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Hague Trials are in the Interest of Posterity

By Mwangi Wanjumbi

Early during the Chinese Civilization, there existed a ruler who decided to bequeath the throne to one of his sons. But, before finalizing the process, he insinuated to his heir son that he must kill his own brother, if he expected to continue ruling successively. The new King seemed not to have given much thought to the father's contention. However, deep into the reign of this new King, he realized that he could no longer rule effectively. The brother had become a thorn in the flesh. He recognized that he had no choice but to eliminate this stubborn brother, therefore fulfilling his father's predictions.

On the other hand, it is difficult to ignore the lessons from Nicolo Machiavelli, in his book of 1513. The book titled, 'the prince,' advocates that politics is a game where one has to be no 1, whatever it takes.

Over the years, we have certainly witnessed many political activities which not only resemble the Chinese civilization's scenario, but also guided by the Machiavelli's principle. Indeed, there are numerous intriguing and unresolved political murders whose unfinished investigative reports continue accumulating dust in the respective offices.



Post election violence

More still, our country has suffered greatly from politically instigated violence. These well orchestrated activities have led to many deaths coupled with maiming and displacement of innocent wananchi in various parts of the country. The same activities which have been associated with elections in 1992, 1997, 2002 and dangerously escalating in 2007/8 have certainly been aimed at achieving personalized political goals.

Sadly, this has happened in a dynamic situation, where political awareness has taken new dimensions. The culmination has been the much politicized cases now under the international criminal courts. Even without delving into the merits or demerits of the Hague Cases; it is imperative that we view the same in different perspectives.

Firstly, we need to realize that our country was fast grounding to halt if not total destruction. Despite, having national leadership structures of the executive, the judiciary, and parliament none of them seemed to have been working towards the successful continuity of the state. Impunity, which had risen to dangerous levels, was certainly the greatest culprit in this case. The country's laws seemed to have been in existence only as a formality, and not as a guide to our obligations as citizens of this great country.

Secondly, the world has changed and is continually transforming greatly. Ancient principles and ideas of entrenching outdated political maneuvers have no place in a world, which has now largely embraced democratic systems of governance as the order. Realistically, politics is now largely a game of numbers where majority have their way, whereas the minority have their say. With entrenched impunity, it would be foolhardy to expect these democratic principles to continue taking shape.

Apparently, if the same attitudes that drove impunity are allowed to persist, the newly promulgated constitution will become a victim of the same. Further, continuity of Kenya as a unitary state could have been threatened greatly as we approach the 2012 elections. Inevitably, if the Hague trials, are going to bring back sense and especially, put our legal systems, attitudes and constitutional culture on track, let them be.

In fact, that is the best justice that can be availed to the dead, maimed and IDPs. Ironically, the later have continually existed as foreigners in their own state since the 2007/8 displacements. Perhaps, we now need to start focusing on the next phase of the trials – the foot soldiers of the post election violence.

Indeed, this will help in giving the much needed confidence to not only international investors, but also the business fraternity and all other economic development stakeholders.

Meanwhile, those that are innocent on the Hague matter have nothing to be worried about. They will be able to prove their innocence and get back to their routines. Lastly, Kenyans will certainly not be concerned about the embarrassment attributable to the trials matter. In any case, we can now sleep soundly knowing that, when national leadership fails, the international system takes over; not for their interest but ours and that of posterity too.

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