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POLITICAL PARTIES IN KENYA: PATTERNS
OF OPPOSITION AND DISSENT 1919-1969

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ABSTRACT

The study examines the related questions of why opposition parties in Kenya have been so weak and easily eliminated and why dissent within one party has been so poorly institutionalized. It is a case study of the development of political parties and party systems which attempts to answer these questions by drawing on some of the more general literature on opposition and dissent as well as specific material on Kenya, from 1919-1969. Generally it suggests that certain legacies from the colonial period as well as an inequitable distribution of socio-economic sanctions and resources both encouraged a climate where dissent and opposition were unlikely to be tolerated and where it was relatively simple for the dominant party to eliminate its opposition.

The first chapter argues that the colonial legacy was not simply an institutional one (e.g., a strong legislature, a centralized administration, and district-oriented faction-ridden political parties). In addition, it maintains that certain attitudes towards political opposition and certain styles of dealing with it, carried over from the pre- to the post-independence period. These similarities are evident both from the ways in which the political participation was restricted and the manner in which patronage was used to consolidate support for the dominant party. Chapter II suggests that Kanu did not operate to facilitate the exercise of dissent at the national, local, or parliamentary level from 1964-1966, because of neglect,

organizational chaos, financial poverty, the supremacy of the administration, factionalism, the role of Kenyatta, and a colonial legacy which encouraged the repression of dissent.

The last half of the study challenges some current ideas about political parties in Africa. It attempts to show that although all political parties in Kenya tended to be objectively weak with respect to certain tasks, the dominant party's monopoly over key socio-economic sanctions and resources gave it an enormous relative strength compared to its political opponents. The KANU Government's relative strength enabled it to keep the K.P.U. from participating in politics, by making it difficult for the opposition to hold political meetings, register its branches, or contest elections. The statist nature of the society and the regime's consequent monopoly of resources, enhanced the critical impact of its economic sanctions against the opposition party and its rewards to members of the dominant party. Through its use of the "carrot and the stick" the regime was able to consolidate support for KANU and to wean support away from the K.P.U. It was probably this response by the Government more than problems related to ethnicity or class which made it increasingly difficult for the K.P.U. to recruit or retain a following. The study supports Dahl who has argued that "the least favorable circumstances [for competitive politics] exist when violence and socio-economic sanctions are exclusively available to the government and denied to the opposition."

PREFACE

Scope

All opposition parties in Kenya have either joined with the dominant party or have been suppressed. This study asks why and how this has happened. Its answers challenge some current ideas about the development and maintenance of party systems in Africa and attempt to add to our specific knowledge of politics in Kenya from 1919-1969.

The Study of Opposition Parties in Africa

Opposition parties are rare phenomena outside of Western democracies.¹ Generally, they have been eliminated by parties in power on the grounds that they are ideologically unnecessary, historically inappropriate, or economically inefficient. The new states of tropical Africa are no exception to this general trend. In their discussions of the pre- and early post-independence periods many scholars argued that opposition parties died a natural death because they were so narrowly based around a particular religious, ethnic, regional, extra-territorial, or personal base, that they were unable to compete with the more catholic appeal of the so-called mass parties. In the post-independence period, however, the death of opposition parties in Africa has largely been an unnatural one. In many African countries the one party state has been sanctioned by

¹Robert A. Dahl, ed., Political Oppositions in Western Democracies, New Haven and London: Yale University Press, 1966, p. xiii.

law, thereby outrightly prohibiting the development of opposition parties or simply suppressing those that existed. In cases where they have not been formally proscribed, opposition parties in Africa have often had their activities circumscribed to such an extent that they have not been allowed to perform the normal functions of a party. In the latter situation, many opposition parties have given up and joined the governing party, operated subversively as underground parties, or have fled their own countries to work from outside. Some, of course, have suffered with governmental repression until they have been banned.

Because of this trend, it is hardly surprising that there is not more literature on opposition parties in Africa. Their ephemeral nature and the disrepute in which they are held by the governing party during their short life makes them difficult creatures to study. In addition to the obvious problem of obtaining information about opposition parties, the dominant party has been the more natural target of scholarly research. As the governing party, it is in the limelight and consequently is of more immediate interest and significance than its antagonists.

