients too.

The Competition Commission said that “moving forward the commission may seek penalties if pharmaceutical companies continue to pursue meritless secondary patents”. ■



**Fair's fair: The Competition Commission sided with health activists.** Photo: MSF



# South Africa

## Mayor blames poor for storm destruction

**Cape Town is being battered by extreme storms. But its mayor is blaming poor people instead of climate change.**

### Marché Arends

**V**iolent storms are wreaking havoc in South Africa's Western Cape province, but for Cape Town's mayor, Geordin Hill-Lewis it's just another opportunity to ventilate his brand of politics: sticking it to the poor.

During a visit to Dunoon, a settlement on the city's outskirts which has been battered by the severe weather, Hill-Lewis told *TimesLive* that it was "an important time to make a point about illegal occupation".

"Illegal occupants", he said, build homes atop infrastructure and obstruct access to pipes and drains, impeding the work of city officials trying to clear the debris. He plans to start legal proceedings to remove such people and their houses.

Hill-Lewis is a member of the centre-



**Cape of Storms: Howling winds and torrential rains destroyed thousands of buildings in Cape Town.** Photo: Dwayne Senior/Bloomberg via Getty Images

right Democratic Alliance, now part of South Africa's ruling coalition. The party has governed the Western Cape for 15 years and has repeatedly come under fire for policies and conduct critics say favour the rich.

In tearing down houses, Hill-Lewis would further the impact of the unprecedented levels of rainfall and gale-force winds that in past weeks have damaged at least 35,000 structures (including homes and schools) and displaced 4,500 people.

Various non-profits, in partnership with local government, have distributed thousands of meals and blankets to those affected by the damage.

On Friday, the South African Weather Service warned that more cold fronts, damaging winds and disruptive rain were expected on Sunday. ■

# Christoph Huber: Accused of DRC war crimes but living easy in South Africa

*A Swiss businessman is alleged to have found significant business opportunities in the 1990s war that killed six million Congolese. A new investigation by Open Secrets, published here for the first time, has tracked him down to the picturesque southern tip of Africa, where he lives in million-rand homes. He denies wrongdoing.*

**Ra'eesa Pather, Luvano Ntuli and Jane Borman for Open Secrets**

**C**hristoph Huber is an elusive man. There are just two known photographs of the Swiss national on the internet. In one undated photo, he wears large aviator sunglasses with a broad grin on his face, but the man who Swiss authorities are investigating for war crimes sits on a leafy patch that does nothing to give away his location. For years, journalists have speculated that the secretive businessman lives in South Africa. There is one clue in the photograph that hints this may be true: the logo of South African clothing brand K-Way on Huber's khaki shirt reveals that he has spent time in the country.

Now, a new investigation by South African non-profit Open Secrets, published exclusively in *The Continent*, has found concrete evidence of his residence in the country.

Huber has a South African ID number and owns four properties in the Western Cape province. The title deeds, which Open Secrets reviewed, confirm he co-owns the properties with his wife.

In a luxury gated community in the affluent Somerset West area of Cape Town is Huber's most expensive property in the country: a home bought in May 2018 for R16-million. At the time, the couple already owned another property five minutes away: a house perched on a hill with panoramic views that was bought in 2002 for R3.1-million. They also own property in Stellenbosch and Struisbaai, a small coastal town around 200km away from Cape Town. The four properties are worth at least R25.7-million (\$1.4-million) based on their purchase prices alone.

Huber has been a person of interest for human rights advocates since the 1990s. Several groups including a United Nations panel of experts, Global Witness, United

The screenshot shows a real estate website interface. At the top, there's a navigation bar with 'pillaged24' and filters for 'Property Type', 'Min Price', 'Max Price', 'Bedrooms', and 'More Filters +'. A 'Featured' section highlights a property by 'Huber' for R 3 150 000, a 5-bedroom house in Somerset West. To the right is an 'OWNER' profile for Chris Huber with a 'Contact Here' button. Below the featured property are 'Other Listed Huber Properties' including a house in Stellenbosch (R 3 900 000, bought Oct 2014) and a house in Struisbaai (R 2 660 000, bought Dec 2016). A 'Huber House Calculator' shows a total price of R 25 710 000 and a time of +1712 years to earn that amount through DRC coltan mining. A quote from a source states: 'A lush, upmarket estate potentially comes with a suspected war criminal...'

