

Mount Holyoke College

Kenya: Decolonization, Democracy and the Struggle
for *Uhuru*

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Abstract

The former British colony of Kenya achieved independence in December 1963, but separation from the policies and legacy of the British Empire is an ongoing process. In 2011, a British High Court case brought by detainees of the Mau Mau Emergency examined British policy and abuse during the state of emergency from 1952 to 1960. The case ultimately ended in settlement, with the UK Foreign Secretary, William Hague, stating that “[the abuses] marred Kenya’s progress towards independence.”¹ While the Mau Mau Emergency is not the only example of the long-term impact of British policy, it is one of the most notable due to the violence perpetrated by both the colonial government, but also by tribal groups, during the emergency. How do these events shape the process of independence and post-colonial government structures?

The global system as it exists today relies on the connections and institutions built and created during the period of empires; Kenya is no exception. Ethnic tensions, emphasized by British land policy and internal British policies, carried over into the Mau Mau Emergency in 1952, where members of the Kenya African Union (later KANU), frustrated with the inability to attain a greater political voice, launched a military conflict against the British. While ultimately a failure for the Kikuyu-dominated group, the Emergency set in motion processes, political and economic, that would have a lasting impact on the Kenyan government and its people.

Under the leadership of Jomo Kenyatta, in 1963, the Kenya African National Union (KANU) took control of the new independent state. While *uhuru*, or

¹ Foreign & Commonwealth Office and The Rt Hon William Hague MP. “Statement to Parliament on Settlement of Mau Mau Claims.” Gov.uk. June 6, 2013.

independence, had been achieved, Kenya still faced political struggle. Through KANU dominance, Kenya became a de facto one-party state under Kenyatta and an official one-party state under Daniel arap Moi until 1992. KANU remained in power until 2002, leading to what was widely seen by the international community as the first set of truly free elections.

This project focuses on the political implications of colonialism, examining Kenyan politics and economic data points through a historiographical perspective, particularly the period 1948 to 2002, including the 5 years prior to independence, the *Pax* Kenyatta, the first *nyayo* (footsteps) decade under Daniel arap Moi and Kenya into the early 2000s. Through archival documents from the National Archives in London, I examined British attitudes and policy decisions to gain insight into the colonial mindset. In addition, I use constitutional documents and economic data from the World Bank to provide further insight into the impacts of colonial land policy. My study is an attempt to understand the long-term implications of colonialism and decolonization on political processes and how those processes determine the path of government.

Chapter I: Introduction

Empires have shaped the world into what it is today. This includes early empires, such as the Roman Empire, which extended across Europe, throughout the Mediterranean and Northern Africa and into the Middle East and ruled until its decline in the 4th and 5th centuries, to more recent empires, such as the British Empire which at its height in the 18th and 19th centuries was the largest empire in the world, or the recent American Empire, which is now arguably in a period of decline. This research focuses on the British Empire. The British Empire, throughout its three phases of expansion, began its negative interactions with the African continent in the first phase in the 16th, 17th and 18th centuries until the loss of the American colonies, with the slave trade. The Berlin Conference in 1884-1885 and the “Scramble for Africa” created the path for British involvement British involvement in Kenya.

In the 19th century, Europeans began their exploration into the present interior of Kenya. Established as a protectorate under Germany in 1885, the Imperial British East Africa Company arrived in 1888. British influence spread through the creation of the Uganda-Kenya railway, completed in 1903, which served as a draw for British settlers to enter the interior. As more white settlers arrived, indigenous populations, including the Kikuyu and the Maasai, were forcefully moved out of the fertile mountain regions and into reservations around Mount Kenya. While these reservations were initially large, they split the populations into groups that rarely saw the rest of their tribe, as well as containing largely nomadic peoples, contributing to the dissatisfaction of British rule.

During World War I, British and German troops fought in East Africa, including Kenya, wreaking havoc on the local economy and forcing native populations into military service. The shift in food production to a system focused on the war depleted local land resources and led to drought and famine. After World War I, numbers of settlers continued to grow, and saw the beginning of a demand for representation by the white colonists. Alongside this growing demand for a political voice, the Young Kikuyu Association (later the East African Association) was formed in 1921. Although this movement failed to unite ethnic groups, the association reveals an early desire to be a part of the political process.

World War II also included fighting in East Africa, particularly against the Italians in Ethiopia. Kenyans were drafted and fought for the British, although with little return for their sacrifice. The post-World War II period saw a rapid decline of British power on the world stage. With British power declining, power began to open up and “In 1944, Kenya became the first East African territory to include an African on its Legislative Council,” a number which continued to increase with relative speed, with eight in 1951.² The Suez Crisis, “sent a signal to nationalists throughout the British Empire: the hour of freedom had struck.”³ Throughout the colonies, nationalism was taking hold and independence was being achieved, first by Kwame Nkrumah in Ghana, inspiring hope across Africa. By 1946, Jomo Kenyatta had returned to Kenya, and became the president of the Kenya African Union. The Union attempted to gain a large

² Encyclopedia Britannica Online, s.v. “Kenya.” Accessed January 21, 2015, <http://www.brittanica.com/EBchecked/topic/315078/Kenya>

³ Niall Ferguson, *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power*, (New York: Basic Books, 2002), 348

African following, however the Mau Mau, did not feel as though concrete results were being achieved.

In Kenya, the Mau Mau rebellion (also known as the Mau Mau emergency) in 1952 to 1960 brought sentiments against the British to a head. Small numbers of Kikuyu in the Land and Freedom Army (or Mau Mau) brutally attacked and killed white landowners, creating British pushback against the Kikuyu and the removal of native populations into detainment camps, where populations were poorly treated and abused. Prior to the rebellion, there was strong anti-colonial sentiment, as increasing influxes of Europeans continued to restrict native access to land and resources, and the desire for self-determination increased. The British colonial government continued to restrict land access, moving populations away from historical patterns of settlement and splitting up groups to reduce power. While small numbers of European settlers were killed, large numbers of Africans were tortured, killed, and/or had horrors committed against them. These acts were only by the British attempting to quell the insurgency, but also by other Africans, creating disharmony within the native populations. Kenyatta and others involved with the KAU were charged with organizing the Mau Mau movement and sentenced to imprisonment.

As independence became more pressing, the idea of *uhuru*, or struggle for freedom, became a key point. Pan-Africanist ideas continued to evolve, and Kenyan independence became partly hinged on the idea of an East African Federation, a cooperative economic group that would provide economic and political stability to both a newly independent Kenya and the region. While the direct impacts of Pan-Africanism are

hard to pinpoint, pan-Africanism certainly played an important role in the process of independence, within the African continent and in Kenya. Ideas of pan-Africanism saw the creation of the Organization of African Unity, and outside the continent, ideas of African independence and the struggles of race relations inspired authors like WEB DuBois and Marcus Garvey to write of economic and political independence from global colonizers. Jomo Kenyatta, the first president of Kenya, was a strong pan-Africanist, who, although a controversial figure because of his potential involvement during the Mau Mau insurgency, shaped Kenyan independence and its future.

Competing ideas over the shape of Kenya's future can be seen in the conflicts during decolonization between the Kenya African Democratic Union (KADU) and Kenya African National Union (KANU). Their subsequent battle for power and the shifting of British support, including the debates over the inclusion of *majimbo* or *majimboism*, meaning regions or provinces, is reflective of the struggles of independence movements. With Jomo Kenyatta taking control with KANU, Kenya achieved independence in 1963. After the declaration of independence, Kenya quickly moved into a de facto single party system, and the idea of the *Pax Kenyatta*⁴, or the fifteen years following independence, began. The ten years following Kenyatta's death in 1978 under Daniel arap Moi saw the solidification of the single party system within the constitution until a combination of internal and external pressures resulted in more democratic processes in 1992. Kenya's first democratic elections, as recognized by the international community, did not occur

⁴ So called in B.A. Ogot and W.R. Ochieng', *Decolonization & Independence in Kenya: 1940-1993* (London: J. Currey, 1995)

until 2002, and represented the first transfer of power between political groups, from KANU to the National Rainbow Coalition under Mwai Kibaki.

This essay explores the political, social and economic impacts of British imperial policy on the processes of decolonization, independence and their continued impact on post-independence government. Although the connection between colonial policy and independence is not a unique, this study attempts to contribute to the historiographical literature on the British Empire, specifically Kenya throughout its colonial and post-colonial history. The originality of this work is in its utilization of archival materials alongside the economic data. It yields a comparative framework between the political and economic processes, both hidden in bureaucracy and its substantive impact, striving to detect patterns in the interactions between the colonial government and the independence government.

Research Questions

Since the decline of empire in the 20th century, scholarship on the impacts of empire has produced a plethora of research that has concluded the mechanisms of empire have had a broad and sustained impact on the colony. While it is broadly agreed that the British Empire had a negative impact, with some dissent including by Niall Ferguson, the study of the mechanisms employed have been largely limited to the availability of resources. Due to the opening of the Migrated Archives at the British National Archives, along with the regular yearly releases performed by the British government, new

information is constantly becoming available. Through the existing literature and new documents, I utilized the following questions:

How do the connections and institutions created during the period of the British Empire shape current forms of government?

How did British policy evolve through decolonization and into independence?

How do ethnic and racial divisions impact land policies and politics?

What impact did land policy have on political mobilization?

Through the dual processes of colonization and decolonization, formal or informal, the global system as it exists today relies on the connections and institutions created through these empires. I examine how the process of decolonization and decline of the British Empire have impacted post-colonial governmental structures, using existing literature and data from the past 200 years. I hypothesized that the policies created for the specific colonies in conjunction with overall pan-Empire policies, particularly with regards to the treatment of native populations, as well as the process of independence and support of new post-colonial government by the colonizers, are the most important factors when looking at post-colonial government success, specifically in a case study of Kenya.

Thesis Organization

This thesis strives to explore the impacts of colonial frameworks and policies on democratic processes during and after decolonization and independence. This study does not intend to bridge gaps in existing literature, but rather provide insight on the existing

literature through exploration of new archival material and comparative economic data. Chapter II provides a review of the existing literature relating to Kenya and the British Empire as it has been explored and understood prior to the 2011-2013 release of the British National Archive migrated archive documents. Within this chapter, the sources explored begin with British Empire-focused works, providing overviews for overall Empire policy, before moving into more specific Kenya-focused works. This chapter shows the existing literature has provided a wealth of information regarding the historical, economic and political interactions during the period of empire, decolonization and independence, but largely from the perspective of the late 1990s, which is important to note, particularly with the more recent political and social developments. The chapter ends with definitions of essential terms and an explanation of the methodology used for this study.

Chapter III examines British colonial policy prior to independence, particularly the Land Acts. This chapter also explores the growth of anti-colonial sentiment and nationalism within Kenya and the British Empire as it relates to growing decolonization and the decline of the Empire. This chapter is followed by an examination of the decolonization process from 1958 to 1960 in Chapter IV, particularly with regards to decolonization during the end of the Mau Mau Emergency and the transition to the independence period. The following Chapter V continues into the Independence period, from 1960 to 1963, particularly focusing on the creation of the new Independence Constitution through the Lancaster House Conferences and the battle for power between the Kenya African Democratic Union (KADU) and the Kenyan African National Union

(KANU). Additionally, economic data from the period 1960-1963 shows the continued resilience of the economy despite internal political turmoil.

Chapter VI examines the Kenyatta Era from 1963 to 1978, including an examination of the economic data in 1968. 1968 represents five years post-independence. The Kenyatta era marks the movement to independence, or *uhuru*, and the movement from a multi-party system to a de facto single party system, as well as the ethnic tensions that helped shaped politics, including land politics. The impacts of africanization and the economic impacts of the Kenyatta era are also examined within the framework of economic policy to provide quantitative analysis.

The Arap Moi presidency from 1978 to 1988, or the first *nyayo* (footsteps) decade, is surveyed in Chapter VII. Along with the formalization of the one-party state in 1982, this period was only the beginning of Arap Moi's presidency, which would last until 2002. The first *nyayo* decade ends in Kenya's twenty-fifth year of independence, which represents quantitative marker. The significant role of structural adjustment programs on the economic programs of the decade is shown in the economic data, directly impacting Kenya's economic and political future.

Finally, the concluding chapter, Chapter VIII, I look at how Kenya has continued after the first *nyayo* decade to the end of Moi's presidency and I lay out my findings, specifically the trends throughout the post-colonial period as it relates to the structures of colonialism. Additionally, although Kenya is unique in its path, this chapter attempts to extend the connection of British policy to the long-term impact on democracy within the post-colonial empire.

Overall, I find that the implications of British policy, while largely determined by independence and post-independence politics, are clearly defined in the Kenyan process. While every post-colonial country is unique, the continuance of soft imperialism in post-colonial countries, particularly those of structural adjustment programs and other funding programs for developing countries, emphasizes the impact of imperial policy post-independence. This study elaborates on the complexity of interactions in the core-periphery model as it relates to politics, social conditions and economics during the colonial, decolonization, independence and post-colonial periods.

Chapter II: Literature Review

The existing literature varies between a broad focus, examining the British Empire by region, with the occasional case study, or a narrow focus on a single country, usually ones with difficulties during decolonization, such as Kenya. Additionally, few sources provide an examination of a region throughout the colonial history into the post-independence period. This is particularly noticeable for Kenya and other states that gained independence in the second half of the Twentieth century. Niall Ferguson, an essential theorist on the British Empire, has written extensively about the Empire. His book, *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power*, serves as an overview of the Empire, its growth and decline. While Ferguson does not deny the negative effects of colonization, he approaches his work as someone who has been the beneficiary of colonialism. Ferguson examines the concept and the intertwining of empire and globalization, suggesting that despite the negative impacts, “the Empire enhanced global welfare.”⁵ The examination of the British Empire through a largely positive lens is not something I necessarily agree with, but serves as an alternative to the negative narratives of the Empire.

William F.S. Miles’ *Scars of Partition: Post-Colonial Legacies in French and British Borderlands* evaluates the long-term implications of colonialism and decolonization. Miles examines ideas of partition and independence within the framework of identity, examining how indigenous populations reflect colonial legacies. While Miles does not directly address Kenya, through examining his conclusions, I hope

⁵ Ferguson, *Empire*, XXIII

to be able to draw parallels throughout the policies of the British Empire, creating a farther-reaching network of ideas that can be drawn upon for future research.

In *British Decolonization, 1946-1997* by W. David McIntyre, decolonization is examined through a narrow lens of the political debates that framed independence. Starting with an examination of the Dominion model as the first stage of dissolution to the Commonwealth, McIntyre provides a biased, but largely factual review of decolonization that emphasizes the common narrative of disorder and rapid decline. As this is a survey work, I intend to use this as a basic foundation text that will be challenged by other texts to create a conflicting, dual narrative.

While Gary Wasserman's *Politics of Decolonization: Kenya Europeans and the Land Issue 1960-1965* was published in 1976, his thesis of decolonization as a downward manipulation of nationalist movements that ensured continuity of the colonial political economy, continues to be relevant in modern texts. Wasserman focuses on a case study of Kenya Europeans in the Highlands, an issue that tends to be minimized in favor of native population struggles in most examinations of Kenyan independence movements. Wasserman's narrative tends to discredit the power of nationalism in indigenous populations, including the struggles of creating national identities given British land policies during the colonial period, a factor I view as essential to understanding decolonization in Kenya.

The Mau Mau rebellion was opposed by the majority of the native populations, despite countless grievances with colonial rule, and Daniel Branch attempts to examine the factors of opposition in *Defeating Mau Mau, Creating Kenya*. He examines the

similarities between loyalists and insurgents, as well as using the divisions and counterinsurgency as a framework for the following decolonization. Branch's argument focuses on the role of the loyalists, which is largely ignored or misrepresented, and represents a crucial population in attempting to understand the Mau Mau climate. Additionally, Branch argues that Mau Mau was closer to a civil war among the Kikuyu, resulting heavily from issues of class. Branch's argument and his focus on the loyalist split overly deemphasizes other factors, such as populations other than the Kikuyu, that also play important roles in understanding decolonization.

Similarly, Caroline Elkins' *Imperial Reckoning: The untold story of Britain's Gulag in Kenya*, examines the colonial emergency and the British reaction to the Mau Mau insurrection. Elkins challenges the perception of the British involvement as a civilizing mission, providing a history that remained largely hidden, untold and unknown until Elkins' publication. Although she provides an overview of the colonial history of Kenya and the origins of the insurgency, her focus is on the detention history, providing a picture of two wars being waged by the colonial government against the Kikuyu. The book's focus on the horrors of the detention camps has a tendency to reduce other factors, such as the movements and actions of the colonial government outside of the camps, providing an incomplete picture of the Emergency.

Unhappy Valley by Berman and Lonsdale divides Kenya under Britain into the role of state and class and the role of violence and ethnicity, providing a picture of Kenya from the late 19th century with the beginning of direct European involvement to the origins and development of the Kenya African Union resulting in Mau Mau. Their

examination of Mau Mau is a thorough consideration of the myriad factors that led to, and comprised the Mau Mau. While the second book lacks the dimension of the detention camps examined by Elkins and is reflective of political sensitivities, it is overall thorough and is largely congruous with the more current scholarship. The first book, *State and Class*, lacks connection to post-independence Kenya, a gap that I hope to fill.

Additionally, Robert Tignor's *The Colonial Transformation of Kenya: the Kamba, Kikuyu, and Maasai from 1900 to 1939* examines British colonial authority as it was experienced by different ethnic and tribal groups. Tignor attempts to examine the colonial experience of all three equally. While informative, he fails to provide a comprehensive overview and focuses largely on the impact of education and nationalism, often eschewing land in favor of other factors, particularly social factors.