In the last few years, there has been a renewed interest in the problems associated with developing and maintaining opposition parties. Although this interest generally has been confined to studies of opposition parties in Western democracies, there have been some short papers and books on opposition parties in non-Western nations, including Africa. Furthermore, although

opposition parties are still on the decline in Africa, there may be more interest in both past and present opposition parties for a number of reasons.

First, the arguments usually given by African governments and a number of scholars to explain why the one-party phenomena was natural or necessary for African states, no longer hold water. Second, the intervention of the military in many African states and the passage of power from the military to a former opposition party in at least two African countries, Ghana and Sierra Leone, suggests that it is not altogether unlikely that the opposition party of yesterday may be the governing party of tomorrow. Third, since opposition parties before their formation and after their suppression often emerge as factions within the one party state, it is of some interest to understand the basis of this factionalism. Fourth, once it is accepted that the one party phenomena is neither natural nor necessary in Africa, it is important to study both the functioning of dissent within one party and the history of opposition parties in these states, to understand why it has been so difficult to develop and maintain party systems in these new nations.

Organization and Argument

The study which follows examines the related questions of why opposition parties in Kenya have been so weak and easily eliminated and why dissent within one party has been so poorly institutionalized. It is a case study of the development of

political parties and party systems which attempts to answer these questions by drawing on some of the more general literature on opposition and dissent as well as specific material on Kenya. Generally, it suggests that certain legacies from the colonial period as well as an inequitable distribution of socio-economic sanctions and resources between groups both encouraged a climate where dissent and opposition were unlikely to be tolerated and where it was relatively simple for the dominant party to eliminate its opposition.

The study is divided into six chapters. Chapter I is an analysis of the period from 1919-1963, which reevaluates the importance of the colonial system for post-independence politics. It argues that by the time of independence, African politicians had inherited colonial legacies which encouraged the development of certain types of political parties, certain attitudes towards politics, and certain styles of dealing with political opposition. Chapter II considers the question of why the dominant party, KANU, did not operate to facilitate the exercise of dissent at the national, local, or parliamentary level from 1964-1966, when Kenya was a one party state. It suggests that this happened because of neglect, organizational chaos, financial poverty, the supremacy of the administration, factionalism, the role of Kenyatta, and a colonial legacy which encouraged the repression of dissent. Chapter III is primarily an historical discussion of the formation of an opposition party in Kenya in 1966. It maintains that although factors such as

ideology and tribalism were at work, the emergence of the Kenya People's Union can best be understood as a reaction by the Odinga faction to the repression of dissent within KANU and to its own isolation from positions of power within it.

Chapters IV and V analyze the response of the KANU Government to the Kenya People's Union from 1966-1969, when the opposition party was banned. Both chapters challenge some of the current ideas about the weakness of dominant party regimes in Africa and Kenya, in particular. They argue generally that although all political parties in Africa are objectively weak with respect to tasks such as economic development, the dominant party's monopoly over the key socio-economic sanctions and resources in most of these societies, provides it with an enormous relative strength compared to its political opponents. It concludes that with respect to some tasks--including the elimination of opposition parties--dominant party regimes are not only not weak, but are relatively speaking quite strong.

Chapter IV demonstrates how the KANU Government's relative strength enabled it to circumscribe the ability of the opposition party to participate in politics by making it difficult for the K.P.U. to hold political meetings, register its branches, or to contest elections. It suggests that KANU's relative strength was a by-product of successful governmental coercion which the K.P.U. was unable to challenge, because of

its relative weakness. The chapter also argues that there was a significant similarity between the colonial government's response to early African political associations and the post-independence government's response to KANU. Chapter V shows how the statist nature of the society and the KANU Government's consequent monopoly of key socio-economic resources, enhanced the critical impact of its socio-economic sanctions against the opposition party and its rewards to members of the dominant party. It argues that the KANU Government's monopoly of these resources made it the most important patron in the society. Through a selective use of patronage, it was therefore able to consolidate support for KANU and to wean support away from the opposition party.