**Good Hope caper: Chris Huber's physical assets in South Africa include luxury homes in the Western Cape.**  
Illustrations: Open Secrets

States law firm Amsterdam & Partners, Trial International and Open Society Justice Initiative (OSJI) have accused him of illicit exploitation of minerals in the east of the DRC. Six million Congolese people have been killed since 1996 in wars fuelled by the scramble for the country's minerals.

In 2016, Trial International and the OSJI submitted a criminal complaint to the Swiss attorney general's office against Huber for pillage, a violation of international law, where a perpetrator knowingly uses conditions of armed conflict to loot.

It is one of the oldest documented war crimes, but for decades no corporate actor has been tried for it despite well documented evidence that illicit trade in natural resources fuelled war in places like Angola, DRC, Iraq, East Timor, Myanmar

and others. If Swiss authorities, who opened their own investigation in 2019, go on to indict Huber it would be the first trial of a corporate actor for pillage since the Nuremberg trials for Nazi crime in 1940s Germany.

**If Swiss authorities go on to indict Huber it would be the first trial of a corporate actor for pillage since the Nuremberg trials for Nazi crime in 1940s Germany.**

The Swiss attorney general's office has not said whether or not Huber will be indicted and Huber, through his lawyer, denied any role in illicit mineral trading. "Our client denies that he has ever been involved (consulting, being employed or

in any other manner) with any company that has traded illicitly sourced minerals,” said a letter to Open Secrets in June.

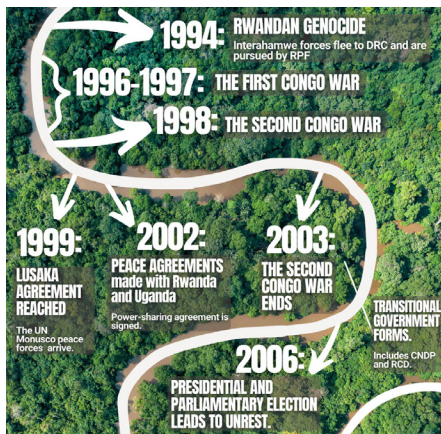
His lawyers also threatened legal action against Open Secrets to halt the publication of their findings, including a threat to request a punitive cost order from the high court in Cape Town.

## A pricey view

The complaint before Swiss authorities alleges that Huber illegally smuggled minerals out of the eastern DRC between 1998 to 2003, during the Second Congo War. He bought his first Somerset West home during this period but, through his lawyers, he denies any of his properties have any relevance to allegations of criminality against him. “We further struggle to understand the relevance of the mentioned properties our client may or may not be the registered owner of,” the letter from Huber’s lawyer said.

The first and second Congo wars were among the most intense periods of plunder in the DRC in recent memory. Neighbouring states, rebel groups, private companies and individuals descended on eastern DRC to illicitly mine for diamonds, gold, cobalt and coltan in conflict zones and spirit it out of the country under the cover of war that many of these parties were contributing to.

Waves of conflict in the eastern DRC had been triggered by the end of the 1994 genocide in neighbouring Rwanda. When the Rwandese Patriotic Front (RPF) led by Paul Kagame took power in Kigali and stopped the blood-letting, nearly two million Hutu refugees fled to the DRC.



They included Hutu perpetrators of the genocide, and other members of the ethnic group who feared reprisal killings from the victimised Tutsi.

The RPF, supported by soldiers from Uganda and Burundi, began operations in eastern DRC to pursue Hutu militants and other perceived security threats. Claiming that the Congolese president of the time – flamboyant kleptocrat Mobutu Sese Seko – had given refuge to perpetrators of the Rwandan genocide, these troops also aided his ousting and replaced him with Laurent Kabila as president in 1997. Kabila was assassinated in office four years later and replaced by his now better known son, Joseph Kabila.