Decolonization & Independence in Kenya, 1940-93, edited by B.A. Ogot and W.R. Ochieng' examines whether or not the long-term goals of the nationalists, such as Africanization, have actually come to pass. Through a series of authors, the book examines the invention of a new, independent Kenya, starting in decolonization and ending with the move to a multi-party political system. This book, along with *Kenya: A History Since Independence*, forms the core of my historiographical timeline, as it examines recent events in the author's timelines relative to publication and offers suggestions for Kenya's future, which can be used to look at change and can be examined in relation to present events.

As mentioned in the prior paragraph, *Kenya: A History Since Independence* by Charles Hornsby, helps Ogot and Ochieng' form the historiographical core of this study.

The book examines the intersections of political, economic and social spheres through five themes- centralism versus *majimbo*, socialism versus capitalism and individualism versus egalitarianism, neo-patrimonialism, internationalism versus nationalism, and democracy and autocracy. These five themes are woven throughout my study, albeit not as explicitly as in Hornsby. This book focuses entirely on Kenya post-independence, which fills a gap in the historical narrative and the limited scholarship, however it only briefly addresses the late colonial period and decolonization to establish themes of conflict. Although a valuable resource, this work does not include materials from the migrated archive.

Donald Rothchild's *Racial Bargaining in Independent Kenya: A Study of Minorities and Decolonization* focuses on the encounters that occurred in the pre-independence and post-independence periods and the shifting racial relationships that occurred in those periods. Rothchild also spends significant time examining the tensions, but also the links, between the three racial groups: African indigenous, Asian and European, which are often ignored in other sources. While the book is a bit outdated, its concentrated focus still makes it a valuable source in understanding mindsets.

Finally, Robert M. Maxon's *Kenya's Independence Constitution: Constitution-Making and End of Empire* uses the interests of early 2000s following the disputed 2007 election to examine the creation of Kenya's constitution from mid-1960 to 1963. He argues that democracy was not a priority for many in the constitution-making process and that it was KADU, not KANU, which was the truly revolutionary party. Due to KADU's emphasis on *majimboism*, and their attempted creation of a system that parallels many

federalist systems today, particularly that of the United States, I disagree that KADU's constitutional ideas were truly revolutionary, however, in the comparison with KANU, I believe it can be argued that both systems were revolutionary in their own way.

Terminology

“Empire” can be divided into two parts- formal and informal. I define an informal empire as spheres of influence with lasting economic, social and political consequences. Formal empire involves the process of colonization and the creation of a defined link to the central, imperial nation-state. Defining “imperialism” is similar to the definition of formal empire. I am using the Merriam-Webster definition of imperialism as ‘the extension or imposition of power, authority or influence.’⁶ The concept of empire cannot exist without the concept of imperialism, making distinction between the two necessary.

The idea of colonialism, colonization and decolonization cannot be explored without post-colonialism. To begin with, I define colonialism as ‘control by one power over a dependent area or people; a policy advocating or based on such control.’⁷ Next, I use the Merriam-Webster definition of colonization as ‘to take control of an area and send people to live there.’⁸ The idea of decolonization, as noted by McIntyre, was adopted in the 1930s but came into common use in the late 1950s, and has seen a variety

⁶ Merriam-Webster Online, s.v. “Imperialism.” accessed January 21, 2015, <http://www.merriam-webster.com/dictionary/imperialism>

⁷ Merriam-Webster Online, s.v. “Colonialism. 3.” accessed January 21, 2015, <http://www.merriam-webster.com/dictionary/colonialism>.

⁸ Merriam-Webster Online, s.v. “Colonize.” accessed January 21, 2015, <http://www.merriam-webster.com/dictionary/colonize>

of definitions assigned, including those in the context of international relations.⁹ I use the Oxford English Dictionary definitions, as the ‘withdrawal from its former colonies of a colonial power; the acquisition of political or economic independence by such colonies.’¹⁰ While this definition does not acknowledge the continuing political and economic relationship between the former colonial power and the colony, the simplicity of the definition allows for a broader inclusion within the greater framework of imperialism. Finally, post-colonialism is best explored by Miles, who describes the word as “the social and political processes following the sovereignty exercised by European powers... over their African, Asian, Latin American, and Oceanic colonies, protectorates, and territories.”¹¹

Framework of Empire

The entire history of the British Empire is complex and is more than this section could contain, however as the British Empire is commonly divided into three phases, a brief summary of the phases is essential to understand the movement into the colonies, Kenya included. The first phase was initially shaped by piracy under Elizabeth I, before acquiring land and creating colonies, including Jamaica and the Thirteen Colonies in the Americas. This first phase of Empire was expanded by the use of royal charters, both for land and also for companies, such as the East India Company, Hudson’s Bay Company

⁹ W. David McIntyre, *British Decolonization, 1946-1997*. (New York: St Martin’s Press, 1998), 7

¹⁰ Oxford English Dictionary Online, s.v. “Decolonization.” accessed January 21, 2015, www.oed.com/view/Entry/48333?redirectedFrom=decolonization#eid

¹¹ William F. S. Miles, *Scars of Partition: Postcolonial legacies in French and British Borderlands*. (Lincoln: University of Nebraska Press, 2014), 1

and the Royal African Company. This phase saw the expansion of British colonial interests in the Americas and India, benefitted by the Seven Years' War.¹²

The "second" British Empire rose out of the loss of the Thirteen American colonies in 1776. The loss of the colonies led to expansion and attention in the Pacific, Asia and Africa, including the creation of the Australian colonies. Within this phase, the slave trade was abolished through the Slave Trade Act in 1807, and slavery abolished in the third phase with the 1833 Slavery Abolition Act. In addition, the Napoleonic Wars won by Britain expanded the empire further into the Caribbean, Asia and Africa. The second empire saw the start of missionary work in Africa, which would expand rapidly in the third phase.

The third phase, Britain's imperial century, began in 1815. Explorers and missionaries, such as David Livingstone, were tasked with spreading Christianity and civilization, as well as exploring the interior of Africa. Within India, the Opium wars with China, the Indian Mutiny and the decline of the East India Company resulted in direct British government control over India in the late 1850s. The purchase of shares in the Suez Canal continued to solidify control in Africa, and the Berlin Conference Scramble for Africa in 1884 further expanded British territory and control. As the British took control over parts of Africa, the white colonies of Australia, Canada and post-Boer War South Africa gained 'responsible government'.¹³ The First World War, although largely seen as a primarily Euro-centric war, included large numbers of colonial troops and by the end, solidified British influence over the Middle East. Poor global economic

¹² Ferguson, *Empire*, 56.

¹³ Ferguson, *Empire*, 249.

conditions between the wars and the start of World War II left the British vulnerable, particularly in East Asia. Debt following the end of World War II, the Suez Crisis in 1956 and the growing anti-colonial nationalist movements signaled the winds of change and the decline of the empire.

Although not the model that the majority of the colonies would follow, the Dominion model of the British Empire shaped other independence movements. Beginning with independence for the white colonies began with the Durham Report in 1839, with Canada becoming the first dominion with semi-autonomous rule, responsible government. The Balfour Report of 1926 “was not designated as the first stage in the dissolution of Empire. It signified the evolutionary process whereby membership became equal and voluntary.”¹⁴ Alongside the lessening of British power over the Dominions, the use of Commonwealth to describe the empire grew in popularity. Within the Dominions, the Irish Free State demonstrated the most sovereign independence, eventually also adopted by the other Dominions. This movement “provided a powerful model of independence achieved by evolution and agreement... although it was cited as a goal for the more advanced dependencies... it was increasingly depreciated in many quarters and in the 1950s was quickly dropped.”¹⁵ This movement away from the Dominions signified a shift in British decolonization policy that would impact decolonization throughout the empire, particularly in Africa, with Ghana under Nkrumah announcing a goal of Dominion status, ultimately ending in the concept of statehood, which was then utilized for the other colonies.

¹⁴ W. David McIntyre, *Scars of Partition*, 13

¹⁵ *ibid*, 20

Essential to understanding the complexities of the British Empire is the core and periphery model. The model utilizes a spatial metaphor to describe the structural relationship between the metropolitan core and a less developed periphery. While the model is usually used within the framework of economics, which is applicable to the British Empire, I am also utilizing this model as an explanation for understanding political development. Within the colonies, the British goal was for the creation of largely self-sustained colonies, requiring little financial assistance or support. The other British goal was to create government structures using indirect rule, with the Colonial Office in London providing support and guidance to the Colonial Office in each colony, which under the supervision of a governor, would, ideally, utilize existing local leaders and power structures. Additionally, the colonies served as both a market for British-made goods and a source for raw materials that would help support the British economy and manufacturing. This governance structure, while both cheaper and easier for colonial powers, perfectly reflects the core-periphery dynamic.

Primary Source Material

Throughout this thesis, I utilized archival documents sourced online and in person from the British National Archives (BNA) in Kew, London. The Almara Grant, received from the History Department at Mount Holyoke College, allowed me to travel in January 2015 to the BNA. Essential to my research, I was able to examine documents from the Migrated Archives. This archival group containing politically sensitive documents secretly removed from Kenya and other colonies by the Foreign Colonial Office (FCO)

during the process of decolonization and independence. During the 2011 High Court Case, the existence of these files were revealed by the British Government and were released in stages, finishing by November 2013. While these documents reveal British government positions unintended for revelation to the public, the archive documents also make reference to a plethora of destroyed documents, revealing by their non-existence the distrust held towards the Kenyans.

Methodology

The methodology for this study is a historiographical narrative, while also utilizing an analysis of the interaction between the political and economic spheres. Utilizing mixed methods, I focused this research around a case study of Kenya. By examining political documents and texts ranging from prior to independence, decolonization and the year of independence, 5 years post-independence, 25 years post-independence and present day, I am able to use a historiographical narrative to outline the connections between the period of colonialism and post-colonialism. Through this, I am able to identify growth and decline in indigenous population political engagement as allowed by British policy into the independence period, including identifying the direct links between past and current political party structures that can be linked to native policies implemented by the British in the lead up to independence.

Additionally, I utilized IMF/World Bank economic data as a measure of success relative to other countries within the Empire, including examining long-term trends within Kenya in conjunction with major political events. Government economic data and data released by the World Bank and IMF will also be used for quantitative comparative

purposes. The utilization of economic data gives a broader sense of impact on colonial and post-colonial government policy and on continuity of economic status. Through mixed methods, I provide a comprehensive look at the impact of colonial and post-colonial policy.

Chapter III: British Policies Prior to Independence

British governing policy within their colonies, including Kenya, as described above, relied on Frederick Lugard's principle of indirect rule developed in Nigeria prior to World War I. Although in other colonies, the British were able to use local leaders, in the Kenya Protectorate, local leaders had to be created. While initially these leaders originated from chiefs and tribal councils, increasingly, leaders were replaced with newly educated young men. These leaders did not always reflect the local community, placing strain on the colonial government's influence.¹⁶ Particularly within the Highlands¹⁷ where British control was centered due to the economic value of the land, the impact of the creation of chiefs varied depending on affiliation. For example, the Kikuyu chiefs aligned themselves with the British, "compelling people to shoulder unpopular burdens," becoming labor recruiters, providing children for missionary schools and encouraging the system of tenant farmers.¹⁸ This was only emphasized by race, interactions which Donald Rothchild describes as "unacknowledged transactions (or tacit bargains) between the dominant white minority and the indigenous aggregates, which competed increasingly over time for favourable treatment from a third party- the British administration," in the early colonial period.¹⁹

¹⁶ Appendix Figure 1: A map of ethnic groups in Kenya

¹⁷ Appendix Figure 3: Colonial administration boundaries

¹⁸ Robert L. Tignor, *The Colonial Transformation of Kenya: The Kamba, Kikuyu, and Maasai from 1900 to 1939*, (Princeton: Princeton University Press, 1976), 7

¹⁹ Donald Rothchild, *Racial Bargaining In Independent Kenya*. (London: Oxford University Press, 1973), 11-12

With the creation of the Kenya-Uganda Railway to facilitate white exploration, missionaries and settlement, large numbers of Indians²⁰ were imported as indentured servants. Although many returned to India after completion of the railway in 1901, some remained, becoming an economic powerhouse through trade, albeit restrained by the colonial government, as native Kenyans were not allowed to own businesses. The longstanding tensions between the British and the Indians are evident through the creation of the Devonshire White Paper of 1923, which primarily dealt with “Europeans’ continued exclusion of Indians from the occupation of the Highlands... their attempts to restrict Indian immigration to the country; and their discriminatory practices in municipal housing in the emerging towns.”²¹ This was particularly important, as exclusion from farming pushed Indians into the towns, where discriminatory housing led to the creation of unhygienic, poor slum communities. These conditions are reflected in censuses up to 1962, where Indians comprised 2 percent of the total population, with 93 percent living in the main townships, particularly Mombasa and Nairobi.²² Tensions between the two groups only continued to increase, especially after a European settler commission “cast aspersions on the Indian as a depraved and corrupt races, who hindered the progress of the Africans.”²³ The Devonshire White Paper sought to resolve the tensions and conflict between the groups, with Indians seeking equality with Europeans, only acknowledging “the African question of political participation, except when it was clearly to their

²⁰ Indians is used here and within the literature as referring to the Asian population, including those from Pakistan and India

²¹ Jidlaph G. Kamoche, *Imperial Trusteeship and Political Evolution in Kenya, 1923-1963*. (Washington D. C.: University Press of America, 1981), 1

²² Rothchild, *Racial Bargaining*, 32

²³ Kamoche, *Imperial Trusteeship*, 24

advantage.”²⁴ Interestingly, the Devonshire White Paper included a statement of making African interests paramount, which, although largely ignored to the benefit of White settlers and the colonial government, was a departure from the past.

Tensions between the Europeans and the Indians were not the only tensions originating during the construction of the railway. In the late 1890s, the Nandi opposed the railway construction, as such, were the first group to be placed in a reservation, at that time in a part of Uganda, which was later moved to Kenya. This opposition in the Kenya-Uganda area from the Nandi was not the only opposition to British colonialism, including Kikuyu opposition in the 1880s. The Kenya Protectorate was a coastal strip, separate from the Kenya Colony and under the sovereignty of the Government of Zanzibar and the Sultanate of Zanzibar, but control by the United Kingdom. This sovereignty remained until Kenyan independence, despite talks by the British Government on purchasing the land from Zanzibar.²⁵

British Land Acts

The British Land Acts were a series of actions taken by the colonial government to provide land to incoming white settler populations. For this, “African land would have to be alienated in the interests of European economic development, and African labour would have to be procured even if it meant forcing the African to work.”²⁶ The first of these acts was the 1887 British Settlements Act, which worked to establish British control

²⁴ Kamoche, *Imperial Trusteeship*. 50

²⁵ “Kenya: Purchase of Kenya Protectorate from Zanzibar; UK Commercial treaties and application of most favoured nations clauses.” 1930. BNA: FCO 141/5649

²⁶ Kamoche, *Imperial Trusteeship* 10-11

over areas settled by British subjects.²⁷ While this act is not Kenya specific, within the framework of the Scramble for Africa, this act began the establishment of white European superiority. Throughout the British Land Acts, two goals of the acts emerged. The first was to ensure availability of fertile land for incoming white settler populations, particularly in the region of the Highlands. The second was closely related to the first- by needing to ensure land availability for the white settlers, indigenous populations were contained in reservations, which had the benefit of helping the colonial government more easily control the population.

Between 1903 and 1911, the British Government appropriated large amounts of African land. While the Kamba lost the least amount of land compared to the Maasai and Kikuyu, all three groups were heavily impacted by government decisions and served to alienate populations. As the British began to settle in the region, diseases and famine, alongside violent British takeover as a reaction to resistance, resulted in great loss of people and livestock, inherently undermining ethnic power. For the Kikuyu in particular, the British further emphasized prior factions. The Crown Lands Ordinance of 1902 was the primary method of claiming land for British use. The ordinance proclaimed that all public (vacant) land was crown land and could be sold or leased to Europeans. Within the Ordinance, the law stipulated that “the state could lease land in which Africans lived, provided that the land actually under cultivation was excluded from the lease.”²⁸ This aided in the creation of squatter communities, as well as forcing previous landowners, largely Kikuyu, into reserves and further into the labor colonial system. Mass movements

²⁷ “British Settlements Act 1887.” Legislation.gov.uk

²⁸ Tignor, *Colonial Transformation*, 30

of tribal groups into reserves were common throughout this period, creating clearly defined boundaries, where settlers “held ‘buffer zones’ between warring tribes... [with] some of [the colonial violence intending] to crush resistance that white settlers on the borders would be safe.”²⁹ These boundaries reflected a lack of understanding of the realities of land tradition. For the Maasai, the tradition of pastoralism was removed with the 1904 and 1911 moves. For the Kikuyu, the government perception was of no concept of private landholding, allowing settlers to poorly compensate Kikuyu for land, which a later survey revealed to be false.³⁰

Prior to the Devonshire White Paper of 1923, Europeans pushed for greater land ownership, resulting in the Land Ordinance of 1915, where the major provision allowed for land leases to be 999 years, instead of the prior 99 with reviews of thirty-three years. This “left the Europeans owning land which was sold at a ridiculously low price of twenty Kenya cents per acre” and was disadvantageous to the Africans, who were also seen as tenants on Crown land.³¹ While the Devonshire White Paper was largely ineffectual except for the Europeans, again, the paper did emphasize the importance of African interests remaining paramount, which, although idealistic, saw little improvement with regard to African interests until after World War II.

The 1930s saw an increase in the number of native land acts passed, including the 1938 Native Lands Trust Ordinance and the Kenya (Native Areas) Order in 1939. These orders built off the Crown Lands Ordinance in 1902, which established native reserves,

²⁹ Bruce Berman & John Lonsdale, *Unhappy Valley: Conflict in Kenya & Africa*, (London: James Currey, 1992), 35

³⁰ Tignor, *Colonial Transformation*, 27

³¹ Kamoche, *Imperial Trusteeship*. 23

temporary native reserves and native leasehold areas. In addition, these land acts established a Native Lands Trust Board, which included a European Elected Member from the Legislative Council and two Nominated Unofficial Members of the Legislative council, entrusted to represent the interests of the African community. These two orders resulted from a 1932 commission, which was appointed to “enquire into and report upon the claims and needs in respect of land of the native population in the Colony and Protectorate of Kenya.”³² In 1939, the Kenya (Highlands) Order established a Highlands Board, consisting primarily of European Elected Members of the Legislative Council and appointees by the European Elected Members. This system completely excluded African participation in decisions regarding the Highlands.

