

AFR-KEN-DN-1250-T

KENYA

With one deft stroke, the President's act confounded both friend and fo

Daily Nation, Nairobi

It was a masterful performance by any standards. As President Uhuru Kenyatta wound through his address to the nation through a special joint sitting of Parliament on Monday, he seemed to be offering all the arguments for choosing to defy the International Criminal Court summons.

Then in a dénouement that would do justice to any Shakespearean drama, he announced that he would comply with the order and personally attend the ICC status conference; but as an ordinary citizen, temporarily transferring power to his deputy, Mr William Ruto.

As would be expected, the Jubilee coalition hawks, who previously were breathing fire and brimstone against the ICC summons, turned around to lavish praise on a sagacious president who respects the rule of law and would not deign to defy court summons.

Clearly one of the most important speeches of President Kenyatta's tenure, the much-awaited address was brilliant in its scope and depth, addressing all the key issues around the ICC cases facing him and his deputy.

But the most important element was the clever way in which the hurdles around his historic appearance as the first sitting president to go before the ICC were navigated.

Appointing his co-accused as acting president allowed President Kenyatta to get around the very same justification he had offered against complying with the ICC order: defence of Kenya's sovereignty,

the African Union resolution demanding immunity from prosecution for sitting presidents, and injustice of the ICC process.

In other words, the decision allows President Kenyatta to eat humble pie with dignity; abandoning the orchestrated histrionics against the ICC appearance, but still emerging strong, focused, law-abiding and the master of his game.

While the address to Parliament was expected to resolve anxiety over whether he would obey or defy the ICC summons, he managed to introduce a whole new element with the closely-guarded decision to temporarily relinquish power, an announcement that caught both friend and foe by surprise.

The Jubilee cheerleaders, grabbing any excuse to take their performance to The Hague and the world's famous fleshpots and bhangi "coffee shops" of nearby Amsterdam, were probably relieved that their pleasure jaunt did not abort.

'PERSONAL CHALLENGES'

But the opposition and the civil society types salivating at the prospect of either the President being humiliated by appearing at the ICC, or conversely snubbing the summons and reducing himself to an international fugitive, must have been left flummoxed.

With that one decision, all their interventions might have been rendered nugatory, and all they can whine about is the president calling a special sitting of Parliament to address "personal challenges" as he so famously put it during the presidential debate.

Of course, the "personal challenge" aspect of the ICC cases was quickly abandoned when the ticket comprising the two suspects won the 2013 elections.

The personal issue was swiftly escalated to a national issue affecting not just the President and his deputy, but all the 40 million or so Kenyans they represent.

Further afield, it was pushed as a continental issue as fellow African leaders — who routinely mistreat and butcher their own people and live in fear of being subjected to justice mechanisms — purported to collectively grant themselves immunity from ICC prosecution.

President Kenyatta's decision to attend The Hague as a private citizen might serve as an indicator that the whole issue has gone back to a personal challenge that should not be borne by the Kenyan masses. He alluded to that in his speech.

However, it is more of a masterful political gambit than anything of real significance. President Kenyatta has not resigned. Other than the symbolic transfer of power, he remains the substantive PORK and cannot be addressed any other way even during that brief interregnum at the ICC.

He may opt to make a great show of travelling in a private motor vehicle, taking a commercial flight, and granting leave to his military aide de camp, but all that is just playing to the gallery because nothing has really changed in the power structure.

He will reclaim office once done with the ICC status conference.

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October 6, 2014