Taking advantage of the instability in Kinshasa, the armed groups in the eastern DRC began a scramble to occupy land and loot mines under their control. According to the Trial and OSJI criminal complaint to Swiss authorities, Huber found significant business opportunities in this environment.

## Kigali connections

Their complaint to Swiss authorities claims that Huber's alleged pillage has been executed through various close links he has with Rwanda.

“Our investigations unveiled corporate documents, as well as internal paperwork belonging to the RCD-Goma, which demonstrate Chris Huber's business dealings with the armed group,” Trial's former head of investigations and litigation, Bénédict De Moerloose, said in 2019. RDC-Goma – Rally for Congolese Democracy – was an armed group that evolved into the Kigali-backed M23 movement.

Documents obtained by Trial and the OSJI show that, in February 2001, Huber signed a contract on behalf of Rwandan company Medivals Minerals with Sominki

– Société minière et industrielle du Kivu – a Congolese state-owned company. The Congolese company owned more than 100,000 km<sup>2</sup> of mining rights for coltan, cassiterite and wolframite in North and South Kivu in the eastern DRC that had been occupied by RCD-Goma in 1998. The group had seized Sominki in the process.

The Sominki agreement gave Medivals Minerals four mining concessions and allowed it access to mineral treatment facilities. At the time, soldiers of RDC-Goma illegally administered the concession areas through a pseudo government structure. Trial and the OSJI believe Medivals Minerals went on to extract minerals from concessions illegally controlled by RCD-Goma, saying Huber was “able to acquire hundreds of tons



**Mined games: The DRC's rich deposits of rare metals integral to modern technology have made it a key battleground in the global competition for mineral resources.**

of cassiterite and wolframite during the time where he held concessions". In doing so, Trial and the OSJI claim that Huber was complicit in plundering minerals from conflict regions of the eastern DRC during the second Congo war. One year after Huber signed the Sominki agreement, he purchased the first Somerset West home.

Huber was also listed in the groundbreaking 2009 report on plunder in eastern DRC, produced by the UN Group of Experts on the DRC. It said that African Ventures Ltd, a company which hired Huber as a consultant, had bought minerals from a Chinese business, Huaying Trading Company (HTC), which sourced cassiterite from areas controlled by the Democratic Forces for the Liberation of Rwanda – the Hutu armed group that the Rwandan army pursued into the DRC after the genocide. Huber, through his lawyer, said that the HTC shipments from conflict zones referenced by the Group of Experts were never supplied to African Ventures Ltd.

The most recent accusations against Huber are contained in an investigative report commissioned by the current DRC government. Published in April, the report by US law firm Amsterdam and Partners details alleged mineral smuggling in the DRC and names Huber 33 times, calling him and his business associate "the backbone of Rwanda's smuggling networks in central Africa."

The April report includes the testimony of Jaroslav "Jerry" Fiala, a Czech geologist who was Huber's business partner at

a Rwandan mining company called Rudniki. Fiala accuses Huber and his associates of laundering DRC minerals through Rudniki to sell them on the international market as originating in Rwanda and therefore conflict-free. Huber and Russian businessman Simeon Briskin bought shares in Fiala's Rudniki and reportedly traded more than \$150-million through it, even though it was producing only a moderate amount of tantalum and tin from Rwandan soil. An investigation by Global Witness in 2022 had made similar findings to Amsterdam and Partners.

Huber, through his lawyers, denied laundering minerals through Rudniki and said that Fiala was an unreliable witness because – in separate arbitration proceedings that never dealt with his claims against Huber – the arbiter found the Czech geologist's evidence unreliable.

Huber, through his lawyers, dismissed the Amsterdam and Partners investigation as a copy of the Global Witness report with "no evidence to support their findings".

And the South African government, which has sent troops to eastern DRC to intervene in the war which is still fueled by a scramble for Congolese minerals, has not looked into allegations against Huber.