Although the Kikuyu Central Association sent Jomo Kenyatta as a representative to England to represent native interests during the drafting of the Native Lands Trust Bill in 1929,³³ the impact was negligible and not seen by the colonial government as important. The 1938 Native Lands Ordinance also was opposed by the Kikuyu Central Association, who submitted a memorandum on their opposition to the Secretary of State for the Colonies. Within this memorandum, concerns regarding colonial treatment of reserve boundaries³⁴ are revealed with statements such as:

“The Kavirondos were simply deprived of their lands without adequate compensation. They did not also receive land in exchange for what they had been

³² “Kenya (Native Areas) Order in Council, 1939.” February 2, 1939. Kenya Gazette.

³³ “Native Political Associations.” 4 August 1940. BNA: CO 533/523/66.

³⁴ Reserve boundaries, particularly when valuable resources were discovered, were not honored by the colonial government, who would retroactively amend acts and ordinances to allow for government control over the valuable land in question

deprived of... The Africans feel that industrial and economic development of any Country should not brush aside the rights of private property enjoyed by citizens, who must not be deprived of the lands which they have occupied for centuries in succession to their ancestors, in order to fill the coffers of foreign capitalists.”³⁵

This memorandum clearly reveals the land concerns and the encroachment of the colonial government onto the reserves, despite the promises made by the government. Inside this memorandum, section 5 makes reference to the tensions between the Indians and the colonial government regarding the position of the Highlands. While the document never explicitly supports the claims of the Indians, the lack of access and rights afforded to another non-white group is used to bolster the claims of inequality created by the colonial government. The memorandum was sent after the Ordinance was passed; however it also includes suggestions for future land acts, including utilization of the Local Land Boards and the inclusion of members from the Local Land Councils, increasing African representation and putting importance on the opinions of the African members, even though “whenever the opinions so the African members of these Boards come into conflict with the Government’s intentions, the latter is enforced despite opposition.”³⁶

Anti-Colonialism and Nationalism

African political focus prior to World War I was limited, as evident in the creation of the Devonshire White Paper. Political discourse was largely limited to the white European settler community, who had the largest political voice, and to a smaller extent,

³⁵ “General Legislation.” 1939. BNA: CO 533/502/2

³⁶ “General Legislation.” 1939. BNA: CO 533/502/2

the Indian community. The “Imperial Government before 1923 provided the Colonial (or local) Government with no policy. Hence, even if the Imperial government intended the country to be governed in the interests of African people, it did not promulgate a statement of policy to that effect.”³⁷ The influx of white settlers in the Highlands led to European organization, the early executive and legislative councils in 1907, which provided white settlers a voice in government through elected and appointed positions, although the Governor retained the majority of power. These councils were “a milestone for [constitutional development]... for it marked the beginning of European political representation and also the movement of the protectorate towards a colonial status.”³⁸ White settler petitioning resulted in Kenya’s transformation into a Crown Colony by 1920, which provided the European community with more power while still excluding other ethnic groups.

Alongside the Land Acts, which moved native Kenyans into reserves, most notably the Kikuyu, the Kamba, the Nandi and the Maasai, taxes were levied on the population, forcing Kenyans into money system controlled by the colonial government. The taxes, such as the Hut Tax, required money, which required work, which was largely only available on white farms in the Highlands. Unlike other British colonies, Kenya did not have a poor white population, forcing white farmers, both large and small, to rely on the Kenyan, primarily Kikuyu in the Highlands, squatters. This reliance made segregation impossible.

³⁷ Kamoche, *Imperial Trusteeship*. 1

³⁸ Kamoche, *Imperial Trusteeship*. 14

In the post-World War I climate, increased taxes, reduced wages and increased land provisions for white settlers increased tensions and colonial dissatisfaction. The Young Kikuyu Association was formed in the 1920s, and attempted to unite the divided Kikuyu and promote nationalism. As seen in a secret report sent to the Secretary of State for the Colonies in 1940, the British and colonial government were aware of the Kikuyu Central Association (initially the Young Kikuyu Association), founded by Harry Thuku with government awareness since 1922, along with the Ukamba Members Association and the Teita Hills Association.³⁹ This report, concerning the circumstances of the orders of detention against members of these associations, reveals British concern over the native political associations, particularly the increased anti-British movement within the Kikuyu Central Association and their pre-World War II associations with the Germans and Italians. Notably, during a government raid, which resulted in the orders of detention under Colonial Defense Regulations, a version of an oath taken by members of the Kikuyu Central Association was found and translated.⁴⁰ Additionally, the governor advised, “the Kikuyu Central Association (1938), the Ukamba Members Association and the Teita Hills Association should be declared... to be societies dangerous to the good government of the Colony, and therefore unlawful societies.”⁴¹ Some “responsible Africans” reacted with relief and satisfaction, however for some of the Kikuyu, this increased tension and dissatisfaction.

³⁹ “Native Political Associations.” 4 August 1940. BNA: CO 533/523/66.

⁴⁰ Appendix Figure 2: Translated Oath

⁴¹ “Native Political Associations.” 4 August 1940. BNA: CO 533/523/66.

The increased tension and dissatisfaction did not go unnoticed by the colonial administration. In 1946, an intelligence report through the Nairobi District Commissioner revealed a series of debates held in Nairobi with the conclusion that “the two debates not only revealed a hatred of foreigners in general, but Europeans in particular.”⁴² Although this conclusion was largely delegitimized by the author of the report, who also states: “It is only fair to state that these extreme sentiments were expressed by the less successful Africans and the more highly educated ones almost invariably held well balanced views.”⁴³ This report was followed by another report in 1947, in which the Central Provincial Commissioner reveals the extent of unrest and dissent. Incidents included a mob in the Uplands where Police opened fire and three people were killed and an increase in the number and frequency of subversive meetings, including meetings by the Kenya African Union led by Jomo Kenyatta.⁴⁴ Efforts to reduce unrest included reducing the right of assembly, particularly in urban areas.

The Kenya African Union grew out of divisions in the Kikuyu Central Association. Harry Thuku⁴⁵, upon his return to Kenya, disagreed with the Kikuyu Central Association, particularly the role Kenyatta played, and the organization split in 1931.⁴⁶ Thuku’s Kikuyu Provincial Association gained members from the Kikuyu Central Association, however Thuku’s intentions “to follow a policy of cooperation with Government whenever possible” led to the Kikuyu Central Association working actively

⁴² “Kenya: Unrest in Central Province.” 1946-50. BNA: FCO 141/5907

⁴³ *ibid*

⁴⁴ *ibid*

⁴⁵ Thuku was deported in 1922 as a result of an agitation by him and his followers in the Reserve and a riot in Nairobi after his arrest

⁴⁶ “Native Political Associations.” BNA: CO 533/523/6

with other tribes, including the Kamba.⁴⁷The Kikuyu Central Association continued to expand to other tribal groups, out of which came the Ukamba Members and Teita Hills.

The political representation issue was a continual issue for the Kenyans. While it was not until during World War II that political representation became a government issue, imperial trusteeship and Lugard's indirect rule provided authority structures through the chiefs that resulted in African chiefs and headmen losing internal control of their tribes in favor of the District Commissioners. As noted by Kamoche: "with the coming of World War II, the renewed international interest in the democratic idea, as opposed to totalitarianism, undermined the continuance of separate development based on race. Colonialism which thrived on undemocratic soil was to wither gradually."⁴⁸ Despite this change in the Government's attitude, few political changes were made before 1944. Tensions between Kenyans and the Colonial Government continued to increase in the post-war period, due to lack of solutions "to the longstanding problems of land, labor and lack of adequate political representation in the colony's legislature."⁴⁹ Nationalist movements, including within the Kikuyu, Embu and Meru tribes encouraged forceful liberation from colonial oppression.

The politics of the Mau Mau are conflicted in the historical record, particularly as the modern Kenyan state has worked to reclaim Mau Mau as a democratization of the past and afford the legacy back to legitimize the state. However, the brief and by no means complete or thorough examination here of the Mau Mau Rebellion and Emergency

⁴⁷ "Native Political Associations." BNA: CO 533/523/6

⁴⁸ Kamoche, *Imperial Trusteeship*. 201-202

⁴⁹ *ibid*, 290

period, will focus on the period as it was seen during decolonization and independence.⁵⁰

The Mau Mau Rebellion/Emergency emerged from the Kikuyu Central Association through the creation of the Land and Freedom Army. Beginning in 1952, the emergency “prompted the Imperial government to assert its control in Kenya.”⁵¹ Under Governor Evelyn Baring, the emergency prompted the colonial and imperial governments to examine Kenya’s future in their attempts to resolve the conflict.

A purely militaristic solution was not a realistic option, particularly as the underlying issues were politically, economically and socially ingrained. In the first few years of the rebellion, “the military confrontation between the Mau Mau insurgents and the government security forces increased markedly in 1953 as did the Mau Mau attacks on African loyalists, culminating in the Lari Massacre in March 1953.”⁵² The magnitude and organization of the Mau Mau Rebellion, particularly in comparison to prior rebellions, along with the practice of oathing, created a substantive threat to the colonial government. The purpose of oathing was “a method of mobilization and... an attempt to ensure the silence of the general population while the insurgents went about their business.”⁵³ Overall, “the British official view of the Mau Mau rejected the Mau Mau as a revolutionary movement pursuing legitimate causes,”⁵⁴ including a rejection of the underlying political, social and economic problems. However, despite this rejection, particularly from the British imperial government, the period still saw significant political

⁵⁰ The present political attitude is discussed in the conclusion

⁵¹ Kamoche, *Imperial Trusteeship*. 291

⁵² *ibid*, 292

⁵³ Daniel Branch, *Defeating Mau Mau, Creating Kenya*. (Cambridge: Cambridge University Press, 2009), 2

⁵⁴ Kamoche, *Imperial Trusteeship*. 293

and constitutional changes. The Lyttelton constitution in 1954 and the Lennox-Boyd constitution in 1957 “increased the numbers of African Members on the Legislative Council from four in 1948 to 14 in 1957.”⁵⁵ As representation increased in Kenya, Ghana achieved independence in 1957, which only increased African discontent and determinism for independence.

From the British violent takeover of land to the Mau Mau and state of Emergency, dissatisfaction with colonial rule provides a common thread throughout the first half of the 20th century in Kenya. As the emergency slowed from military engagement to primarily “rehabilitation” within the camps, the British further emphasized a culture of inequality, emphasized by ethnicity. Loyalist power, given by the British, occurred both in the government structures, but also within the camps, as particularly Kalenjin were used to help the British control the Kikuyu coming through the camps. These tensions created would also translate into tensions between class and ethnicity, increasing the role ethnicity and tribal affiliation would later play in government.

⁵⁵ Kamoche, *Imperial Trusteeship*. 370

Chapter IV: Decolonization

The Mau Mau rebellion and the state of emergency enacted by the colonial government in 1952 lasted until 1959. The war crimes committed by the British in the containment camps are undeniable, particularly the 1954 Operation Anvil, however so are the war crimes committed by the Kikuyu. Most notably is the Lari Massacre. Committed in March 1953, Lari was a largely Kikuyu loyalist village, afforded protection by a unit of the Home Guard, however a diversion resulted in the Home Guard being called away and “between 74 and 100 loyalists and their families died from machete wounds or in huts set on fire.”⁵⁶ The Lari Massacre triggered an escalation of the violence and an increase in counter-insurgency tactics. Overall, the:

“anti-colonial rebellion and civil war claimed the lives of approximately 25,000 Kenyan Africans as a direct result of the violence. The vast majority... were real or suspected Mau Mau activists... in contrast, 32 European settlers were murdered, and a further 63 European combatants were killed during the war.”

While the numbers are disputed, the inequalities between the different groups still reveal the atrocities committed by the British as retaliation. As large numbers of British and imperial troops were sent to Kenya during this period, militarization during the state of emergency is unsurprising.

The British officially defeated the rebellion in 1956, when the last remaining leader and figurehead, Dedan Kimathi, was captured. Although the military engagements had been declining since 1954, the capture of Kimathi ended the first “prong” of the

⁵⁶ Branch, *Mau Mau*. 56

emergency. Baring's "second prong" of non-military counterinsurgency contained social, economic and political reform, including agrarian reform.⁵⁷ Government promises made to loyalists during the fighting had been vague, but still provided motivation for the Africans. Within Kenya, "non-military counterinsurgency... resonated powerfully and coincidentally with long-established notions of power and authority within Kikuyu society."⁵⁸ The political, economic and social rewards for loyalists sustained support, while also becoming the building blocks of state building.

The issue of land as a social and economic factor primarily focused on the rural Central Highlands. For Baring's government, an overhaul of land use and tenure initially created a delineated class-based Kikuyu society to prevent reemergence of Mau Mau. This "process of class formation was encouraged to protect British strategic and economic interests after independence."⁵⁹ Although the new class system was designed to protect the loyalists, the restrictive farming system that prevented Africans from being able to access cash crops or markets also required change. The objective of the Swynnerton Plan in 1954 was to "provide the funding and rationale for the land consolidation programme and enclosure movement... create family holdings which would be large enough to keep the family self-sufficient in food and also... develop a cash income."⁶⁰ The plan also removed the remaining farming and production restrictions. Swynnerton intended for the plan to be enacted over a period of twenty

⁵⁷ Branch, *Mau Mau*. 118

⁵⁸ Branch, *Mau Mau*. 120

⁵⁹ Branch, *Mau Mau*. 120

⁶⁰ B. A Ogot, "The Decisive Years 1956-63." *Decolonization & Independence in Kenya*. (London: James Curry, 1995), 48

years, spread over Kikuyu, Nandi and Kericho districts to prevent the interpretation of a reward for rebellion.⁶¹ Additionally, a minimum wage was proposed in the hopes of creating a Kenyan middle class, along with the principle of equal pay for equal work. Although the intention was to create stability, land consolidation and the Forfeiture of Lands Act was designed to create deliberate landlessness of Mau Mau fighters and completely break the ties with their supporters.⁶² The colonial government encouraged repatriation for loyalists and forced repatriation for Mau Mau during 1955-56. The state of emergency proved difficult for internal movement, particularly for detainees. Movement restrictions for loyalists were relaxed, particularly for those searching for work in Nairobi, with labor recruitment focused on rewarding loyalists.⁶³ As economic prosperity rose for loyalist Kenyans, it fell for white settlers.

Politically, the traditional powers of colonial government were undermined by the economic downturn experienced by the European settlers. The growing nationalism movement began to replace and create alternatives to Mau Mau in the late 1950s. Loyalists were recruited into the upper levels of Provincial Administration, providing “access to positions of political power,” and creating legitimacy in the loyalist position.⁶⁴ This also led to alliances between the loyalists and the colonial state, enforcing the divisions created during the first prong of emergency. The Lyttelton Constitution, as mentioned above, introduced a new central government structure with greater African representation. The colonial government, still reeling from Mau Mau attempted in “1955

⁶¹ Ogot, “The Decisive Years 1956-63.” 49

⁶² Ogot, “The Decisive Years 1956-63.” 50

⁶³ Branch, *Mau Mau*. 129

⁶⁴ *ibid.* 149

to relax the ban [on political associations] but limit African political associations to districts they failed to contain the expressions of nationalists aspirations and goals in these geographically contrived organizations.”⁶⁵ The Kenya African Union was revived in 1953, but lasted less than nine years, due to its associations with Mau Mau and its failure to become widespread. The colonial government re-allowed political parties, but only at the district level and prohibited in Central Province.⁶⁶ As noted by Kyle:

“it was part of the cost of the anti-Mau Mau campaign that many things were done, such as outlawing colony-wide political parties and exploiting tribal prejudices, that were the reverse of helpful to the development of modern politics. For example, the only political parties that Africans were allowed to have were those that operated solely at a district level, which inevitably encouraged politics to be tribal-based.”⁶⁷

Despite colonial attempts otherwise, an African political elite slowly emerged.

Although the rebellion was a large factor in independence, the movement was initiated by the Land and Freedom Army, and was composed almost entirely of Kikuyu. Additionally, as mentioned last chapter, the British recruited from other ethnic groups to provide support in detainment camps. The issue of nationalism, particularly within such a diverse country with a variety of colonial experiences, required a shift from an understanding of ethnicity to one of moral knowledge. While “a common ethnicity was the arena for the sharpest social and political division... [and] contests about tribal

⁶⁵ B. A Ogot, “The Decisive Years 1956-63.” 52

⁶⁶ *ibid*, 52

⁶⁷ Keith Kyle, “Politics of Independent Kenya.” *Contemporary British History*. 2008, 43

identity may have kindled a territorial, ‘Kenyan’ political imagination,”⁶⁸ ideas of Kenyan nationalism had to be understood by the political elite as something not solely limited to ethnicity. Within Kenyan nationalism, issues of class helped to unite Kenyans. The biases of the system in favor of the white settlers, alongside the inequalities of the system created by the British with the tribal leaders, initiated a class system that put preference on the individual. Lonsdale notes that:

“All tribes, like all human societies, were structured by domestic inequalities of power over resources of land and labour... established tribal institutions were in any case hardly likely to furnish the requisite authority... Like ethnic identity itself, they were often created, certainly in Kenya, by their close association with colonial power.”⁶⁹

The issues of ethnicity and class within the framework of Mau Mau were initially unsuccessful to promote nationalism. While Mau Mau was the beginning of understanding Kenyan nationalism, the attempt ultimately failed, however a new idea of nationalism, one that would succeed, grew in its place.