Chapter VI looks at the composition of the K.P.U.'s following. It attempts to show why the opposition's electors, supporters, and leaders appear to have diminished over time, and why certain groups were more likely to be sympathetic to the K.P.U. than others. It examines the relationship of ethnicity and class to the K.P.U.'s following, as well as its urban-rural dimension. It discusses the reasons why certain individuals remained with the K.P.U. even when its future looked very bleak and the circumstances which led to the Government's suppression of the opposition party. The chapter argues that intimidation and cooptation made it increasingly difficult for the K.P.U. to recruit or retain a following. Furthermore, it suggests that the banning of the K.P.U. was more a reflection of the KANU

Government's attitude towards opposition parties in general than to the K.P.U. in particular.

Approach and Sources

Initially, when I went to Kenya, I expected that the material I gathered there would be used to write a short case study of party politics which would form just one chapter in a larger study of government and opposition in Africa. The sheer volume of unresearched materials plus the difficulties of obtaining certain kinds of information made me realize that the scope of the study was too broad for one year's research. Consequently, I limited myself to a case study which also attempts to draw on some of the more general secondary literature.

The research for this study was conducted from May 1969-May 1970 in Princeton, New Jersey, Nairobi, Kenya, and London, England. The study utilizes a considerable variety of sources: secondary literature dealing with Kenya and opposition parties in general, newspapers, parliamentary debates, official gazettes, government documents, direct observation, interviews, informal conversations, material from the Kenya National Archives, correspondence and publications from KANU Headquarters and from the K.P.U., theses on politics in Kenya, unpublished papers and other documents from the Institute for Development Studies in Nairobi and the Institute of Commonwealth Studies in London and Oxford, as well as field notes, interviews and ongoing manuscripts donated to me by other scholars engaged

in research.

The main shortcoming in terms of the sources used in the study is the lack of interviews. The year 1969 was not a particularly auspicious time to be conducting interviews with members of the opposition party or the government. I was, however, particularly fortunate in being able to interview Thomas Okelo-Odongo, one of the K.P.U.'s most articulate spokesmen, at great length. I also spoke to several other individuals more informally and used other scholars' field research notes to supplement my own gaps. I have tried to use these interviews, conversations, and notes with great care. Primarily they are introduced to substantiate or elaborate on points made elsewhere rather than to produce arguments which could not be checked. I attempted to exercise a similar discretion in my use of archival and party headquarters correspondence, because of the obvious problem of selectivity in terms of what the colonial government decided to leave in Kenya,² which individuals wrote letters, and which of the post-independence government's files have been deposited in the archives. In general, I have tried to be as explicit as possible in stating the strengths and weaknesses of the evidence for the various points made in the body of this study.

²Apparently the colonial government burned a number of records before they left, and there are noticeable gaps in the archives. There are almost no materials on the Kenya African Union or the Emergency Period and "Mau Mau."

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LIST OF ABBREVIATIONS--BY APPEARANCE IN THE TEXT

Kikuyu Association.....	KA
Kavirondo Taxpayers Welfare Association.....	KTWA
East African Association.....	EAA
Young Kikuyu Association.....	YKA
District Commissioner.....	D.C.
Kenya National Archives.....	KNA
Provincial Commissioner.....	P.C.
Kikuyu Central Association.....	KCA
Local Native Council.....	LNC
Legislative Council.....	Legco
Kenya African Union.....	K.A.U.
African Elected Members Organization.....	AEMO
Kenya Nationalist Party.....	KNP
Kenya Independence Movement.....	KIM
Kenya African National Union.....	KANU
Kenya African Democratic Union.....	KADU
KANU Headquarters.....	KHQ
African Peoples Party.....	APP
National Executive Council.....	NEC
Branch Executive Council.....	BEC
Member of the Legislative Assembly (East African).....	M.L.A.
Office of the President.....	OOP
KANU Party Matters Addressed to the Prime Minister.....	KPMPM
Member of Parliament.....	M.P.
East African Standard.....	EAS
Kenya People's Union.....	K.P.U.
House of Representatives and National Assembley Debates.....	<u>Official Report</u>
Deposit.....	Dep.
Little General Election.....	LGE
Central Organization of Trade Unions.....	COTU
Cotton Lint and Seed Marketing Board.....	CLSMB
Voice of Kenya.....	V.O.K.
Kenya Federation of Labour.....	KFL
Kenya African Workers Congress.....	KAWC
International Confederation of Free Trade Unions.....	ICFTU

Chapter I

THE COLONIAL LEGACY

Look at the political institutions. In most cases we have started off with those bequeathed to us by the former colonial powers. This is the system we have been used to working within. We may introduce certain superficial innovations but the principles and so much of the machinery remain the same. It is difficult to break away entirely

Tom Mboya, "Introduction," March 1969, in The Challenge of Nationhood, London: André Deutsch, 1970, p. 5.