As Swiss authorities continue their slow-paced investigation into Huber's suspected war crimes, Congolese people in the eastern DRC continue to live in violence, waiting for the day when the minerals in their land finally become theirs. ■



Firing line:  
A protester  
is hit by tear gas  
in Nairobi on 2  
July. Photo: Luis  
Tato/AFP

## Life is cheap when police turn on the people

The Kenyan state killed dozens of protesters last month. Rex Masai was the first victim of a regime intent on forcing through legislation opposed by the protesters. His family are inconsolable, and dubious about seeing justice done. But people are still resisting.

### Mukanzi Musanga in Nairobi

**O**n the 19th of June, protesters took to the streets of Nairobi. After trying other ways to stop the proposed 2024 Finance Bill that would introduce a raft of new levies and tax hikes, this was the next step. The next day, Tyron Ndirangu found himself in a group running for safety, away

from the police, who were firing bullets and tear gas. Then someone shouted, “I can’t move!” The group stopped. “We were horrified. Rex had been shot and was bleeding uncontrollably,” says Ndirangu.

Forgetting their own run for safety, the group chose to carry the wounded protester – Rex Masai – to a health facility.

Recounting that day, Ndirangu tells

*The Continent:* “The police caught up with us. We tried to explain to them that our friend had been shot but they ordered us to move and leave Rex behind. One of them hit me with the barrel of his rifle on the shoulder.”

Still, they persisted, making it to a nearby hospital amid the chaos. But the staff refused to let them in, fearing that the chaos outside would spill into the hospital. As they frantically banged on the gate and desperately begged, a police tear gas canister landed near them, Ndirangu says. An hour the gate was finally opened – but it was too late: Masai was dead.

“I have never seen anything as horrific as that,” Ndirangu says. “My friend died in my arms at the hospital doorstep. The helplessness we felt was awful. And then I had to make that difficult phone call to his mother to break the tragic news.”

**“I have never seen anything as horrific as that. My friend died in my arms at the hospital doorstep ... I had to make the phone call to his mother to break the news.”**

Rex Kanyike Masai, buried on Friday 5 July in Kamuthanga, Machakos County, was the first person police killed in the protests which spread countrywide and culminated in the storming of parliament on 25 June – moments after MPs passed the Finance Bill.

Rex was Gillian Munyao’s eldest child. “My son was loving and respectful. He died from unwarranted police violence. He did not deserve that. We are



**Hard line: Kenyan police fire tear gas at people protesting against the Finance Bill on 20 June.** Photo: Luis Tato/AFP

completely devastated and inconsolable,” she says.

Her husband, Chrispine Odhiambo, wants to work with the Law Society of Kenya, which contacted the family to offer legal aid, but is sceptical about the outcome: “It’s hard to believe that we will find justice because the same cop suspected of killing Rex is still working and was even captured on camera shooting at other protesters.”

The protests eventually compelled President William Ruto to withhold his assent to make it law. To achieve that, 39 people including children died in the protests, over 360 were injured and 627 arrested according to the Kenya Human Rights Commission.

Added to this, the commission says that 32 people were abducted.

The abductions are believed to have been sanctioned by the state. Local reports say that the bodies of some of the abductees are now being discovered dumped in dams, quarries and similarly





**Stacking the odds:** Protesters form a barricade against police during demonstrations against the Finance Bill. Photo: Luis Tato/AFP

isolated locations. *The Continent* spoke to a family member of Denzel Onyango, a protester who went missing after images of him at the 25 June protests at parliament appeared on TV and online. On 6 July, his body was found at a quarry in Juja, 33km outside Nairobi. The family member says his neck bore bruises and his kin are putting off his burial while his death is investigated.

Ruto did apologise for the “arrogance and show of opulence” from ministers in the ruling party – but blamed “rogue” police officers for the violence.

On Friday, after nine bodies were found at a dumpsite near Nairobi, the president announced that he had accepted the resignation of the national police head, Japeth Koome. Prisons head John Warioba has been asked to sit out the rest of his tenure, with his duties assigned to a new appointee

Whatever justice the Kenyan state may or may not deliver, young Kenyans are

trying to honour those who, like Masai, lost their lives. On Sunday, thousands streamed into Uhuru park for the Shujaz Memorial Concert for all those who were killed during the protests.