Political self-determination continued to grow in Kenya, and Africans began to increase their positions in provincial government. Under the new Prime Minister, Harold Macmillian, the British government began to accept the idea of African majority rule. Under Iain Macleod, the new colonial secretary in 1960, the idea of independence under African majority rule in three years encouraged Kenyan nationalism and independence. The first Lancaster House Conference occurred in 1960, and ultimately ended in failure,

⁶⁸ John Lonsdale, “The Moral Economy of Mau Mau,” *Unhappy Valley*. 268

⁶⁹ John Lonsdale, “The Moral Economy of Mau Mau,” *Unhappy Valley*. 293

with Macleod issuing an interim constitution. Following the Conference, KANU (Kenya African National Union) and KADU (Kenya African Democratic Union), the two nationalist parties, solidified and formalized the divisions between the two parties, with KADU being labeled moderate and KANU labeled radical.

Chapter V: Independence, 1960-1964: Majimbo and Uhuru

From the end of the Mau Mau emergency to 1960, the British retained control over Kenya and its government. British Prime Minister Harold Macmillan's "Wind of Change" declaration in the UN signaled the beginnings of an independence movement in colonized countries that would change the world. Essential to the new Kenya, which officially gained independence on December 12, 1963, was the creation of a constitution and a government. In the lead up to independence, alongside the formation of a coalition between KANU (Kenya African National Union) and KADU (Kenya African Democratic Union), the British government aided the rival parties in the negotiations for both the future independence constitution and the organization of government. The Kenya Constitutional Conferences, held at Lancaster House, London, the political struggles between KADU and KANU and the eventual 1963 Constitution helped shape the future of Kenya and East Africa.

At the end of 1961, during the first Lancaster House Constitutional conference, the idea of *majimbo* began to take shape. Led by Ronald Ngala, KADU, who, despite being numerically overwhelmed in the Legislative Council by KANU, were invited in 1961 to form a government after KANU declined unless Jomo Kenyatta was released, which was refused.⁷⁰ KADU, joined by the White Highland settler's New Kenya Party, the Kenya Indian Congress and other independent members, agreed to form a government, beginning work on *majimbo*. *Majimbo* comes from Swahili, and means regions or provinces. The idea of *majimbo* was not new, having been explored in early

⁷⁰ Colonial Office, 1962. "The Colonial Territories, 1961-1962." *Parliamentary Papers*, 13.

constitutional models in the 1950s, although it was more racially focused than in the 1961 development.⁷¹ Aided by Sir Hone, Sir Michael Blundell, Reggie Alexander and W.I. Haverlock, *majimbo* relied on ideas from the Swiss constitution and drew heavily on regionalism ideals. The goal was a “devolved constitutional arrangement that would protect smaller ‘minority’ communities from the dominance of larger communities... a proposal for decentralization.”⁷² This strategy called for 6 provinces and the capital of Nairobi, all equal, with a bicameral legislature consisting of an upper house representing the regions and a lower house representing 71 constituencies. Both houses would have equal powers of legislation, but the upper house would approve appointments to the armed forces and courts. Additionally, a Federal Council of Ministers of ten to fifteen members would elect a chairman as Head of State, which would then rotate annually. Each of the regions and Nairobi would have an Assembly with legislative powers, its own civil service and its own police. KADU justified the system as being an expression of the desire for a democratic future,⁷³ a noble goal for a country shaped by distrust and war.

Although *majimboism* was recognized by the British⁷⁴ as well intentioned, this “structure... Kenya could ill afford.”⁷⁵ Reginald Maudling, the newly appointed Colonial

⁷¹ Robert M. Maxon, *Kenya's Independence Constitution: Constitution-Making and End of Empire*. (Fairleigh Dickinson University Press: Plymouth, 2011) 55

⁷² David M. Anderson. “‘Yours in Struggle for Majimbo’.” *Journal of Contemporary History* (2005) 548

⁷³ “Proposals for Regional Government and a Federal Constitution of Kenya.” BNA: CO 822/2242

⁷⁴ There is a debate between Anderson, Wasserman, Ogot and Rothchild (among others) as to the nature of *majimboism* within the conferences. Wasserman dismisses it as part of the British goal of subverting radical Kenyan nationalism.

Secretary, “supported the political goal of KADU... as a bulwark against Kenyatta... but he had been warned by the Colonial Office that Kenya simply could not afford an expensive federal system of government.”⁷⁶ The extensive nature of the KADU proposed decentralized government would require a complete overhaul of the existing government structure, requiring money the government did not have. Maudling saw Kenya’s future as being in the hands of Kenyan leaders, but in addition to the warnings of the Colonial Office, saw fear as being the biggest threat to Kenya’s future.⁷⁷ Notably, despite Europeans having had great influence in the shaping of the federalist system suggested in *majimbo*, most European farmers, merchants or colonial officials were not supportive.⁷⁸ As noted by Maxon, the plan continued to evolve before the second Constitutional Conference, however the essential reasons for *majimbo* did not change. These reasons were “the need to provide Kenya with a democratic constitution that would protect individual liberties and guarantee a separation of powers... the ambition of [KADU] politicians to attain positions of leadership in an independent Kenya... [and] the party’s perception that control of land and the administrative structure would be crucial after independence.”⁷⁹ These ideals and unwavering determination of KADU to keep their

Rothchild views *majimboism* as a key part of racial bargaining, while Ogot dismisses *majimboism* as unimportant to the national cause. Anderson, however sees *majimboism* as essential to understanding post-colonial Kenya and potentially even more enduring than nationalism.

⁷⁵ Anderson, “Majimbo”. 556

⁷⁶ Anderson, “Majimbo”. 556

⁷⁷ Ogot and Ochieng, 1995. 69

⁷⁸ Robert M. Maxon, 2011. 58

⁷⁹ Robert M. Maxon, 2011. 61

constitutional ideal ultimately saw KADU's loss to the seemingly more flexible KANU delegation in the second Conference.

Jomo Kenyatta, the leader of KANU and first prime minister of Kenya, was released in 1961. Patrick Renison, the governor of Kenya at the time of Kenyatta's release, sent a dispatch to the Secretary of State for the Colonies on July 29th, 1961.

Renison stated:

“[in 1960] the release of Jomo Kenyatta would be a danger to security... I did not however propose to release him until the new Government was working well and until I thought that the security risk could be accepted and contained and that the danger which his return presented to the economy and administration and to our whole constitutional progress towards early independence had been minimised.”⁸⁰

Although Kenyatta was seen as a danger to independence, Governor Renison decided the extra security risk could be contained, and the African Elected Members advised unconditional release, leading to the release of Kenyatta. Upon his release, which was initially conditional, Kenyatta took over control of KANU, alongside Odinga and Mboya.

Starting on February 14, 1962, the UK and Kenya delegations began the second Kenya Constitutional Conference at Lancaster House. Prior to the Conference, Maudling made a trip to Nairobi, resulting in a memorandum for the Cabinet regarding the upcoming Conference. Maudling's memorandum is negative, frequently citing concerns of corruption, poor political organization and the connection between KANU and Mau

⁸⁰ Colonial Office. 1961. “Despatch from governor, Kenya to secretary of state for the colonies. Release of Jomo Kenyatta.” 2

Mau.⁸¹ Despite Maudling's concerns and the inherent tension between KADU and KANU on the future of the constitution, within the memorandum, he also verbalized support for the Conference process and the hope that agreement can be reached if minority rights can be preserved in a meaningful way, stating "so far as the present conference is concerned, we should try hard to get agreement on... protection for tribal minorities and for European individuals,"⁸² a theme that continued to shape the British perspective and goals for the remainder of British control. Following Maudling's report, Prime Minister Macmillan

"produced in Cabinet of his characteristically daring but unworkable ideas: that Britain should hand over Kenya to a UN trusteeship in order to stave off independence for about five years. This was a *bouleversement* indeed since it had been one of the main themes of British policy since the war to keep the hands of the Trusteeship Council off British Colonies."⁸³

Although the Foreign Office was obliged to appear to treat Macmillan's suggestion seriously, the idea was quickly killed in the Colonial Office. The 1962 Constitution was negotiated between the KANU and KADU parties and the British government, organized by the Secretary of State for the Commonwealth Sandys, and chaired by Secretary of State Maudling and Governor Renison. The conference focused on determining the form of government for Kenya, and was mired in difficult negotiations.

⁸¹ Reginald Maudling, 1962. "Kenya Memorandum." February 6, 1962. BNA: CAB 129/108/22. 1

⁸² *ibid.* 2

⁸³ Keith Kyle, "Politics of Independent Kenya." 54

While Britain had recognized after the first Conference that continued British political power was not going to be a reality in the future Kenya, and that the hope for British interests was to transfer power to a stable government that would not be open to Communist ideals or commit to either side in the Cold War East/West struggle.⁸⁴ Maudling's memorandum after the Conference definitively called it a failure. His prior hopes expressed in the previous memorandum for finding agreement between KANU and KADU no longer existed after the second Conference. While KANU's constitution, consisting of a centralized government with a written constitution including safeguards for individuals and some local interests, largely resembled the Westminster model, insufficient safeguards for minorities, as recognized by the British and KADU, raised questions.⁸⁵ Negotiations came to a halt, as KADU refused to discuss anything until the question of government structure had been decided on. Maudling attempted to break the standstill, "telling the delegates that he as chairman could give a ruling on the procedure to be followed, but that he would only do so if assured that all would accept it."⁸⁶ Unsurprisingly, Ngala refused to accept and abide by a ruling, while Kenyatta insisted KANU would abide by Maudling's ruling, forcing a continued standoff.

During the Conference, Maudling determined KADU's *majimbo* constitution as impractical for Kenya and the few concessions made by KADU were "wring from them only by a process like pulling teeth."⁸⁷ In Maudling's recommendations after the

⁸⁴ Maxon, *Independence Constitution*. 78

⁸⁵ Reginald Maudling, 1962. "Kenya Constitutional Conference." 19 March, 1962. BNA: CAB 129/109/3. 2

⁸⁶ Maxon, *Independence Constitution*, 93

⁸⁷ *ibid*, 2

Conference, he discusses a plan of regionalism agreed upon by KANU, whereby a tentative constitution could be laid out, with details to be discussed at a later date, which would then allow the formation of a coalition and the beginnings of self-rule.⁸⁸ This worked, and the Conference formed the basis of a constitution around the Westminster model, with an added lower house in concession to KADU, although questions, particularly about monetary and security matters, remained. While there was a tentative agreement, the framework of the new constitution was almost entirely the creation of Maudling and the British, with little bargaining and consensus, which impacted the future finalization of the Constitution.

By the end of the second Conference, KADU and KANU agreed to form a coalition government through to independence, when a new government would be elected under the newly created constitution. The coalition government, which was to be formed prior to returning to Nairobi, was to be headed by Governor Renison, later replaced by Malcolm MacDonald, and allowed for six members of KADU and six members of KANU, so as to provide equality of voice and prevent either Kenyatta or Ngala stepping in as the leader of the coalition. Upon the return to Kenya, in response to the idea of *majimbo* pushed by KADU, KANU suggested regionalism was tribalism, anti-nationalist, and therefore went against the goal of a united Kenya, a well-organized campaign that saw KADU rapidly lose ground in national politics.⁸⁹

Amidst the coalition bargaining, the British government had decided to replace Renison months prior to MacDonald's appointment at the end of 1962 as Renison had

⁸⁸ Reginald Maudling, 1962. "Kenya Constitutional Conference." 5

⁸⁹ Anderson, "Majimbo". 557

proven unsuccessful in brokering negotiation, and in the eyes of Sandys, 1963 would “be crucial for the establishment of a friendly and viable Kenya,” requiring “the highest qualities of political acumen and powers of conciliation.”⁹⁰ MacDonald’s task in Kenya was to settle the Constitution and hold elections as rapidly as possible. MacDonald’s set timeline for the finalizing of a constitution was to coincide with a visit by Sandys in mid-February, and “got the ministers to agree to dramatically increase the number of constitutional meetings,” which unfortunately did not translate into increased agreement over constitutional matters.⁹¹ Although ideally consensus on the constitutional draft would have been reached prior to Sandys arrival, any unresolved issues within the draft were subject to a ruling by the Secretary of State.⁹² Upon Sandys arrival, there were 23 papers waiting for his judgment, which were resolved with “both KADU and KANU leaders expressed satisfaction at the settlement” and on April 18, the self-governing constitution was published.⁹³ Although the constitution was seen as a success, albeit another success created by Britain, the gap between KADU and KANU was ever widening, and hope for reconciliation and compromise was dwindling.

The May 1963 elections were “marred by widespread thuggery, bribery and intimidation... [which] were not confined to a few individuals of one party. The rot gripped both the major political parties, especially in areas where one party appeared dominant.”⁹⁴ A third political party, the African Peoples Party (APP), formed in 1962,

⁹⁰ Duncan Sandys, 1962. “Kenya: Governor.” BNA: CO 967/408

⁹¹ Maxon, *Independence Constitution*, 156

⁹² BNA: CO 822/3215, cited in Maxon, 157

⁹³ Maxon, *Independence Constitution*. 171

⁹⁴ B.A. Ogot, “Decisive”. 75

threatening KADU's power and political base. The APP was the result of a split between Paul Ngei and the leaders of KANU, and although there were inherent party differences, such as the idea of *majimbo*, which was not supported by the APP, KADU aligned with Ngei, as he held the Kamba tribe vote, although the alliance led to little benefit for KADU.⁹⁵ As much as KADU's platform focused on the *majimbo* constitution, KANU's platform focused on the removal of *majimbo* and the mutability of the independence constitution. While negotiations in the second Constitutional Conference allowed for change in the independence constitution if a 75 percent majority in each house of the central parliament agreed to the change (paragraph 19), the self-government constitution had been negotiated such that the only British retained the ability to amend.⁹⁶ KANU's platform of amendment was concerning, particularly due to the hard fought battles that had with the agreed upon framework in the second Conference and the impact on the upcoming Conference was unknown. The elections resulted with KANU taking control of the government, led by Jomo Kenyatta as Prime Minister. KANU took 72 seats in the House of Representatives to KADU's 32, and 20 of 41 seats in the Senate.⁹⁷ Notably, no European stood for election in the House of Representatives or Senate, however Europeans entered the central parliament through specially elected seats.

A June 1963 memorandum written by Duncan Sandys, later presented in the British Parliament in July, was initiated in advance of a meeting with the newly appointed minister for justice and constitutional affairs, Mboya, and the third

⁹⁵ Maxon, *Independence Constitution*. 178

⁹⁶ *ibid*, 179.

⁹⁷ Anderson, "Majimbo". 561

Constitutional Conference. The meeting in London prior to the Conference between Sandys, Mboya and the other Kenyan ministers had two main goals: setting a timeline and date for independence and discussing amending paragraph 19 of the Lancaster independence constitution. Sandys memorandum, subject to approval of the Cabinet and approved by the Minister of Defense, “provides for independence for Kenya on 12th December, and for the run-down of the British military base by December 1964.”⁹⁸ Days after the memorandum, the Cabinet met and in the discussion of Kenya, the Commerce Secretary hoped to delay independence until Easter, but because of the proposed East African Federation, accepted December 12 because “We must not be blamed for holding it up.”⁹⁹ The Minister of Defense expressed concern in this meeting, as forces in the British military base could not be used more than once, but the risk was one they had to accept even though there was a negative impact for Central Africa. This conversation reveals the importance of Kenya to the British, along with the hope of continued influence within Kenya, as being seen as holding up independence would not be kindly seen by the new Kenyan government. During the meeting with the Kenyan ministers, little was resolved, as the third Conference would be rapidly approaching, however with the increased push for rapid independence, the issue of military bases became a British concern, as reflected in the Cabinet minutes. However,

⁹⁸ Duncan Sandys, 1963. “Kenya: Memorandum by the Secretary of State for Commonwealth Relations and Secretary of State for the Colonies.” June 20, 1963. BNA: CAB 129/114/5

⁹⁹ Sir Burke Trend, Cabinet Minutes, 1963. “Agenda: 1. Resignation of S. of S. for War; 2. Kenya.” June 21, 1963. BNA: CAB 195/22/40.

“It was agreed that the retention of a British military base in Kenya after Independence was not desired by either the British Government or the Kenya government... It was agreed that the withdrawal of these forces should be effected over a period of up to twelve months from the date of Kenya’s independence.”¹⁰⁰

This was satisfactory to all parties, as the British, despite still having interests in Central Africa, looked for a smooth transition and the Kenya government had hoped to use British military facilities and equipment to train the Kenyan military.¹⁰¹ By the end of the meetings between Sandys and the ministers, the date for the third Conference and independence had been set.

The East African Federation, comprised of Kenya, Tanganyika, Uganda and Zanzibar, became an essential key to Kenyan independence. Reported in July 1963, Sandys met with the Kenya Ministers, Mboya, Murumbi, Koinange and Njonjo in advance of the third Lancaster House Independence Conference in September 1963, in part to discuss the East African Federation. The rush for independence by the new Kenyan government under the reasoning of creating the East African Federation was seen as slightly suspect by the British, however in the report submitted to Parliament, Sandys “assured the Kenya Ministers that the British Government, which has long believed in the idea of an East African Federation, supports fully the initiative taken by the East African Governments and will do all it can to facilitate the early implementation of the aim.”¹⁰²

¹⁰⁰ Sandys, Duncan, 1963. “Kenya: Preparations for Independence.” *Parliamentary Papers*. July 1963. 1.

¹⁰¹ Maxon, *Independence Constitution*. 197

¹⁰² Sandys, Duncan, 1963. “Kenya: Preparations for Independence.” *Parliamentary Papers*. July 1963. 1.