Introduction

Colonialism is always cited as a major factor in explaining post-independence political patterns in Kenya. Few writers have failed to mention that the colonialists' refusal to allow political associations above the district level during the Mau Mau Emergency from 1953-60 encouraged the development of local tribally oriented political groupings at the expense of strong national parties.¹ No doubt, this organizational legacy is a major reason why Kenya's political parties have been so weak and factionridden. In addition, the building of local fiefs prior to national parties may also help explain the tenacity with which politicians held on to the former at the expense of the latter, in some cases to the extent of forming opposition parties when there were no real ideological differences between groups.

¹See, for instance, Cherry Gertzel, The Politics of Independent Kenya 1963-8, Nairobi: East African Publishing House, 1970.

It is the argument of this chapter, however, that the colonial government in Kenya not only bequeathed its inheritors a certain type of party organization, but that it also left them with certain attitudes towards politics and a style of reacting to political opposition which still remain. It is with some justification then that members of opposition parties in new states often maintain that the dominant party treats them in much the same manner that the colonial government treated early African political associations.

Scholars have examined the relationship between the colonial period and post-independence politics from a variety of perspectives. Few, if any, have suggested that there was absolutely no connection between the two. However, in many discussions of political parties in Africa, the chapter on colonialism is primarily an historical synopsis which is forgotten for the remainder of the book. For those others who take the impact of colonialism more seriously, there is still very little agreement as to the nature or the intensity of this influence. Some authors have argued that patterns of political competition in Africa have varied depending on the origins of colonial rule, e.g., whether it was French, English, Portuguese, or Belgian.² More recently, Zolberg, among others, has suggested that the structure of political

²e.g., Thomas Hodgkin, Nationalism in Colonial Africa, New York: New York University Press, 1957, passim.

competition in the new states of tropical Africa "appears unrelated to such variables as type of colonial experience."³ Alternatively, certain individuals like Apter have maintained that the impact of colonialism varied depending on the nature of the traditional societies onto which it was imposed.⁴

What is remarkable, however, is that in spite of the different origins of colonial rule or the enormous variety of different traditional systems onto which colonialism was imposed, post-colonial political patterns have displayed more similarities than differences. Faced with these facts, one would have to conclude either that colonialism was inconsequential for post-independence politics or that in certain respects it was uniformly consequential irrespective of the above mentioned differences.

Albert Memmi and A. O. Mannoni both argue that all types of colonial situations create certain psychological dependencies between the colonized and the colonizer which do not readily disappear and continue to affect the character of post-independence politics.⁵

³Aristide R. Zolberg, "The Structure of Political Conflict in the New States of Tropical Africa," The American Political Science Review, Vol. LXII, No. 1, March 1968, pp. 70-71.

⁴David E. Apter, "The Role of Traditionalism in the Political Modernization of Ghana and Uganda," World Politics, Vol. XII, No. 1, October 1960, pp. 45-68; David E. Apter, Ghana in Transition, New York: Atheneum, 1963.

⁵A. O. Mannoni, Prospero and Caliban, 2d ed., New York: Frederick A. Praeger, Publishers, 1964; Albert Memmi, The Colonizer and the Colonized, Boston: Beacon Press, 1967.