Powerfully, the concert took place on 7 July, a date with great significance for Kenyan resistance. Saba Saba – the seventh day of the seventh month – is historic because of a rally held on 7 July 1990 to demand the end of one-party rule under former president Daniel Arap Moi. Nearly 40 people were killed, many more injured and thousands arrested.

The event supercharged the pro-democracy movement that eventually revived Kenya’s multiparty democracy. Saba Saba is never officially commemorated by the state but Kenyans have often found ways to remember it. This year, a generation born after the first Saba Saba was in Uhuru park acknowledging the cost of resistance and resisting anyway. ■

# The political education of William Ruto

**The Kenyan president is learning that it is difficult to govern a bad economy after campaigning as an anti-establishment populist.**

**Ken Opalo**

**P**resident William Ruto has turned out to be a much worse politician than candidate William Ruto. After winning on a populist message, he completely misjudged the months-long simmer of public anger over proposed new taxes.

The cost of living has risen and public services have deteriorated. But corrupt officials on social media are flaunting their opulence in the faces of a pinched populace. Polls, myriad op-eds in the papers, online chatter, and discussions on TV and radio talk-shows, all highlighted public discontent with the 2024 Finance Bill. Yet the events of 25 June 2024 – when countrywide anti-tax protests culminated in the storming of Parliament in Nairobi – seem to have caught him by surprise.

Perhaps he thought that he had sufficiently demobilised all opposition after he cut a “ceasefire” deal with former prime minister Raila Odinga, and nominated him to head the African Union. Or perhaps he made a cynical calculation that his new taxes were most salient among the three million Kenyans in the formal economy, and so wouldn’t

come with much political cost as long as he had the countryside onside. That would fit with his administration’s ongoing embrace of class war rhetoric to shut down dissent. He could also have been distracted by the adulation he has been receiving from foreign governments and organisations since entering office. As of the start of last month, he had made 62 visits to 38 countries in just 20 months.

What Ruto failed to notice was the impact of his own presidential campaign, which castigated Uhuru Kenyatta (and Odinga) for excessive borrowing, high taxes, wasteful subsidies, poor services, and a raft of anti-poor policies in an economy that was rigged to favour the establishment. Forget that he was part of the establishment as deputy president.

## **Invested youth turn on Ruto**

His anti-establishment populism (dubbed the “Hustler Movement”) mobilised unemployed or underemployed young voters and made them feel like the government owed them a working economy. These “hustlers” believed that their material fortunes would change under Ruto, and became invested in



**Big shots fired: President William Ruto (seated, centre) and his cabinet, shortly after his electoral win. This week he sacked them all, except two.**

public policy.

Instead of working with the usual established ethnic kingpins, Ruto's campaign largely operated through ambitious young political entrepreneurs, religious leaders, and direct populist appeals to voters. That shift in style of political mobilisation increased the salience of economic policy. As a result, Kenyans have shown unprecedented levels of public interest in the minutiae of economic policymaking over the last two years.

Yet, once in power Ruto, quickly moved to demobilise the wave that got him into power and surrounded himself with a larger-than-usual share of individuals seemingly intent on plundering public

resources and jettisoning service delivery. Under different circumstances, Ruto might have gotten away with that. Except he inherited a mess.

In 2022, the Kenyan economy was teetering on the edge following the debt binge under Kenyatta. A sovereign default wasn't entirely off the cards. The ballooning deficits demanded fiscal consolidation: high domestic revenue, less expensive government and tighter control on any new borrowing. The shilling was under pressure and the country was just recovering from a drought that pushed up food prices. Jobs were increasingly scarce. Real incomes had stagnated for the better part of a decade.

## Vindictive but lightweight

The manner of Ruto's victory and personnel choices limited his ability to adequately address these challenges. In Parliament, his populist wave yielded a majority of political lightweights who, despite occupying important leadership positions, are more interested in singing his praises than voicing their constituents' grievances. Within the executive, individuals with neither experience nor expertise in public administration landed critical jobs.