The Kenyan government was experiencing pressure from the governments of Uganda and Tanganyika to form a federation, especially as Obote from Uganda had finally agreed to federation, and “it was necessary to move quickly as the situation might change.”¹⁰³ From the British perspective, a strong East African Federation would solve many of the issues with Kenyan independence, including promoting stability in the region and prevent the Kikuyu from taking control.¹⁰⁴ For Mboya and KANU, the federation also served as an opportunity to potentially amend the *majimbo* constitution to reflect the centralization of a federation. While the federation never came about, the results negotiated prior to the Conference were acceptable to both Kenya and the UK, allowing satisfactory time for British and Kenyan affairs to be put in order.

Throughout the Nairobi preparations and the third Conference, KADU continued to lose their control over the path and shape of independence constitution. KANU’s continued demanded changes be made to the KADU *majimbo* constitution, but increased British reluctance to block KANU, particularly with the difficulties in negotiations caused by KADU, saw the decline of *majimboism*. Although there had been an agreement during the Conference to implement *majimboism* by the anti-*majimbo* KANU, the British government had no longer any control over ensuring constitutional agreements would be honored, and the decline of KADU continued.¹⁰⁵ Mboya’s insistence during his meetings with Sandys in London as to the rapid approach of independence aided in the ultimate failure of the *majimbo* constitution. KADU’s unwillingness to negotiate during the

¹⁰³ Maxon, *Independence Constitution*. 189

¹⁰⁴ Maxon, *Independence Constitution*. 189

¹⁰⁵ Anderson, “Majimbo,” 562

Nairobi discussions held prior to the third Conference led to a tight schedule, and although the political focus was entirely on the constitution, the complicated nature of negotiating *majimbo* meant all time was precious and implementation became impossible. High-ranking civil servants and Kenyan Europeans voiced their disagreement with *majimbo* prior to the third Conference, further weakening KADU and their ideals.¹⁰⁶

The third Constitutional Conference lasted from September 25th to October 19th in 1963, under the chairmanship of Sandys and assisted by Governor Malcolm MacDonald. Between Mboya's London trip and the start of the conference, negotiations occurred in Nairobi, ideally to smooth the way. During the preparatory talks, the topic of the head of state came up. Mboya proposed Her Majesty the Queen be the head of state, with a representative governor-general. Although KADU countered the proposal with the idea of a republic, with a democratically elected head of state, KANU's motivations for the proposal of the continued monarchy was intended to smooth negotiations and avoid a lengthy debate, as well as allow party leaders to better decide Kenya's constitutional future.¹⁰⁷ Little was decided during the Nairobi preparations, as KADU refused to make changes, staged walkouts during meetings and sought reassurance that the British would not allow changes to be made to the Constitutional framework. As previously noted, KANU had no intention of keeping the Queen as the head of state for a long period after independence, however the potential for disagreement with KADU over how to create a republic was not a battle KANU wished to fight and "KADU eventually recognized that

¹⁰⁶ Maxon, *Independence Constitution*. 220

¹⁰⁷ Maxon, *Independence Constitution*. 206

it could not alter the fact Kenya was to be a monarchy at independence.”¹⁰⁸ The Kenya government, supported by both parties and in accordance with the Nairobi preparations, announced, “that, on attaining independence, Kenya should be a member of the Commonwealth... [and] it was their desire that Queen Elizabeth II should become the Queen of independent Kenya.”¹⁰⁹

The proposed Constitution for Kenya was finally solidified during the third Conference. As Sandys noted, the Constitutional Framework that had been agreed upon in the second Conference declared that the objective of the constitution is a:

“...united Kenya nation, capable of social and economic progress in the modern world- a Kenya in which men and women have confidence in the sanctity of individual rights and liberties, and in the proper safeguarding of the interests of minorities”. Throughout these discussions, the problem has been to reconcile the first and the last phrases of that declaration- on the one hand, to create a united Kenya nation and on the other, to safeguard the interests of minorities.”¹¹⁰

This struggle to find balance between a united nation and minorities was a reflection of the racialized internal strife in the post-Mau Mau Kenya, something the new Kenya government and the British hoped to avoid throughout the entire constitutional process, but the controversial Kikuyu leadership of KANU increased the importance. This was recognized by Sandys, and in his report, stated “the Kenya Government have been

¹⁰⁸ *ibid.* 229

¹⁰⁹ Kenya: Independence Conference. 1963, 3

¹¹⁰ Kenya: Independence Conference. 1963, 4

primarily concerned with national unity, and the Opposition with minority safeguards.”¹¹¹ As the third Conference progressed, continuing KADU discontent and concerns of alienation raised the concern of ethnic violence in Kenya. Police reports suggested “KADU leaders in the Rift Valley were planning ‘to evict all Kikuyu and Luo’ from the region.”¹¹² Ethnic violence fortunately never came to pass, however the KADU parliamentary group, concerned over the results of the Conference, threatened the creation of the Kenya Republic. The KADU parliamentary announcement drew Sandys displeasure, who “told the KADU delegation that ‘the British Army might be used on the side of the present government.’”¹¹³ The KADU delegation calmed the situation in Kenya, and the Conference progressed.

Within the third Conference, the continuing disagreement between KADU and KANU on the role of regionalism, and the KANU government’s insistence on revision of the 19th paragraph, among other revisions, made agreement difficult. A meeting between Kenyatta and Sandys produced conflict between the British and KANU. Sandys “wished to continue working towards a bargain with the Kenya government that he could sell to the British parliament, if not to the KADU delegation,” which Kenyatta did not respond favorably to, as he saw Sandys approach as one that favored KADU and threatened to further delay independence.¹¹⁴ With constitutional reform the only solution acceptable to both KANU and KADU, Sandys sought a solution that would be acceptable to everyone involved, as he came to the “conclusion that it was [the duty of the British] to do what

¹¹¹ Kenya: Independence Conference. 1963, 4

¹¹² Maxon, *Independence Constitution*. 232

¹¹³ *ibid*, 235

¹¹⁴ Maxon, *Independence Constitution*. 241-3

was best in the interests of Kenya in the years ahead.”¹¹⁵ The Conference was finished through negotiations by Sandys for the British, and the constitutional changes were negotiated separately with each party, in an attempt to find common ground. The majority of the agreements reached were negotiated by KANU, who, at the risk of losing their day of independence, were willing to work with Sandys. The British negotiated significant constitutional changes “that clearly violated public pledges given by British ministers earlier in the year [but] the revised constitution maintained its regional character.”¹¹⁶ By the end of the conference, the British hoped “The willing acceptance of this settlement by the Kenya Government will increase confidence in the country’s political stability and will, more than anything else, contribute to the safety of the minorities, whose interest have been so much in our minds.”¹¹⁷ In an October 22, 1963 meeting, the Colonial Secretary reported to the Cabinet on Kenya. He reported the revisions on the 1962 constitution had been agreed on with KANU, although it was opposed by KADU, the Colonial Secretary recognized any other agreement would have resulted in rejection of the constitution, resulting in chaos and British military rule and deferring independence.¹¹⁸ In Sandys report to the Council, he focuses on the duty of the British to do what is best for Kenya’s future, including the agreement between the British Government and the Government of Kenya that future points of disagreement in the

¹¹⁵ Kenya: Independence Conference. 1963, 8

¹¹⁶ Maxon, *Independence Constitution*. 257

¹¹⁷ Kenya: Independence Conference. 1963, 9

¹¹⁸ Sir Burke Trend, Cabinet Minutes, 1963. “Agenda: 1. Statement by PM...” October 22, 1963. BNA: CAB 195/23/15

Constitution would be decided by the British Secretary of State, further ensuring British involvement in Kenya's future.¹¹⁹

Within the signed constitution, several important amendments, as discussed by Sandys, served to shape Kenya's governmental future. Three amendments regarding the police, the public service and the procedure for amending the constitution were determined to be the most essential. Sandys report on the independence conference places a large importance on the organization of the police, for which he met with the Inspector-General prior to the conference. The amendments suggested by KANU were not wholly adapted, however Sandys conceded three changes to the police. The first concerned the framework provision to prevent excessive police force buildup in a region. Sandys allowed for the National Security Council, composed of a minister of the central government and a representative from each region, to fix the maximum strengths of the police and to establish the central and regional police contingents.¹²⁰ The second focused on the transfer of police between contingents. The framework prevented the Inspector-General from making any transfers without the consent of the regional commissioner, however Sandys "[considered it], therefore, essential that [the Inspector-General] should be empowered to post all ranks of the Police Force into or from any Regional contingent."¹²¹ The third change regarded the framework's requirement that the Inspector-General obtain consent before moving police reinforcements around Kenya.

¹¹⁹ Kenya: Independence Conference. 1963, 24

¹²⁰ Sandys, Duncan, 1963. Kenya: Independence Conference. 1963, 5

¹²¹ Sandys, Duncan, 1963. Kenya: Independence Conference. 1963, 6

Due to the issues of KADU revolt, Sandys concluded that the restriction on the Inspector-General hindered law and order.¹²²

The public service amendments more closely followed the framework, which required the independence of the public service from political control, and although they were not agreed between the parties, due to unrest within the civil service unions, Sandys decided on a single public service commission. This decision conflicted with an earlier ruling, which provided for eight commissions, one for each region and one for the center, which Sandys determined to be unwieldy.¹²³ The civil servants were also to be held under common qualifications and standards, including with regard to pay and conditions, to be decided by the National Assembly. The Public Service Commission was required through the new constitution to consult the regional authority and to try and fulfill skill requests made by the regional authority, such as language knowledge. The region, however, was prohibited from insisting on tribal connections.¹²⁴

Finally, the most controversial change, the amendments for constitutional change. The framework insisted on a 75 percent vote in the House and Senate for general amendments, and 75 percent in the House and 90 percent in the Senate for amendments dealing with the rights of individuals, regions, tribal authorities or districts. While Sandys recognized the entrenchment as stiff, particularly in comparison with other constitutions, he was satisfied with regard to the rights of individuals, tribal authorities and districts, which would hopefully satisfactorily protect minority rights. The struggle with KANU

¹²² Sandys, Duncan, 1963. Kenya: Independence Conference. 1963, 6

¹²³ Sandys, Duncan, 1963. Kenya: Independence Conference. 1963, 6

¹²⁴ Sandys, Duncan, 1963. Kenya: Independence Conference. 1963, 7

resulted in several amendments, notably the addition of a two-thirds majority in a nationwide referendum for general amendments.¹²⁵ Additional minor amendments included agriculture, appointments to Attorney-General, Secretary to the Cabinet and Permanent secretaries, local government assets, description of boundaries, the central land board, determination and issues of citizenship, education, authority of the central government and the establishment of local government staff commission. While all of these minor amendments played a role in the issues of constitutional negotiations, the major battles had been decided and Kenya had a formalized constitution.

Sandys certainly recognized the potential political issues with amending the constitution largely in favor of KANU, writing in his report his understanding of those who “will consider it wrong of the British government to approve any departure whatsoever from the provisions preciously agreed.”¹²⁶ The deal with KANU which allowed the confirmation of the constitution required rapid transfer of power and implementation of the newly created constitution, which prevented Sandys from reaching consensus, however a constitution had been agreed upon. In a letter written to Sandys, Kenyatta

“stated that his government accepted these amendments as a settlement of the issues raised at the Conference, and that it was not his Government’s intention to seek to make further amendments to the constitution except in so far as subsequent experience showed these to be absolutely necessary.”¹²⁷

¹²⁵ Sandys, Duncan, 1963. Kenya: Independence Conference. 1963, 8

¹²⁶ Sandys, Duncan, 1963. Kenya: Independence Conference. 1963, 8

¹²⁷ Sandys, Duncan, 1963. Kenya: Independence Conference. 1963, 3

While this statement of intent was not upheld by Kenyatta's government, as later frequent constitutional amendments and a reduced regionalism agreement were to show, Kenyatta's letter helped usher in a new era for Kenya.

Uhuru, or independence, officially came on December 12, 1963. Alongside Kenyatta, Daniel arap Moi and Ngala from KADU assumed leadership of the Rift Valley House of Representatives and the Coast Province House of Representatives respectively. Arap Moi and Ngala found themselves unable to combat the anti-*majimbo* central government, unable to get funds or support for their regions. By this point, Governor MacDonald had withdrawn from arbitrating disputes between KANU leadership and KADU, severely limiting KADU's power while enhancing KANU and Kenyatta's. The impossibility of a two party system was realized, and KADU party members began to defect to KANU before leadership decided to dissolve KADU by November 1964. The *majimboist* constitution hopes ended in 1964, as a bill amending the constitution received the necessary majority in the House of Representatives.

Alongside the struggle for independence, the Kenyan economy struggled to adjust. The first Lancaster House Constitutional Conference in 1960 saw capital flight of £1 million a month, a sharp fall in the Nairobi Stock Exchange, an increase in unemployment and the virtual collapse of the building industry.¹²⁸ At the same time, restrictions that had been placed on Kikuyu, Embu and Meru workers were being lifted, and the poor economic conditions led to large numbers of landless workers, conditions similar to the years leading up to and after the Mau Mau emergency. These conditions

¹²⁸ Ogot, B.A. 1995 "The Decisive Years 1956-63." *Decolonization and Independence in Kenya*. 63

inspired rioting, land seizures, squatting and a revival of oathing, worrying the government as oathing “had served as a prelude to the outbreak of Mau Mau.”¹²⁹ A new land settlement program was introduced, the Million Acre Settlement Scheme, financed by the World Bank, the British Government and the Colonial Development Fund.

The Million Acre Settlement Scheme gave land to 35,000 African families, shaping politics and the economy for post-independence Kenya. The goals of the scheme included:

“[meeting] the economic demands of colonial Kenya’s white settler community, the political objectives of the nationalist leadership, the land greivances of Kenya’s poor people, the aspirations of the upwardly mobile, emerging middle class, and various conditions set by the World Bank and the West German government... it helped to make the terms of Kenya’s independence economically and politically acceptable to the various factions... [serving] as an arena for resolving, or at least muting, serious tensions within Kenya society.”¹³⁰

The settlement scheme was not the first to be floated as a solution to the problem of poor and unemployed in Kenya. The establishment of the class stratification during the period of European settlement changed Kenya’s economic landscape. The influence technology of white European farmers and within the African reserves increased the poor landless class, drawing on the prosperity of cash crop farming. The initial proposal of the Million Acre Scheme during the second Constitutional Conference saw support from the British

¹²⁹ Ogot, “The Decisive Years 1956-63.” 64

¹³⁰ Christopher Leo, “Who Benefited from the Million-Acre Scheme?: *Canadian Journal of African Studies*, 1981 201.

government and tentative support from KANU.¹³¹ Ideally led primarily by Africans, the interracial land transfer proposal was doubted by Europeans, however the creation of a Central Land Board at the end of the second conference was seen as a success for the overall proposal. The poor economic conditions held little incentive for European farmers, and the scheme intended to “[restore] European confidence by supporting the land market.”¹³² The land purchasing program grew rapidly from 1961 to 1965, with total acres of land purchased totaling 1,187,482, for a monetary total of £11,400,206.¹³³ The program was a success in the minds of the organizers, as it achieved its goal of reducing the landless, providing a boost in the economy and restoring confidence.

The Million Acre Scheme was only one of a multitude of land settlement schemes created by the new Kenyan government and the British colonial government, and continued through into the 1970s. As noted by Boone,

“High population densities in the former African reserves created land hunger that both the colonial administration and the Kenyatta government understood as a political problem, which, if left unaddressed, threatened not only political stability but also Kenyatta’s hold on power.”¹³⁴

Political motivation was essential to the attempts to solve land related discontent within the new state. As state officials through the settlement authorities oversaw distribution on a case-by-case basis, the process was highly preferential, particularly for favored ethnic groups, which, in the Kenyatta period, largely were the Kikuyu. Kenyatta often exhibited

¹³¹ Gary Wasserman, “Politics of Decolonization.” 111

¹³² Leo, “Million-Acre Scheme?” 211

¹³³ Gary Wasserman, “Politics of Decolonization.” 145

¹³⁴ Catherine Boone, “Land Conflicts and Distributive Politics in Kenya.” 79

this preferential treatment himself, as he “intervened personally to ensure that settlers were treated with leniency”¹³⁵ when new settlers were unable to repay their debts to the Central Land board. Further political motivation occurred in the formation of private land-buying companies. These companies were “often headed by regime notables and politicians” and “many ordinary citizens, mostly Kikuyu and Luo, acquired land in the Rift by purchasing shares in the companies.”¹³⁶ As the state encouraged the creation of these companies, the benefit of ethnic groups, particularly those favored by the Kenyatta government or represented within the government, saw arbitrary and preferential treatment. While farmland is a definitive example of land utilization for political means, the government held forests, while only representing a small percentage of total land, also represents opportunistically used land. As “Forest land can be formally redesignated for alternative use,” legally or illegally, “governments since Kenya’s colonial era have used these lands... for arbitrary allocation to private users.”¹³⁷ As Boone notes, the practice of using land for political gain is not unique to the Kenyatta era, but while land distribution during the colonial era was usually to the benefit of the white settlers, after independence, land distribution helped to further increase ethnic tensions between tribal groups. From government-held forest to purchased and reclaimed land, politicians utilized the resources of land in a corrupt manner to further their current political goals

¹³⁵ Boone, “Land Conflicts”. 80

¹³⁶ Boone, “Land Conflicts”. 81

¹³⁷ Boone, “Land Conflicts”. 81

From the period 1960 to 1963, the Kenyan economy saw an overall increase in GDP. In 1960, GDP was \$791 million and by 1964, GDP was \$998 million.¹³⁸ While the GDP trend is positive, the annual percentage GDP growth saw an extreme downturn in 1961, in accordance with the economic struggles resulting from the first Conference. The -7.8% GDP and -10.6% GDP per capita decline reversed in 1962, jumping to 9.5% GDP and 6.1% GDP per capita growth, although the Kenyan economy continued to slow. While independence and the potential of the East African Federation gave the economy hope, continuing issues, particularly around trade negotiations and land undermined the export-based Kenyan economy, particularly after the *Pax Kenyatta*. The inherent economic problems of an agrarian society experiencing class restructuring, alongside the questions of independence, led to weaknesses that Kenya still struggles with as part of today's poverty-stricken sub-Saharan Africa.