Frantz Fanon maintains that colonialism left its mark on all of Africa, its most influential attributes being economic exploitation and the creation of a national middle class with "practically no economic power." Both characteristics Fanon argues, have carried over into the post-independence period. The "national bourgeoisie" remains poor but greedy, dependent on the former colonial power for capital, and anxious to perpetuate its domination as a class. Hence, the creation of a one party state, the suppression of dissent, and the repression of opposition parties.⁶

Zolberg's notation that African countries "continue to reflect the fact that their origins stem from a recent European scramble"⁷ refers to the most obvious of the colonialists' institutional legacies--the creation of artificial nation states which he argues have had certain consequences for post-independence politics: 1. The introduction of a "new set of values, norms and structure" which "constituted an incipient center" but which "did not necessarily grow at the expense of the older ones."⁸ 2. The perpetuation of a "societal environment" which was shared by all new African states, which was characterized by poverty and a lack

⁶Frantz Fanon, The Wretched of the Earth, New York: Grove Press, Inc., 1968.

⁷Zolberg, "The Structure of Political Conflict . . .," op. cit., p. 71.

⁸Ibid.

of political integration, which constrained African elites to behave "very much in the same way to achieve the dual goal of modernizing as rapidly as possible while maintaining themselves in office," and which led in most cases to the creation of one party and the suppression of opposition.⁹

The authors mentioned above all argue that colonial rule in Africa created certain similar psychological, economic, or institutional situations which in turn encouraged fairly uniform political responses across the continent. Coleman and Rosberg, Burke, and Foltz to a lesser extent, have suggested that post-independence political patterns have developed uniformly more as a consequence of the uniform socializing effect of colonial rule than as a response to particular colonial situations. Thus, Coleman and Rosberg maintain that

[m]odern colonialism in Africa everywhere tended toward bureaucratic authoritarianism even though it was paternalistic in motivation. Although colonial powers endeavored to establish democratic parliamentary government in the period preceding the grant of independence to their African territories, the fact remains that the exposure to pluralistic democracy was relatively brief and that the present generation of Africans--whether party elites or the masses--were subjected most of their lives to an authoritarian political order. However different the socialization patterns of their respective traditional societies may have been--and these varied from virtually pure equalitarianism to sheer autocracy--it is believed that in most instances the really determinative factor in the orientation of the present party elites to the political order has been their

⁹Ibid., p. 72

exposure to bureaucratic centralism during the colonial period. In a sense one-party rule and 'national party' government are simply post colonial terms for the same phenomenon. In the realm of government and administration there is far more continuity than innovation.¹⁰

The discussion which follows tends to support Coleman and Rosberg's thesis concerning the impact of colonial rule in Kenya. It also suggests that Zolberg has minimized the importance and the pervasiveness of the new values, norms, and structures that were introduced by the colonial impact.

It is possible that colonialism simply reinforced existing tendencies within Kenya that would have led to similar patterns of dealing with political opposition. However, as Memmi notes, "[w]e have no idea what the colonized would have been without colonization" ¹¹ At the minimum,

¹⁰ James Coleman and Carl Rosberg, "Conclusion," in Coleman and Rosberg, eds., Political Parties and National Integration in Tropical Africa, Berkeley and Los Angeles: University of California Press, 1966, p. 659; also see Fred G. Burke, "Public Administration in Africa: The Legacy of Inherited Colonial Institutions," Journal of Comparative Administration, Vol. 1, No. 3, November 1969, pp. 347-78; and William J. Foltz, "Political Opposition in Single-Party States of Tropical Africa," in Robert A. Dahl, ed., The Emergence of Opposition, forthcoming. This sort of an interpretation of the colonial legacy suggests among other things that Apter's discussion on why the institutional transfer of parliamentary democracy and representative government failed in Ghana may not have been due to the conflicts between traditional and British authority structures. Instead one might argue that the British brought authoritarianism rather than parliamentary democracy to Ghana, and hence that the institutional transfer was rather successful. See Apter, Ghana in Transition, op. cit.