**Within the executive, individuals with neither experience nor expertise in public administration landed critical jobs.**

Furthermore, an air of vindictiveness towards the establishment that had rejected him in 2022 foreclosed on the possibility of seeking constructive feedback or support on important policy questions. The administration more or less declared war on institutions and firms that opposed his candidacy, including the media. All this meant that the administration was primed to dismiss initial murmurs against the 2024 Finance Bill as middle-class re-litigation of the 2022 presidential election.

But public interest in the Bill made it impossible for the administration to spin the tax measures as principally targeted at the "spoiled" middle class (everyone eats bread, it turns out).

Astonishingly, the administration invested very little in selling the 2024

Finance Bill to the public. It didn't show credible evidence of improvements in public services to justify further increases in taxes. The Treasury's principal secretary and the National Assembly's finance committee chair showed up for the media unprepared and without any coherent rationale for the proposed tax increases.

All this fuelled public perception that the Finance Bill was written in Washington by the International Monetary Fund as part of Kenya's fiscal consolidation programme – further eroding already threadbare government legitimacy.

Ruto should have known better. Most reasonable commentators would agree that in 2022 his campaign elevated public discourse over policy in Kenya to a higher plane. He diminished the role of ethnicity in elections and spoke to millions of Kenyans who had been disenfranchised by Kenyatta's cronyism, when he promised to equalise the economic playing field.

Unfortunately for Kenyans, it appears that all he sought to do was destroy the old system but lacked any plans to build something new. And now he is reaping the rewards of that oversight.

Plummeting buy-in for taxes will frustrate his plans to increase government revenue without digging further into debt, and make it virtually impossible to implement much-needed development plans. ■

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## Kenya hear me? Young citizens call for change

**K**enya's youth are fighting to make their voices heard.

Since the youth-led mass demonstrations against tax hikes on everyday items like bread and diapers began, demands have grown to include more accountability from politicians and better governance. Some have even called for the government to step down.

But what do young Kenyans see as the country's most important problems? Afrobarometer's most recent survey, conducted just before the protests in April/May 2024, listened to 18- to 35-year-olds to find out what troubles them most.

The findings should not surprise

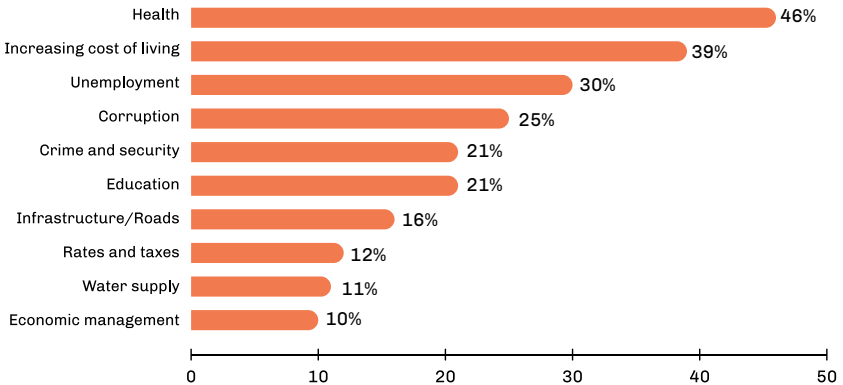
anyone who has heard protesters speak of a cost-of-living crisis: Two fifths (39%) of young Kenyans cite higher living costs as one of the top three issues the government should address, their second-highest priority behind health (46%).

Other themes that have cropped up during the protests are also reflected in survey responses. Three in 10 youth (30%) say the government needs to tackle unemployment, while a quarter (25%) call for action on corruption.

Rates and taxes are specifically cited by 12% as a priority requiring intervention.

Kenya's youth have spoken. Will their government listen? ■

### Most important problems | respondents aged 18-35 | Kenya | 2024



**Source:** Afrobarometer is a non-partisan African research network that conducts nationally representative surveys on democracy, governance, and quality of life. Face-to-face interviews with 1,200-2,400 people in each country yield results with a margin of error of +/- two to three percentage points.