The struggle for independence, while partially resolved, resulted in a single party government that remained in power for the majority of Kenya's history. Even today, the current president of Kenya, Uhuru Kenyatta, is the son of Jomo Kenyatta and carries the legacy of independence. Until 2002, the 1963 election was the first and last multi-party election held. While the Kenyan Constitution underwent changes throughout the 20th century and was eventually rewritten and revised in 2010, the creation of 1963 Constitution was a major step in the struggle for independence, and had an undeniable effect on Kenya's political path.

¹³⁸ World Bank data. In current US\$

Chapter VI: The Kenyatta Era

From 1963, Jomo Kenyatta ruled Kenya as its president until his death in 1978, an era referred to by some scholars as the *Pax Kenyatta* because of the relative political stability experienced during Kenyatta's tenure. Although his presidency was marred with racial tensions, the assassination of Tom Mboya in 1989 and a removal of the independent Kenya that gave hope in 1936, Kenyatta's presidency affected real change on Kenya, politically, socially and economically. Throughout Kenyatta's tenure as president, he initiated significant constitutional reform, sent the country on its path to a single party state, established the path for Kenya's economic socialist future, and worked to desegregate a stratified country into the dream of *uhuru*.

Following the creation of an independent Kenya, Kenyatta rapidly moved to change the Constitution into a more federal form, removing the monarch and installing himself as head of government, state and party of Kenya. Although seen as a radical during the independence process, Kenyatta quickly proved himself to be more conservative, expelling radicals from the party and preferring to Africanize existing, British systems instead of creating new systems, evident both in the civil service and Land Boards. As noted by Savage:

“The creation of a one-party state in Kenya elevated to power the more conservative leaders and accentuated the importance of regional chieftains. Kenyatta himself spoke of parliament as a council of elders... this structure formalized a long history of political development in Kenya. The colonial authorities had always sought to regionalize African politics and to elevate the

status of the elders through the creation of local native authorities and by the discouragement of national political parties. Many of Kenyatta's subordinates started their political careers in this system in the colonial period and naturally sought to perpetuate it after Lancaster House."¹³⁹

Through his reliance on the elders, Kenyatta continued political lines created during British rule. Although there was a socialist party ideal, Kenyatta relied heavily on the West for economic support, and combined with his personal style of government and his retention of colonial systems, including the civil service, education, police, and administration, led to the belief that the African elite had replaced Europeans and little had changed for the population.

Following the first constitutional change, Kenyatta enacted twelve more bills, solidifying his power and his control. The second change removed one of the KADU-insisted protections in the independence constitution, the Regional President and the power of the regions. The regions "became provinces headed by provincial commissioners who were appointed directly by the president."¹⁴⁰ One of the more significant changes was the 1965 reduction of the voting majority required to change the constitution, from the original, KADU number of 90 per cent in the Senate and 75 per cent in the Lower House, to 65 per cent in both houses. This change was essential to ensuring further Bills could be more easily passed. The Fifth Amendment in 1966 required further KANU party loyalty, as any member "who resigned from the party

¹³⁹ Donald Savage, "Kenyatta and the Development of African Nationalism in Kenya", *International Journal*, 1970, 525

¹⁴⁰ William Ochieng', "Appendix: Constitutional Amendments Under Kenyatta," 107

which had supported him at his election, but which had subsequently been dissolved, must also resign his (or her) seat and fight a by-election,” although a further amendment which back-dated the Fifth, ensured that those who were initially part of KADU were not required to fight a by-election.¹⁴¹ Another change in 1966, the Seventh Amendment abolished the Upper House (Senate), creating a one-chamber legislature, which further consolidated power within the government. With questions of succession looming due to Kenyatta’s increasing ill health, despite pushback from within the party, Kenyatta was able to pass a Bill in 1968, changing the constitution to deal with presidential succession and election. Three succession requirements were enacted; First, the presidential candidate(s) were required to be at least 35 years old, second, a presidential candidate must be supported by a registered political party and at least 1,000 voters, third, should the office of the president fall vacant, the vice president would assume the presidency for a period of 90 days until elections could be held for a new president. This placed Daniel arap Moi, the vice-president of the time, as the next in succession, instead of Tom Mboya, who although politically useful, was greatly mistrusted by members of the party, including Kenyatta. The Twelfth Amendment, passed in 1975, was another political tool ensured to consolidate power and ensure loyalty- it allowed the president to pardon someone guilty of election offences.

As Kenyatta settled into power following the first elections in 1964, appointments to ministerial positions became essential to establishing the new Kenyan rule. Oginga Odinga, initially the Foreign Minister, was moved to the position of the Vice-President.

¹⁴¹ Ochieng’, “Appendix: Constitutional Amendments Under Kenyatta,” 107

This move was at least partially motivated by Odinga's expulsion of British reporters, including Richard Beeston¹⁴², a process which begun legally, ended with Odinga stepping over his bounds as Home Affairs Minister, moving ahead with expulsion before the Assembly made a decision. British reports indicate that by moving Odinga into the vice-president position, he was without direct ministry control, and therefore had less direct power. Odinga's split from KANU led to Daniel arap Moi becoming Vice-President, setting the stage for Kenya's future. Paul Ngei also benefitted from association with Kenyatta. After dissolving the APP in October 1963 and returning to KANU, he missed the first wave of cabinet positions, but in 1964, was appointed as the Minister of Marketing and Cooperatives. Although he quickly became marked by scandal over his position as Chairman of the Maize Marketing Board, and was suspended from his position in 1966 as Minister of Housing and Social Services, he was pardoned in 1975 by Kenyatta, the first to benefit from the Twelfth Amendment, as Kenyatta could not afford Ngei's opposition in the face of Odinga's defection. A polarizing figure in KANU, Tom Mboya, the "leading theoretician of Kenyan nationalism,"¹⁴³ inspired both fear and admiration within the party. His presence on the world stage as a representative of Kenya gained him notice within the party, however as the question of Kenyatta's succession came up, there was a great determination to ensure he would not be the successor. Although the constitutional bill clarifying succession eliminated Mboya, his

¹⁴² Richard Beeston was a writer for the *Daily Telegraph*, and published a report about the communization of Kenya under the name of another reporter who was not in Kenya, creating embarrassment for both Kenya and the UK

¹⁴³ William Ochieng', "Structural and Political Changes", *Decolonization and Independence in Kenya*, 101

enemies, including Mbiyu Koinange, Charles Njonjo and Njoroge Mungai, continued to be concerned about Mboya's plans, spreading rumors and creating concern within the Kikuyu. In July 1969, Mboya was killed by a Kikuyu in Nairobi, increasing racial tensions between the Luo and the Kikuyu, the Luo blaming Kenyatta for the assassination.¹⁴⁴

Alongside the Constitutional changes, which installed Kenyatta and those who would help him in positions of power, Kenya became a de facto one-party state¹⁴⁵ throughout Kenyatta's rule. Prior to independence, Kenyatta had attempted to unite all Africans under KANU, which failed. After coming to power, Kenyatta was able to persuade "recalcitrant politicians such as Paul Ngei of the Kenya African People's party (APP) and Ronald Ngala and Daniel arap Moi of the Kenya African Democratic Union (KADU) to dissolve their parties and to return to the KANU fold."¹⁴⁶ The APP was dissolved in 1963, with Ngei and others moving to KANU. Unlike the APP, KADU still had small numbers following independence, however those numbers were even further reduced through a combination of incentives, as well as the growing realization that it was impossible to achieve any goals as part of the opposition. KADU became defunct as a party by 1964.

Kenyatta and KANU's goal of a single party was briefly thwarted by Oginga Odinga, a Luo chieftain, who was the chair of the Kenya People's Union (KPU), which broke away from KANU in 1966. Unlike the APP and KADU, the KPU, a party

¹⁴⁴ Ochieng', "Structural", 102

¹⁴⁵ Kenya would officially become a single party state in 1982, under the leadership of Daniel arap Moi, Kenyatta's successor

¹⁴⁶ Savage, "African Nationalism," 524

revitalized after independence, grew in power and posed a significant threat to the unity of KANU. Oginga Odinga and the APP became more politically significant, but Kenyatta intended for the APP to fail, much in the same way KADU fell, of its own volition with incentives. The first was with the Fifth Amendment, where:

“all members of parliament who switched parties were force to stand again for election, and KANU thereby eliminated twenty of the twenty-nine recalcitrant. The government harassed the KPU by refusing permission to hold meetings, by deporting Asian citizens who supported Odinga, and even by making it difficult for the central office to get a telephone. In the local elections the KPU candidates were disqualified on technicalities and KANU won all the seats.”¹⁴⁷

The Kenyan Government had retained some British legislation that restricted political activity it considered subversive, including the Outlying Districts Act and the Special District (Administration) Act. These acts “allowed the government to maintain nineteen districts wholly or partly closed, thereby preventing opposition spokesmen from entering the areas without permission. A section of the penal code allowed the banning of publications at the discretion of the government.”¹⁴⁸ Kenyatta’s network of politicians, civil servants and tribal elders ensured that support of KANU and by KANU meant jobs, which certainly was an incentive for members of the KPU. While the other, more positive, incentives were kept secret, the *East Africa Journal* reported frequently on

¹⁴⁷ Savage, “African Nationalism” 527

¹⁴⁸ Savage, “African Nationalism”, 528

privilege and corruption, and by early 1958, the leaders of the KPU were in prison and the party was barely a factor in national politics.¹⁴⁹

After Oginga Odinga's party failures, after which he was barred from politics, political party opposition remained virtually non-existent and institutionally weak. Issues with ethnopitics, "poor doctrine, poor leadership, lack of effective programmes, lack of human and financial resources, and weak societal linkages,"¹⁵⁰ alongside Kenyatta's determination to solidify authority, meant that the potential for alternative political parties to be a mover of democracy in Kenya was non-existent. As stated by Mboya in *Freedom and After*,

"For the effective struggle against colonialism and for the work of economic reconstruction after independence, it has come to be accepted that you need a nationalist movement. I used these words advisedly, as opposed to a political party. A nationalist movement should mean the mobilisation of all available groups in the country for a single struggle. This mobilisation is based on a simplification of the struggle into certain slogans and into one distinct idea, which everyone can understand without arguing about the details of policy or of governmental programmes after Independence. The mobilisation is planned on the assumption that, for the time being, what is needed is to win independence."¹⁵¹

¹⁴⁹ Savage, "African Nationalism" 527

¹⁵⁰ Oscar Gakuo Mwangi, "Political Corruption, Party Financing and Democracy in Kenya," *The Journal of Modern African Studies*, 46, 2008

¹⁵¹ Tom Mboya, *Freedom and After* (London, 1963), p 61, quoted in Donald C. Savage, "Kenyatta and the Development of African Nationalism in Kenya." 523

As Mboya stressed, the idea of a single struggle pervaded the goal for a single party, essentially rendering KANU less important than national government within the wider context, serving solely as a unifier by name, rather than political ideals. An “almost continuous series of presidential visits to and speeches in all parts of the country and by delegations of elders of the various ethnic groups who came to Kenyatta’s Gatundu home” served as the mobilization arm of the party, unlike in Tanzania.¹⁵² Throughout Kenyatta’s tenure, claims of political corruption, particularly financial corruption, remained fairly low. As noted by Mwangi, the authoritarian nature of the single-party state under Kenyatta (and later, Moi), and the lack of political party competition meant that it was politically expedient to control corruption, and any corruption primarily benefitted Kenyatta and Moi, as they were primarily interested in economic and political aggrandisement.¹⁵³ Kenyatta relied on the civil service as his primary outlet for controlling the political process, and political support, with benefitters of Kenyatta’s policies largely based on ethnopolitics.

Racial tensions had been a constant in Kenya, with power being contained largely within the Kikuyu, although Kenyatta was careful to ensure high placement of other ethnic groups within his government. In the lead up to the assassination of Mboya, Kenyatta instructed the beginnings of oathings¹⁵⁴ for the Kikuyu as tensions between Kikuyu and Luo increased. As described by Ochieng’:

¹⁵² Donald C. Savage, “African Nationalism,” 525

¹⁵³ Mwangi, “Political Corruption in Kenya” 270

¹⁵⁴ During the Mau Mau Emergency, the Mau Mau oath was seen by the West as one of the biggest threats to security in the region. The oathing ceremony was secured

“lorry-load after lorry-load made their way to Gatundu to ‘have tea with the President’, the euphemism for oathing ceremonies. There they swore that ‘the flag of Kenya shall not leave the House of Mumbi’, i.e. Kikuyuland.”¹⁵⁵

Mboya, though disliked and distrusted by many Luo, became a martyr. The arrest and conviction of the Kikuyu assassin increased the hatred of the Kikuyu. Kenyatta needed to convince the people he was not bound solely to tribal loyalties, but to national loyalties. Despite Kenyatta’s attempts, “there was a widespread belief that the Kikuyu were favoured for appointments and contracts in government,”¹⁵⁶ and he was attacked on a December 1969 visit to Kisumu (the Luo capital), resulting in the police firing into a crowd, killing seven. The increase in ethnic animosity was not limited solely to ethnic tensions. Christian churches began attacking the situation, and the entire situation was denounced by the KPU, making the tensions a party issue. This animosity was not aided by the sudden replacement of twelve European headmasters by Dr. Kiano, the Minister of Education, with ten of the twelve being Kikuyu.¹⁵⁷ As crisis became more likely, the government began to act. As police began to arrest oathing gangs, Oginga Odinga was placed under house arrest and other members of the KPU were arrested, culminating in the banning of the KPU, reducing the avenues for ethnic tension within the government.¹⁵⁸ Welfare societies, like the Gikuyu-Embu-Mera Association (GEMA) founded in 1971, were widely regarded as political associations, working to improve the

with participants believing their oath was to be followed on pain of death. Whether this was also used in the 1969 oaths is unknown, but is likely.

¹⁵⁵ Ochieng’, 102

¹⁵⁶ Savage, 529

¹⁵⁷ *ibid*, 530

¹⁵⁸ *ibid*, 531

societal and political standing of members of the associated tribal groups. In addition to the inter-tribal tensions, economic programs dedicated to creating a Black Kenyan business class led to animosity towards Asian-Africans and deportations of those who supported alternative political ideas.¹⁵⁹ The racial tensions experienced throughout Kenya also included issues surrounding land acquisition and tenure. While land settlement schemes had been created to aid British sales of land to Africans, tribal considerations tended to favor Kikuyu as purchasers, and the process was cumbersome and difficult.

Under Kenyatta's leadership, Kenya pursued an economic policy described in policy as socialist, but realistically capitalist. Kenyatta's slogan for this policy was *Harambee*, or pulling together. Trade union agitation remained a concern throughout Kenyatta's tenure and became one of Kenyatta's strong moves towards control. Partly due to fear of the development of an alternative political party, but also to prevent interference with government economic policy, "in 1965 the government forced the transformation of the Kenya Federation of Labour into the Central Organization of Trade Unions, thereby securing a large measure of control."¹⁶⁰ Additionally, the president of the Central Organization of Trade was picked by Kenyatta in an attempt to remove resistance. The removal of other unions, such as the Teachers Union, by making them essential jobs, allowed further control of the people and the economy.

¹⁵⁹ During British rule, Indians imported to aid with the Kenya-Uganda railway remained and due to a lack of interest by white settlers and British policy making it harder for Africans to own businesses, Asians became the primary business owners

¹⁶⁰ Savage, 523

Focused on Africanization of business, Kenyatta made no overt attempts to reverse the British settlement plans, preferring to switch ownership and placement away from Europeans. Savage notes:

“Most Europeans in Kenya regard the President as the savior of their community. Kenyatta has been able to pursue this policy partly because Lancaster House ended the possibility of an independent European political role in Kenya and partly because both sides have agreed on an economic policy for development which emphasizes private enterprise and association with the West. Business is more important to the leaders of the European community than farming and both sides could therefore agree on a policy which would then result in the gradual reversion of the land to black Kenyans.”¹⁶¹

Overall, KANU’s economic goal was a mixed economy, with the state intervening when private investors would not, or in joint enterprises with private investors. While the white paper produced by the government called the program socialism, the importance of private capital and the creation of a black African capitalist system made the term useful only in the semantics and in public perception. The KANU socialism plan intended to guarantee full and equal social and political rights to citizens, while retaining economic ties with the West, particularly Britain. The Kenyatta government searched for a middle ground, aware of outside influences, leading Kenyatta to warn: “It is naïve to think that

¹⁶¹ Savage, 519

there is no danger of imperialism from the East. In world power politics the East has as much designs upon us as the West and would like to serve their own interests.”¹⁶²

In addition to general foreign investment, the British, alongside the World Bank, lent funds for “the purchase of farms and their settlement of a:

“low density’ to provide annual monetary incomes... But a large number of farms were also transferred to Kenyan citizens as intact units, usually with financial assistance from public funds. Wealthy, indigenous Kenyans, including well-known personalities in public life, also bought farms directly from the departing Europeans, usually with loans from the Land Bank.”¹⁶³

The land transfers were largely successful, as they transferred previously European-owned land into the hands of Kenyan Africans, and 1970 saw more than two-thirds of European farms owned by African families.¹⁶⁴ Growth in tea and coffee production and demand increased agriculture revenue, and still remains one of the largest agricultural sectors today. In addition to loans from the Land Bank, which aimed to continue the large farms in the Kenyan Highlands, and the ‘Z’ plots intended for political leaders, the Stamp Program, which ultimately failed, was another attempt to purchase European-owned land for transfer to Kenyans.¹⁶⁵ While overall Western investment into the Kenyan economy proved essential to economic growth in the post-colonial era, internal tribal struggles created problems for both the government and the investors.