¹¹ Memmi, op. cit., p. 114. Zolberg also maintains that "because many of the studies of colonialism have been concerned with policy and political controversy rather than

this chapter attempts to show that even if these tendencies existed, the colonial government did nothing to counteract them. Beyond this, it suggests the probability that colonialism reinforced the tendencies and at least leaves open the possibility that it caused them, if not in the general sense of intolerance per se then at least in the specific ways in which intolerance is acted out. The colonialists in Kenya and elsewhere in Africa did not govern democratically nor did they attempt to instill democratic norms and practices in the political institutions that they created for the colonized. Colonial rule was not the image of British Government in the tropics but a caricature of it. It may be that bureaucratic centralism differed in style depending on whether it was of English origins instead of French, Portuguese, or Belgian. However, the impact of colonialism on the structure of political competition was similar across colonial Africa. It is nevertheless clear, as later chapters will attempt to show, that although authoritarian colonial rule may be a sufficient condition to explain the repression of opposition parties in Kenya and elsewhere in Africa, it is certainly not a necessary condition. Dissenters and oppositions are repressed in parts of the world that have never experienced colonial rule.

with the understanding of a system of government in operation, it is extremely difficult to reconstruct a reasonable base line from which later changes can be evaluated adequately." Aristide R. Zolberg, Creating Political Order, Chicago: Rand McNally and Company, 1966, pp. 151-52.

Even in Kenya, a paucity of economic resources with which to solve the society's problems as well as the inequitable distribution of those that exist, lends support to Zolberg's hypothesis that the "societal environment shared by all the new African states . . . imposes severe limits upon the range within which significant variations of regimes can take place."² Unless the nature of these limits is specified, per contra, we can hardly rule out the colonial legacy as an explanatory factor of some strength within such limits; and my argument is meant to establish a presumption in favor of giving it a more dignified place in analysis than historical background.

Early Political Associations

The patterns of political organization were set very early in Kenya. The colonialists sought throughout their rule to contain and control African politics within their administrative framework. In 1924, Local Native Councils were formed to keep African politics in hand. Although there were some elected posts, the councils were dominated by chiefs and headmen appointed by the Governor and were presided over by the District Commissioner.

Prior to the formation of these councils, the colonial administration could already see that there were two types of African political associations on the rise.

²Zolberg, "The Structure of Political Conflict . . . ," op. cit., p. 72.

One type sought only minor reforms, did not challenge the colonial structure, and had the support of either the government or the church. Such was the rural Kikuyu Association of Central Province (KA), led by Chief Koinange and formed in 1920 and the Kavirondo Taxpayers Welfare Association (KTWA), headed by Archdeacon Owen and formed in 1923, in Nyanza among the Luo. A second type of organization was represented by the urban East African Association (EAA), formed in 1919 and known briefly in 1922 as the Young Kikuyu Association (YKA), and the Nyanza based Young Kavirondo Association, formed in 1921. The former was led by a young telephone operator named Harry Thuku.

The demands of the East African Association and the Young Kavirondo Association were not unsimilar to those of the more moderate associations. All of them agitated for a paramount chief and protested against the increase in hut and poll tax and the Kipande system. Both Kikuyu organizations condemned land alienation by white settlers and sought regress.¹³ What

¹³For discussions of early political associations in Kenya see Carl G. Rosberg, Jr. and John Nottingham, The Myth of "Mau Mau": Nationalism in Kenya, New York: Frederick A. Praeger, Publishers, 1966, pp. XV-233; J. M. Lonsdale, "Some Origins of Nationalism in East Africa," Journal of African History, Vol. IX, No. 1, 1968, pp. 119-46; Martin L. Kilson, Jr., "Land and Politics in Kenya: An Analysis of African Politics in a Plural Society," The Western Political Quarterly, Vol. X, No. 3, September 1957, pp. 559-81; Bethwell A. Ogot, "British Administration in the Central Nyanza District of Kenya, 1900-60," Journal of African History, Vol. IV, No. 2, 1963, pp. 249-73; J. M. Lonsdale, "Political Associations in Western Kenya," in Robert Rotberg and Ali A. Mazrui, eds., Protest and Power in Black Africa, New York: Oxford University Press, 1970, pp. 589-638; J. M. Lonsdale, "Archdeacon Owen and the Kavirondo Taxpayers Welfare Association," Proceedings of the Conference of the East African Institute of Social Research, January 1963,

seems primarily to have distinguished the two types of political associations, was the means by which they chose to protest their grievances. Initially, Koinange and Owen were willing to work through the proper channels as defined by the colonial government. They presented their petitions at government sponsored meetings known as "barazas" or to the Governor via the District Commissioner (D.C.). Thuku, however, was not constrained by government definitions of propriety. He "adopt[ed] a more militant and uncompromising approach to political change."¹⁴ He held meetings all over Kenya at his pleasure¹⁵ and on at least one occasion bypassed the Governor, sending a petition straight to England.¹⁶ Thuku's behavior was finally halted at one of these meetings in 1922 when he was arrested. A crowd of striking workers who protested Thuku's arrest was dispersed with gunfire and the East African Association was then banned.