# The jury is out: Swift justice or guaranteed guilt?

**In the Covid-19 pandemic, mobile courts sprung up across Nigeria to enforce public health measures. They have endured. But defence lawyers say they deliver more injustice than justice.**

**Justina Asishana**

**M**agistrate Christina Barau presided over a mobile court during the Covid-19 pandemic and liked it. With trials conducted on the spot and judgments delivered swiftly, these courts played a pivotal role in ensuring compliance with safety protocols. The police or pandemic task force made arrests, took the accused aside to a table at which a magistrate sat and filed a formal complaint. State lawyers instantly presented and prosecuted the case. The guilty were often fined, not jailed, and the expense presumably deterred them from breaching pandemic restrictions again.

Barau would judge as many as 100 cases a day. She was sometimes concerned that defendants didn't always understand the charges brought against them and that judgements were rushed but the mobile court approach significantly reduced paperwork and cost, so she concluded it was a viable alternative to traditional court. Other supporters of the approach said the mobile courts were expanding legal accessibility, particularly in remote

areas. So, when the pandemic restrictions were lifted, the mobile courts stayed. They now largely focus on traffic violations.

Magistrate Safinatu Abdulkareem presides over one of the road safety mobile courts in Niger state and sees them as better than taking traffic offenders to brick and mortar courts. "The traditional court will only waste time and hinder their journey. When they are being tried where they are being arrested and punished or fined, then they can proceed with their journey or business," she said.

**Supporters of the approach said the mobile courts were expanding legal accessibility, particularly in remote areas.**

But such approving views rarely include the perspective of the people being tried. Defence lawyers are often absent from the proceedings and when they appear, there is little room for them to defend their clients.

"Everything in the mobile court is done summarily. The system doesn't allow us, the defence lawyers, the opportunity



**Everything's fine: Mobile courts offer "quick results".** Photo: Justina Asishana

to respond to the claims adequately. The hands of lawyers are tied to either opt for settlement or see your client convicted," said Sabiu Ahmad Bashir, a lawyer based in Abuja. To examine the charges against their client, the defence lawyers often have only a proforma template filled in by a police officer – and no further evidence.

In a recent case, Bashir appeared in a mobile court for Gudu market traders who were being prosecuted by the Abuja market management agency. He began by denying liability and advising his clients to enter "not guilty" pleas. But a few minutes later, he was ordered to instantly address the court with his clients' defence as the judgement would be delivered in the same sitting. "We decided to plead guilty and my clients were convicted and ordered

to pay fines."

Magistrates like Barau and Abdulkareem say even when people are found guilty in such summary trials, the fines imposed are affordable and the guilty can just pay and be on their way.

In practice that is often not the case.

In September 2022, the Lagos State Traffic Management Authority auctioned over 130 vehicles which had been impounded from offenders convicted and sentenced to fines by mobile courts. Unable to pay in the stipulated time, the convicted lost their property instead. Hardly a just outcome.

"We don't expect thorough justice there," Bashir said of the mobile courts. "They are only effective in the quick dispensation of cases." ■



## Slow burn, fast rise

**Tems has made quite the mark on the music scene – and she's not afraid to say so in her debut album.**

**Wilfred Okiche**

**S**ince her song-stealing appearance in Wizkid's crossover hit *Essence*, 29-year-old Nigerian singer-songwriter-producer Tems (born Témiládè Openiyi) has been on the fast track.

With only two EPs to her name (2020's *For Broken Ears* and 2021's *If Orange Was a Place*), Tems scored a Grammy-winning hit after rapper Future sampled

her song *Higher* on his song *Wait for U*. She covered Bob Marley's *No Woman, No Cry* for the *Black Panther: Wakanda Forever* soundtrack, wrote for Rihanna, Beyoncé and Drake, and was nominated for an Oscar.

Her debut album *Born in the Wild* arrives under the crushing weight of anticipation and Tems meets the moment like a pro, crafting a blistering record that seduces, inspires and enthralls, boldly expanding room for what is considered Afropop. Her sound embraces nineties R&B, rap, soul inflections, some dancehall vibes, and plenty of swagger delivered in her famously deep, velvet timbre.