¹⁶² *The Reporter*, 4 June 1965, quoted in Donald C. Savage, 527

¹⁶³ Ochieng’, 88

¹⁶⁴ *ibid*, 88

¹⁶⁵ Wasserman, *Politics*. 155

Although there were great internal social divides, social improvements, including desegregation and the expansion of public projects helped mark Kenyatta's tenure as a prosperous one. The plural society prior to *Uhuru* had networks of Europeans, Asians, Arabs and the multitude of ethnic groups, however the majority of political and economic control rested in the hands of the Europeans and the Asians. A system similar to that of South Africa, particularly in Nairobi and Mombasa with its relatively large urban populations, social stratification based on race and class were widespread. Post-independence, "Segregationist regulations relating to public facilities were also dropped... [and] the government sought also a change in non-African attitudes towards the majority of the population."¹⁶⁶ This change led to stratification based on wealth, which, although there were attempts to provide public aid, led to greater stratification based on access to land and education. A subsequent increase in rural to urban movement with the attempts to Africanize the business sectors also led to an increase in urban poor, alongside an increase of the African elite and middle class.¹⁶⁷ The call of *harambee* led to increased in schools and education, and while the schools were criticized for their lack of standards, "the *harambee* movement was, and remains, a shining example of successful self-help efforts in independent Kenya."¹⁶⁸

From Kenyatta's takeover in 1964 to his death in 1978, the Kenyan economy saw a sizable boom in GDP, although not a steady increase. GDP in 1964 was \$999 million,

¹⁶⁶ Maxon, "Social and Cultural Changes." *Decolonization and Independence in Kenya*. 1995, 115

¹⁶⁷ Maxon, "Social and Cultural Changes" 120

¹⁶⁸ *ibid*, 138

and by 1978 had increased to \$5.3 billion.¹⁶⁹ As with the independence period, the GDP trend is overall positive, however there exist rather severe economic dips occurring roughly every four years. Annual percentage GDP growth saw high numbers in 1966 (14.7%), 1971 (22.2%) and 1972 (17.1%), however GDP growth dipped to lows of -4.7% in 1970 and 0.9% in 1975. GDP per capita growth also saw some extreme dips, at -1.3% in 1965, 11% in 1966, 0% in 1967, -7.9% in 1970, 17.9% in 1971, 13.0% in 1972, -2.8 in 1975 and -1.6% in 1976. The extreme fluctuations of the Kenyan economy reflect an economy highly reliant on foreign aid and foreign business knowledge. The inherent economic problems of a largely agrarian society experiencing class restructuring only became more problematic, as continuing drought conditions in a changing economic climate. The Kenyan economy relied heavily on investments from abroad, attempting to focus on import substitutions, however the OPEC crisis made manufacturing unprofitable and uncompetitive. Although Kenyatta had tried to create an African business class, the Asian businesses dominated the field and a lack of technical knowledge for Africans made substitution difficult. The combination of internal struggle, and global crisis deeply affected the fledgling Kenyan economy, shaping the economic path for the future.

The *Pax Kenyatta*, while inherently problematic from a Western democratic perspective, particularly in the constitutional changes that led to single-party dominance, and the struggles of ethnopolitics in an ethnically divided country, ultimately was a period of relative stability and economic prosperity. Through the constitutional changes, Kenyatta's successor, Arap Moi, completed the goal of a single-party state, which would

¹⁶⁹ World Bank data. In current US\$

last until foreign pressure in 2002 helped urge political change. Kenya's economic policy still remains reliant on foreign aid and investment, and the struggles of ethno-politics have been seen as recently as 2008. Kenyatta started the future of an independent Kenya, setting it on the path it would take in the future.

Chapter VII: Arap Moi and 25 Years Post-Independence

Jomo Kenyatta died on August 22, 1978, and was fairly rapidly succeeded on October 14, 1978 by Daniel arap Moi, who remained president until 2002. Although Moi served as Kenyatta's Vice President, there was strong resistance from leaders, including from the Gikuyu, Embu and Meru Association (GEMA). As part of the Kalenjin tribe, the third largest tribal group in Kenya, Moi was disliked by Kenyatta's allies, who, no longer facing the threat of succession by Mboya, continued to work to clarify the line of succession through constitutional changes, including a Change the Constitution movement, which ultimately failed. Upon Kenyatta's death, Moi, as determined in the Constitution, became Acting President for 90 days. During the transition, Moi followed the Constitutional requirements for president precisely, including the requirement that a presidential candidate must be the leader of his party. The Mombasa branch of KANU nominated Moi for party leader and presidential candidate, and the other branches followed suit.¹⁷⁰ Although KANU was split on the choice for Kenyatta's successor, KANU held elections in early October 1978 for a new party leader, which Moi won, clearing his unopposed path to president. Notably, the party elections, not including for the party president, were contested, but were "remarkably democratic, transparent and peaceful... [reflecting] Moi's confidence."¹⁷¹ Despite Kikuyu dominance in the Kenyatta era, the transition to Moi's presidency was fairly peaceful, as he utilized Kikuyu divisions, siding with the powerful Charles Njonjo, G.G. Kariuki and Mwai Kibaki

¹⁷⁰ B.A Ogot, 1995. "The Politics of Populism." *Decolonization and Independence in Kenya*, 190

¹⁷¹ *ibid*, 190

Kikuyu group, to ensure a smooth transition without opposition. The smooth transition also led to a smooth first few months, with “Kenyan[s] [congratulating] themselves on being the first black African state to transfer power peacefully and constitutionally from one president to another.”¹⁷²

Upon his election, public concerns about smuggling and corruption (*magendo*), a feature of public life, became a focus for leaders. The Second Leaders Conference held in January 1978 identified corruption as “a festering sore that appeared to have taken root in modern Kenya... [and] the leaders accepted that many high-ranking government officials and the police were involved waist-high in corrupt practices.”¹⁷³ Moi was immediately confronted with both political and public concern, including concerns on how the de facto one-party government would be able to adjust policies to reallocate power and resources. Although many Kenyans expected a break from Kenyatta-era policies, Moi’s government responded with the term *nyayo*, meaning footsteps, indicating Moi was following in the footsteps of Kenyatta. While “there would definitely be social, economic and political reforms... these would be carried out without any discontinuity.”¹⁷⁴ This continuity was emphasized by the cabinet shift, which did not occur until the 1979 general parliamentary elections, with Moi retaining Kenyatta’s cabinet, allowing him to make broad changes at that point.

Along with diffusing political tensions through the cabinet retention, Moi practiced reconciliation, forgiveness and tolerance with political adversaries, including a

¹⁷² Hornsby, *Kenya*. 333

¹⁷³ Ogot, *Decolonization*. 192

¹⁷⁴ *ibid*, 192-193

release of political detainees in 1978 upon the fifteenth anniversary of independence. Moi continued to consolidate support, his regime growing in power and strength under the idea of *nyayo*. *Nyayo* became a:

“blanket ideology under which the various ideologies, such as constitutional democracy, African socialism, Christian and Islamic morality, nationalism, patriotism, developmentalism, anti-tribalism and other positive ideas were subsumed.”¹⁷⁵

Due to this encompassing of ideas, any opposition to *nyayo* philosophy became opposition to *nyayo* government and the party, furthering the one-party ideal and consolidation of power. Unlike Kenyatta, Moi was not a charismatic figure, hanging onto power under Kenyatta through “a patient, unassuming and non-confrontational posture. Few of these characteristics would serve him well as president.”¹⁷⁶

The 1979 parliamentary elections, which, like the 1978 party elections, were also contested and peaceful, but resulted in a new, enlarged *nyayo* cabinet that included politicians who had opposed Moi’s succession and contested figures from the Kenyatta era, particularly Oginga Odinga as the Chairman of the Cotton Lint and Seed Marketing Board, which helped his reconciliation with the Luo. As the Moi government emphasized continuity in *nyayo*, albeit with a focus on ending corruption, it is unsurprising that corrupt policies, particularly ethnic favoritism seen in the Kenyatta government, continued. Figaro Joseph notes that

¹⁷⁵ Ogot, *Decolonizatio* 193

¹⁷⁶ Hornsby, *Kenya*. 334

“During the Moi presidency (1978-2002), the percentage of permanent secretaries filled by Kalenjin [Moi’s ethnic group] increased from 6% to between 22% and 30%... [while] the share of positions held by the Kikuyu dropped to 20% from around 30% and declined further to 10%.”¹⁷⁷

Factionalism led to the Third Leaders Conference in July 1980, where Moi gave a keynote address, stating “he was the president and that in the exercise of his powers no other minister was involved... [Emphasizing] that no leader was indispensable.”¹⁷⁸ The conference led to the dissolution of ethnic organizations, including GEMA, to promote national unity due to these organizations being highly politicized. Despite this continued push for unity, dissent, particularly in the University of Nairobi and Kenyatta University College, but also within the general population, grew in the early 1980s. This dissent, including calls for the introduction of a rival party to KANU, culminated in a 1982 *coup d’état* organized by junior members of the Kenya Air Force. The *coup* resulted in harsh crackdowns on the university, including a closure from August 1982 to October 1983.¹⁷⁹ The university, despite the push for autonomy, saw increased government control through the Vice-Chancellor, including through the jailing of professors and students in 1986 through 1988.

Although dissent in the universities continued to grow, leading to further closures, the seeds of dissent had been sown. KANU held no further elections until 1985, and Moi sought his legitimacy through the churches and the emphasis of a national cultures. The

¹⁷⁷ Figaro Joseph, 2013. “Domestic actors and liberalization: a case study of internal and external pressures in Moi’s Kenya.” *Contemporary Politics*, September 2013, 19:3. 322

¹⁷⁸ Ogot, 1995. 195

¹⁷⁹ *ibid*, 200

1985 KANU grass-roots elections, the first of its type since 1976, were followed by branch and national elections.¹⁸⁰ Although Oginga Odinga had directly challenged Moi and KANU's vulnerabilities were clear, KANU continued to increase in strength. Moi led party and political reform, introducing a new voting queuing system, which faced national debate and criticism.¹⁸¹ Although the process was greatly criticized, the party favored the new system because it "was conducted in the open and hence it was difficult to rig."¹⁸² The debate continued until the system was abolished in 1991. By the end of the 1980s, KANU and Moi had become the supreme political bodies in the country.

Economic conditions during Moi regime, particularly in the ten years (1978-88) following the *Pax Kenyatta*, or the first *nyayo* decade, saw severe challenges, both of internal and external origin. To combat these challenges, the Kenya government pursued policies of structural adjustment. Globally, 1970s was a time of economic struggle, with the increase in crude oil prices impacted by the OPEC oil crisis in 1974, the Iranian Revolution in 1979 and other continual economic issues, such as widespread inflation alongside the end of the Bretton Woods agreement, led to a global recession. Kenya's exports were subject to fluctuations in price, limiting economic expansion opportunities. Kenya was also hard hit by drought in 1979-80 and 1984, creating food shortages and requiring high imports of grain.¹⁸³ Despite the global economic crises,

¹⁸⁰ *ibid*, 205

¹⁸¹ *ibid*, 207

¹⁸² *ibid*, 207

¹⁸³ Robert Maxon and Peter Ndege, 1995, "The Economics of Structural Adjustment." *Decolonization & Independence in Kenya*, 151

“The Kenya government remained committed to a capitalist-oriented, mixed economy and economic policies that aimed at creating and sustaining at a high rate of economic growth. Among the most significant of the latter were measures which guaranteed private property ownership and the encouragement of foreign investment through legislative provisions for the repatriation of profits... promote indigenization of the economy, to enhance the expansion of agricultural exports and import substitution industrialization and to provide the basic infrastructure to support both.”¹⁸⁴

Although Moi initially promised economic planning would not diverge from past policies, the 1984-88 development plan introduced a greater resource mobilization plan to improve development, reduction of government non-essential investment and promote private domestic savings, external trade and private foreign investment.¹⁸⁵ The development plan also introduced structural adjustment programs through the World Bank and the International Monetary Fund, which included:

“Exchange rate manipulation so as to spur exports by devaluing local currencies, a reduction of tariffs so as to facilitate imports, the elimination of artificial price controls in a market-based price structure for agricultural products, encouragement of domestic savings, a reduction of government expenditure on social services and employment, and privatization or the reduction of the number and role of parastatals in the economy.”¹⁸⁶

¹⁸⁴ Maxon and Ndege, “Economics”. 152

¹⁸⁵ Maxon and Ndege, “Economics”, 156

¹⁸⁶ Maxon and Ndege, “Economics”, 158

SAPs, along with the import-substitution industrialization adapted by Kenyatta for rapid growth, limited industrial growth and development.

The end of the first *nyayo* decade in 1988 brought Kenya to twenty-five years post-independence. During the decade, the Kenyan economy remained fairly stable, with an upward trend, with annual percentage GDP growth ranging between 1% in 1983 to 8% in 1978, but no negative GDP growth, despite lower GDP between 1981 and 1983. The economy saw a sizable increase in GDP between 1978 and 1980. The GDP increased from 5.4 billion in 1978, to 6.2 in 1978, to 7.1 in 1980. The economy then dips for the following three years, with 6.9 in 1981, 6.5 in 1982, and finally in 1983, 6. The GDP then levels off with 6.1 showing for 1984 and 1985. The economy once more increases, returning to what it was in 1980, with the GPD at 7.1G for 1986, 7.95G for 1987, and 8.3G for 1988. At 25 years independence in 1988, Kenya was still growing economically, despite issues with drought and need for structural adjustment programs.

Kenya under Daniel arap Moi saw great struggles, both economically and politically, but also great change. Given the length of Moi's rule, which lasted far into the modern era, his leadership shaped the path of Kenya. Through Moi's presidency, "Corruption, economic decline, political repression, and a general sense of malaise and fatigue with the authoritarian President Moi empowered domestic actors from various sectors of society to organize, develop, and extend protest and self-help organizations to demand political and economic reform during the period from 1982-2002."¹⁸⁷ The failed military *coup* in 1982 "probably diverted a descent into military rule and instead set

¹⁸⁷ Joseph, 322

Kenya on a path of Kalenjin-led authoritarianism.”¹⁸⁸ Although this was avoided, the one-party system authoritarian system existed until 1999, when the internal movements for a more democratic state led to the first multi-party election. KANU, under the continued lead of Moi, won the presidency, however by the 2002 election, Moi was constitutionally barred from running, and the National Rainbow Coalition and Mwai Kibaki, Moi’s first Vice-President, became Kenya’s third president. Although there have been significant changes, politically and constitutionally, since Moi and the first *nyayo* decade, his impact on Kenya is not to be ignored.

¹⁸⁸ Hornsby, *Kenya*, 3

Chapter VIII: Conclusion

When Kenya moved from a country completely subsumed in the colonial structure to that of an independent nation state in 1963, the colonial mindset and structures remained ingrained in the new nation. These structures, promoting social, political and economic inequality and ethnic favoritism, transferred from preference towards the white European settler community, to African tribal divisions, closely linked to those in power. Although constitutional reform efforts have attempted to address these issues of inequality, particularly those regarding land, and improving the political system to become more democratic and representative, the systemic issues of inequality perpetuated by the colonial government have had long-lasting impacts on the ability of Kenyans to build a democratic state.

Following the first *nyayo* decade, Daniel arap Moi continued to solidify his authoritarian rule until 1991. By the end of the *nyayo* decade, Moi had replaced most of Kenyatta's officials, ending Kikuyu supremacy in government and replacing them with Kalenjin. Mwai Kibaki, Moi's vice-president, was replaced in 1988. The issues with corruption continued with little intervention, weakening the state and making it ineffectual. Under Moi, "although there was the appearance of stability, it was superficial and brittle, concealing deep dissatisfaction."¹⁸⁹ Additionally, Western governments providing aid voiced concern and protest over Kenya's reluctance to create fiscal and economic reform as requested, alongside human rights abuses and detention without trial. The end of the Cold War led to Western aid becoming conditional on political

¹⁸⁹ Hornsby, *Kenya*, 399

liberalization in Kenya, in the hopes that political liberalization and democratization would result in increased market and economic liberalization. Along side the Western pressure for change, discontent from the churches, the politicians and urban professional classes provided the internal push for reform. The murder of Foreign Minister Robert Ouko brought things to a boiling point. Moi's involvement, at the least, involved covering up the truth, rioting and police brutality served as the catalyst for movement to a multi-party system. In 1990, the government agreed to "the abandonment of queue voting and the 70 per cent primary rule in parliamentary elections, to be replaced by secret ballot primaries" and promised further change.¹⁹⁰ Oginga Odinga announced his intention to form a new party in 1991, which although blocked, allowed for change, including the revival of *majimbo*. Western forces decision to refuse aid without reform forced Moi's hand, resulting in constitutional change to allow multiple parties, however "Moi seized the agenda and ensured that there was no mass breakdown of order... [although] the state apparatus remained partisan and hostile to the freedom of assembly, a free press and other norms of political liberalism."¹⁹¹ Ethnic violence by the Kalenjin and Nandi during this period drew from the restoration of multi-party democracy, but ultimately reflected the continuing struggle for land, specifically the Highlands. Odinga's party, FORD, suffered serious disharmony and internal fighting, which along with a disorganized election, allowed Moi and KANU to take back control. Moi won a second multi-party election cycle in 1997, also marred by ethnic violence, however constitutional change

¹⁹⁰ Hornsby, *Kenya*, 479

¹⁹¹ *ibid*, 487

prevented him from seeking a third term. In 2002, relatively peaceful elections saw a transfer to Kibaki and a new, more democratic post-independence Kenya.