She channels *Lover's* Rock-era Sade one minute and Lauryn Hill the next. Tems can play for the pop charts and the DJ playlists as she does on the addictive *Love Me Jeje*, a reworking of a 1997 classic by Seyi Sodimu that screams song of the summer. The playful *Wickedest* lifts brilliantly from *Ier Gaou*, an enduring favourite from the Ivorian group Magic System. *Turn Me Up* harks back to the dancehall-lite roots of her earlier hit *Damages* and the Asake-assisted *Get it Right* appeals to younger audiences.

The album is most interesting when Tems veers into soulful territory as she does on *Burning*, which ruminates on the monster of fame, and on *Unfortunate*, a kiss-off to an ex-lover. But at 16 tracks, plus two extraneous interludes, *Born in the Wild* suffers pacing and editing issues that prevent it from achieving transcendence. ■



# THE QUIZ

0-3

"I think I need to start reading more newspapers."

4-7

"I can't wait to explore more of this continent."

8-10

"Compaoré me not to a summer's day – on sonnets, I'm a bit blasé."



- 1\_** Is Burkina Faso a coastal or landlocked country?
- 2\_** Blaise Compaoré served as which country's president from 1987 to 2014?
- 3\_** William Ruto served as deputy president from 2013 to which year?
- 4\_** Which country is Biniam Girmay from?
- 5\_** Which Nigerian artist recently released their album *Born in the Wild*?
- 6\_** Where did Niger's name come from?
- 7\_** The Bissagos Islands (pictured) are found off the coast of which country?
- 8\_** True or false: French is the official language of Mauritius.
- 9\_** Spanish, Portuguese and French are the official languages of which African country?
- 10\_** Is Abdelmadjid Tebboune Algeria's prime minister or president?

**HOW DID I DO?** WhatsApp 'ANSWERS' to +27 73 805 6068 and we'll send the answers to you!

# Kenyans won the battle – but the economic war is not over

**Determined protesters defeated the Finance Bill, but the root causes of the unrest have not been addressed.**

**Scovian Lillian**

**A**fter two weeks of protests and national unrest, President William Ruto eventually bowed to pressure from the Kenyan public and “withdrew” the 2024 Finance Bill. Among other changes, the legislation had proposed introducing a 16% value-added tax that applied to a range of goods from bread to financial services, increasing excise duty on mobile transfer agencies from 15% to 20%, and creating new levies on household items.

Ruto argued the budget was necessary to raise the revenue the government needs to meet the growing cost of debt repayments. But his critics and the public said that the Bill would represent a burden that was too heavy for people to bear – and would hurt economic growth, which is necessary for the country’s long-term economic stability.

It was especially notable that the mass protests that erupted against it took place in urban areas across the country, organised by younger people through social media, and without obvious political leadership.

Ruto initially defended the proposals, but amid accusations of human rights

abuses and mass killings by the police, he was forced to back down by the sheer weight of public opinion. A survey by InfoTrack found that three quarters of Kenyans strongly opposed the bill, while other polls have found overwhelming support for the aims of the protesters.

The success of the protests has prompted some to frame it as a revolution. But Ruto has announced no changes that would fundamentally alter the clientelist foundation of the political system.

Moreover, as the government replaces tax rises with more borrowing, there is a serious question about whether Kenya will be able to manage its debt.

Much will depend not only on what happens on the streets of Nairobi, but in negotiations with the International Monetary Fund and the World Bank. Both institutions are now under massive pressure to support the government to plot a different route to economic sustainability. ■



*Scovian Lillian is an independent journalist based in Nairobi, Kenya. This analysis was produced in collaboration with Democracy in Africa*

# THE BIG PICTURE

Sharp words: Members of the Tsavara Fencing Mtaani Club spar in Mathare in Nairobi, where youngsters battling the odds often take an al fresco approach to get their point across.

Photo: Luis Tato/AFP



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