While scholars have focused on the issues of Kenya's independence given the tumultuous decolonization period following the Mau Mau rebellion and the state of Emergency from 1952 to 1960, and the politics and policies in the post-independence period, the literature fails to provide a broad, critical look at the patterns created by the British Empire and the way the patterns have been sustained. Excellent texts illustrate the convoluted nature of colonial rule and the imperial mindset, while others directly focus on the post-colonial period, examining the rule of Kenyatta and Moi within the social, political and economic spheres, but there remains a gap in the literature that is further emphasized by the 2011-13 release of documents from the Migrated Archives. My research works to bridge this gap by providing a historiographical narrative examining these four key questions: *how do the connections and institutions created during the period of the British Empire shape current forms of government? How did British policy evolve through decolonization and into independence? How do ethnic and racial divisions impact land policy and politics? And what impact did land policy have on political mobilization?*

To answer these questions, I examined documents from the British National Archives and economic data as it related to change in power and policy, alongside the colonial and post-colonial narratives, as detailed by Branch, Berman and Lonsdale, Ogot and 'Ochieng, and Hornsby. These narratives served as the foundation for the four key time periods I explored. These decades of decolonization, independence, the Kenyatta era

and the first ten years under Daniel arap Moi, serve to connect the literature with the archival documents to determine the factors of independence and how these factors are affected by time and change.

Findings

Throughout these periods, it is clear that the colonial system of inequality continued through the period of decolonization. The racial divides, emphasized by class divisions created by the colonial government, continued to play out through power struggles, both in the decolonization and independence periods, but also after independence as ethnic favoritism continued to shape politics under both Kenyatta and Arap Moi. The initial struggle for *majimboism* and the ideological split between KADU and KANU reveals the nationalistic divide resulting from Mau Mau. As Mau Mau was so heavily based in the Kikuyu, during the decolonization and independence periods, the divisions experienced by those of different ethnic groups and their treatment by the British was then paralleled into the initial Lancaster House Conference, seen by KANU's refusal to participate or form a government, insisting on the release of Jomo Kenyatta first. The ethnic divides continued throughout Kenyatta's tenure and Moi's tenure, with preferential treatment being given to those of the same ethnic affiliation of Kenyatta or Moi.

While issues of ethnicity and affiliation increased after the colonial period, the issues of land continued to be problematic in colonial Kenya and post-colonial Kenya. Land inequality through the creation of native land reserves and native land trusts was

perpetuated during the colonial period, the systems of which tended to favor those in power. Those systems transferred to the independence Kenya government. The independence government changed little with regard to the colonial political economy, which with Kenyatta's policy of africanization, led to a transition and land divisions that favored those who were aligned with people in power. The ethnic tensions emphasized by the colonial divisions of land continued to play out in ethnic violence throughout Moi's presidency, which while on the surface appeared to be reactions to political change, have roots in the land issue and continues into current day.

While Jomo Kenyatta "speeded Kenya's move towards rule by a Kikuyu oligarchy, political and economic decay; [Moi] shifted the country onto a trajectory of ethnic tension and resource redistribution."¹⁹² Both Kenyatta and Moi utilized ethnicity to their advantage during their presidencies. Additionally, British policies of detainment of those determined to be politically dangerous, as with the imprisonment of Kenyatta during the early days of Mau Mau, and general political repression, were carried over into Kenyatta's tenure and then into Moi's tenure. The political repression of the first twenty-five years of independent rule contributed to the political explosions of discontent in 1982 with the coup d'état and the 1991 ethnic violence around the election cycle.

Future Research

The research I have conducted, due to its temporal limitations, is only a snapshot of a much greater history. There is still much left to be examined with regards to these

¹⁹² Hornsby, *Kenya*, 3

questions, particularly as documents continue to be released by the BNA. While this study attempts to look at the process of decolonization and independence in a more comprehensive manner, this is only a cursory look at the wide variety of factors that have impacted the post-colonial narrative. An interesting recent change is the movement from ignoring Mau Mau to celebrating Mau Mau within Kenya. It would be fascinating to document how changes in the Kenyan perception of their colonial history impact current politicians and political parties. Additionally, I do not touch upon Kenya after 2002, but significant constitutional change has occurred since that period, including the construction of a new constitution in 2010. The impacts of this have yet to truly be seen, but a comparative constitutional study, building of Robert Maxon's examination of the independence constitution, would prove fascinating.

Economic analysis plays a very cursory role in my analysis, serving more to document change as it responds to politics. As Western aid intervention continues to play a significant role, a more current and thorough economic analysis particularly around 1982-4 and 1990-90 utilizing historical data with current IMF/World Bank policy and aid programs in Kenya as an examination of the continuing impacts of informal empire and the role of the American Empire as it relates to the British Empire raises compelling questions.

Lastly, my narrative speaks primarily to political trends as it relates to colonial policy, however my narrative relies heavily on the British perspective. The Kenyan perspective is lacking, but utilizing both these narratives could provide a unique outlook. These are only a few considerations for future research and projects and any of these

topics would be relevant and crucial to explore as Kenya continues to rapidly change and build a more positive future.

Appendix

Figure 1: Ethnic Group Map, from BBC

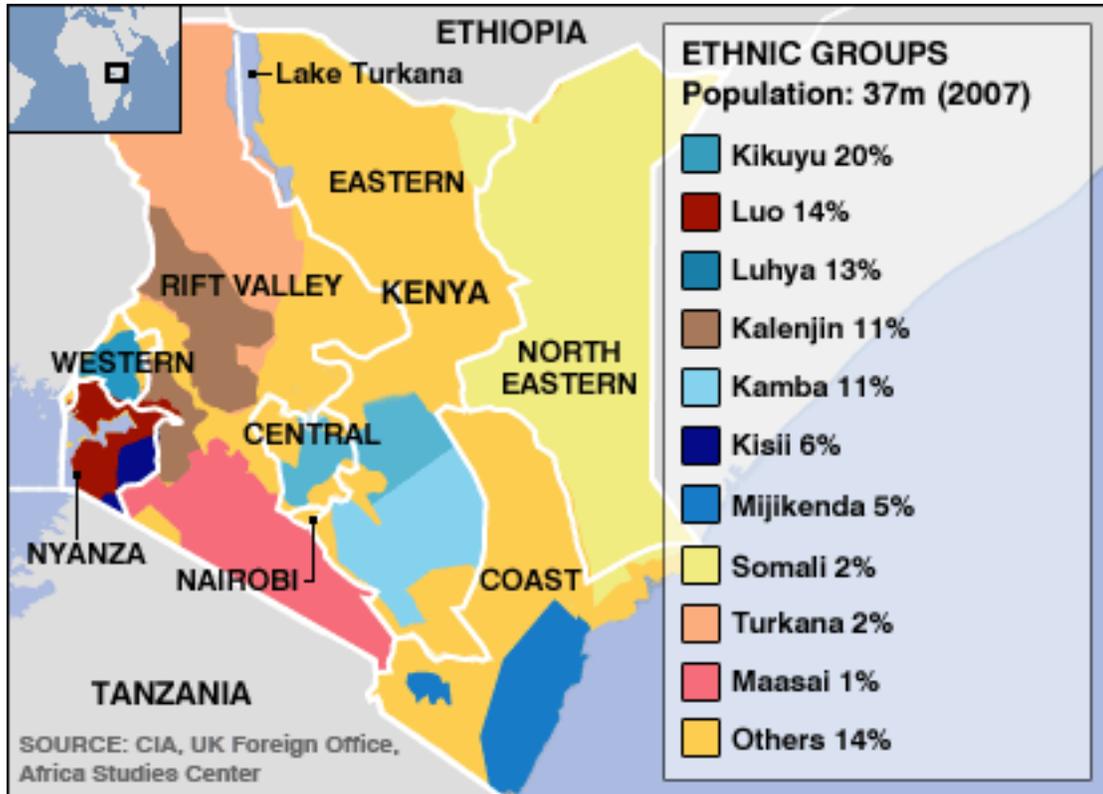
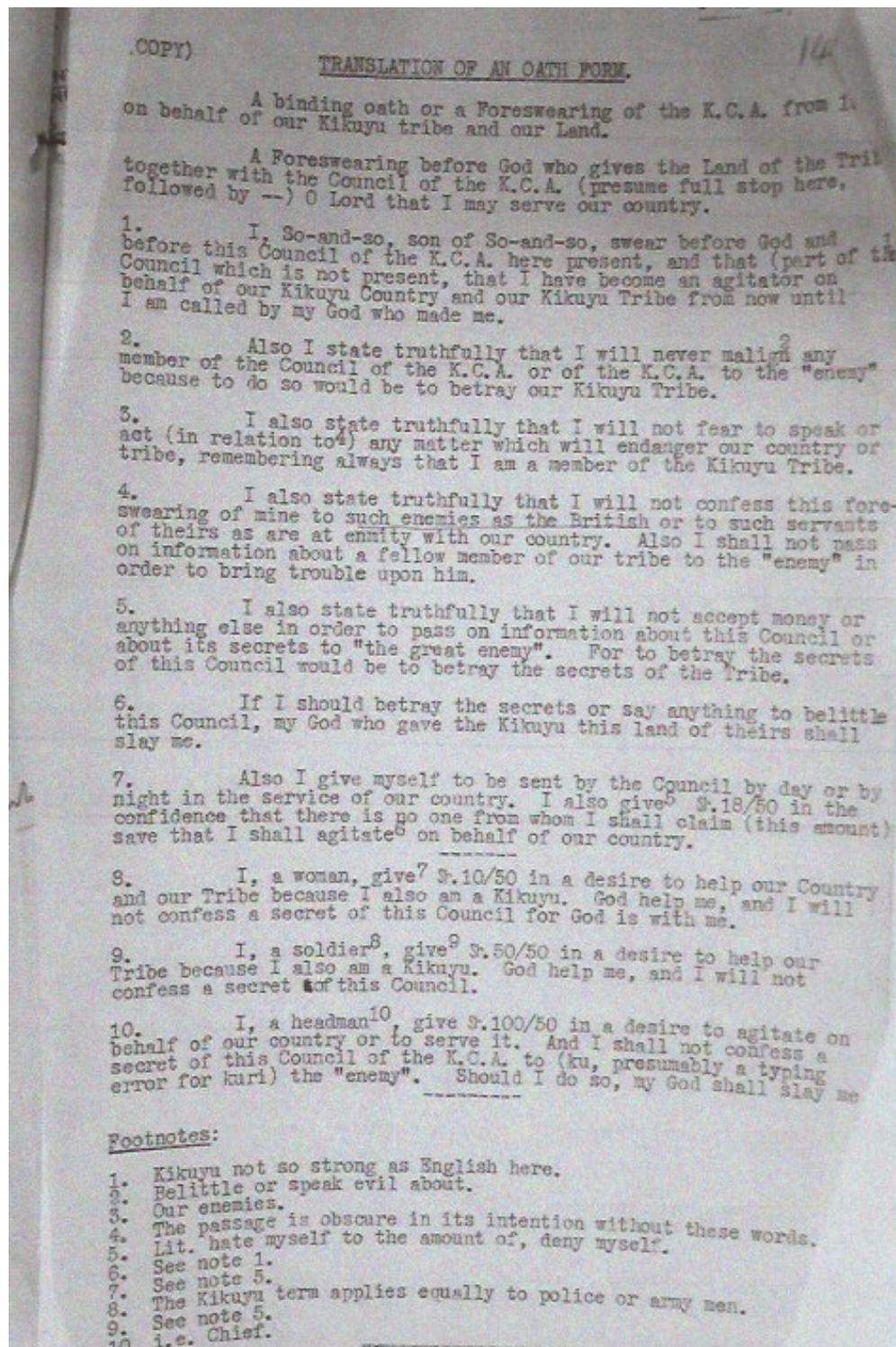


Figure 2: Oath Translation from Colonial Office



Bibliography

Sources from the National Archives

Colonial Office. 1960. *Despatch from Governor, Kenya to Secretary of State for the Colonies. Release of Jomo Kenyatta.* 1960.

Colonial Office, 1962. "The Colonial Territories, 1961-1962." *Parliamentary Papers*

Department of Technical Co-Operation. Public Officers' Agreement between Her Majesty's Government in the United Kingdom and the Governments of Kenya, Tanganyika and Uganda and the East African Common Services Organisation. 1963.

"General Legislation." 1939. BNA: CO 533/502/2

Kenya Constitution. Summary of the Proposed Constitution for Internal Self-Government. 1962.

Kenya Independence. A Bill to make Provision for, and in Connection with, the Attainment by Kenya of Fully Responsible Status within the Commonwealth, Including Provision for Terminating the Giving of Financial and Other Assistance to the East African Common Services Organisation Under the Colonial Development and Welfare Act 1959 1963. Vol. (4).

Kenya Republic. A Bill to make Provision as to the Operation of the Law in Relation to Kenya as a Republic within the Commonwealth 1964. Vol. (49).

"Kenya: Purchase of Kenya Protectorate from Zanzibar; UK Commercial treaties and application of most favoured nations clauses." 1930. BNA: FCO 141/5649

Kenya. Preparations for Independence. 1962.

"Kenya: Unrest in Central Province." 1946-50. BNA: FCO 141/5907

"Kenya (Native Areas) Order in Council, 1939." February 2, 1939. Kenya Gazette

Native Political Associations." 4 August 1940. BNA: CO 533/523/66.

Proposals for Regional Government and a Federal Constitution of Kenya." BNA: CO 822/2242

Treaty Series no. 36 (1962). First Supplementary List of Ratifications, Accessions, Withdrawals, etc., for 1962. 1961.

Maudling, Reginald. 1961. *Colonial Office. Report of the Kenya Constitutional Conference, 1962.*

Maudling, Reginald. 1962. "Kenya Constitutional Conference." 19 March, 1962. BNA: CAB 129/109/3.

Maudling, Reginald 1962. "Kenya Memorandum." February 6, 1962. BNA: CAB 129/108/22

Robertson, James W., Sir. 1961. *Colonial Office. the Kenya Coastal Strip. Report of the Commissioner.*

Sandys, Duncan E. 1962. *Kenya. Independence Conference. 1963.*

Sandys, Duncan. 1962. "Kenya: Governor." BNA: CO 967/408

Sandys, Duncan. 1963. "Kenya: Memorandum by the Secretary of State for Commonwealth Relations and Secretary of State for the Colonies." June 20, 1963. BNA: CAB 129/114/5

Trend, Burke. 1963. "Cabinet Minutes. Agenda: 1. Statement by PM..." October 22, 1963. BNA: CAB 195/23/15

Trend, Burke. 1963. "Cabinet Minutes: Agenda: 1. Resignation of S. of S. for War; 2. Kenya." June 21, 1963. BNA: CAB 195/22/40.

Other Works Cited

British Settlements Act 1887." Legislation.gov.uk

Foreign & Commonwealth Office and The Rt Hon William Hague MP. "Statement to Parliament on Settlement of Mau Mau Claims." Gov.uk. June 6, 2013

Anderson, David M., 2005. "'Yours in Struggle for Majimbo'. Nationalism and the Party Politics of Decolonization in Kenya, 1955-64." *Journal of Contemporary History*, 40, 547-564

Berman, Bruce and John Lonsdale, 1992. *Unhappy Valley: Conflict in Kenya & Africa*, London: James Currey

- Branch, Daniel, 2009. *Defeating Mau Mau, Creating Kenya*. Cambridge: Cambridge University Press
- Boone, Catherine, 2012. "Land Conflict and Distributive Politics in Kenya." *African Studies Review*, 55, 75-103
- Ferguson, Niall. 2002. *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power*. New York: Basic Books.
- Grob-Fitzgibbon, Benjamin. 2011. *Imperial Endgame: Britain's Dirty Wars and the End of Empire*. New York: Palgrave Macmillan.
- Heinlein, Frank. 2002. *British Government Policy and Decolonization 1945-1963: Scrutinizing the Official Mind*. London: Frank Cass.
- Hornsby, Charles, 2011. *Kenya: A History Since Independence*. London: I.B. Tauris
- Joseph, Figaro, 2013. "Domestic actors and liberalization: a case study of internal and external pressures in Moi's Kenya." *Contemporary Politics*, September 2013, 19:3
- Kamoche, Jidlap G., 1981. *Imperial Trusteeship and Political Evolution in Kenya, 1923-1963*. (Washington D. C.: University Press of America)
- Kyle, Keith, 2008. "Politics of Independent Kenya." *Contemporary British History*.
- Leo, Christopher. 1981. "Who Benefited from the Million-Acre Scheme? Toward a Class Analysis of Kenya's Transition to Independence." *Canadian Journal of African Studies / Revue Canadienne Des Études Africaines* 15 (2): 201-222.
- Maxon, Robert M., 2011. *Kenya's Independence Constitution: Constitution-Making and End of Empire*. Fairleigh Dickinson University Press: Plymouth.
- McIntyre, W. David. 1998. *British Decolonization, 1946-1997*. New York: St Martins Press.
- Miles, William, F. S. 2014. *Scars of Partition: Postcolonial Legacies in French and British Borderlands*. Lincoln, Nebraska: University of Nebraska Press.
- Mwangi, Oscar Gakuo, 2008. "Political Corruption, Party Financing and Democracy in Kenya," *The Journal of Modern African Studies*, 46, 267-285
- Mynott, Adam, 2008. "Ethnic tensions dividing Kenya." BBC News. 5 January 2008. http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/7172038.stm

- Ogot, B.A. and W.R. Ochieng', 1995. *Decolonization & Independence in Kenya: 1940-1993*. London: J. Currey
- Rothchild, Donald, 1973. *Racial Bargaining In Independent Kenya*. London: Oxford University Press
- Savage, Donald C. 1970. "Kenyatta and the Development of African Nationalism in Kenya." *International Journal*. 25:3, 518-537
- Tignor, Robert L., 1976. *The Colonial Transformation of Kenya: The Kamba, Kikuyu, and Maasai from 1900 to 1939*. Princeton: Princeton University Press
- Wasserman, Gary. 1976. *Politics of Decolonization: Kenya Europeans and the Land Issue, 1960-1965*. African Studies Series., edited by John Dunn, J. M. Lonsdale, David Newbery and A. F. Robertson. Cambridge: Cambridge University Press.