Although the government had also been thinking of banning the Young Kavirondo Association, Owen's decision to

pp. 1-16, mimeographed; J. M. Lonsdale, "Rural Resistance and Mass Politicization Amongst the Luo of Western Kenya," paper presented at the East African Academy Conference, September 1965, pp. 1-18, mimeographed; Jomo Kenyatta, Facing Mount Kenya: The Tribal Life of the Gikuyu, London: Secker and Warburg, 1953.

¹⁴Rosberg and Nottingham, op. cit., p. 43.

¹⁵Ibid., pp. 47-55.

¹⁶Ibid., p. 46.

"convert the Young Kavirondo Association into an educational and welfare organization for social and economic development, the renamed KTWA"¹⁷ made them change their mind. Later, when much to the dismay of the colonial government the Kavirondo Taxpayers Welfare Association became more political, the D.C. cautioned, "[t]he KTWA is not the best influence and must be watched."¹⁸ The government, however, continued to allow the formation of political bodies provided they confined their membership to a single tribe.

Although political associations were allowed they were hardly encouraged. After 1924, the assumption of the colonial authorities was that the Local Native Councils were the only proper channels through which grievances should be aired. Political associations were to be feared because unlike the Local Native Councils they were not directly under the thumb of the colonial authorities. Initially there was even some talk of banning the moderate Kikuyu Association, although because there were mixed feelings about the advisability of such an action, the organization was allowed to continue.¹⁹ Nevertheless the Provincial Commissioner (P.C.) of Kikuyu wrote the District Commissioner, "the Local Native Council . . . is a representative body which now makes Associations unnecessary and if the Kikuyu Association can

¹⁷Ibid., p. 90.

¹⁸Ogot, op. cit., p. 204.

¹⁹Kenya National Archives (hereafter KNA), PC/CP 8/5/1, Kikuyu Association, 1921-31, letter, May 16, 1930, p. 16.

be allowed to die by agreement the sooner the better say
I"²⁰

Hoping for the death of African political associations, the colonial authorities did their best to discourage them. Initially, they denied their legitimacy. One means of doing this was simply to pretend that the association in question didn't exist. Thus, District Commissioners were advised "in the event of any communication being received from members of any associations, a reply should be sent on a printed form The reply should be addressed to the signatory by name and the association should not be mentioned."²¹ Another means of ignoring political associations was suggested by the P.C. to the D.C. of Nyanza when he asked what he should do if he attended a meeting of the Kavirondo Taxpayers Welfare Association. The answer given was "it is preferable that he should make a few remarks and go rather than that he should stay during the debate. The proper media of discussion with natives are in my opinion the Local Native Council meetings and locational barazas."²²

The Provincial Commissioner himself never attended any meetings of the Kavirondo Taxpayers Welfare Association although the association sent him their minutes and requested

²⁰Ibid.

²¹Ibid.

²²KNA, PC/NZA2/565, KTWA, 1936-47, letter, 17 October 1936, p. 9.

his presence a number of times.²³ He also refused to receive deputations from the KTWA because they bypassed "your proper and constitutional method of bringing these matters to my notice [which] is through the Local Native Council."²⁴ Finally, so as to further restrict political associations officials discouraged their congregation by refusing requests to use government buildings for meetings. Typical of answers to such requests was the following: "This building is a Court house and I cannot allow it to be used for unofficial purposes."²⁵ The underlying strategy of the colonial administrators was to make it next to impossible for African political associations to operate independently of or even parallel to the Local Native Councils.

In addition to denying the legitimacy of early African political associations, the colonial authorities attempted to limit the scope and subject matter of what they discussed, even when they were prepared to direct their grievances through the "proper channels." Thus, the Provincial Commissioner in responding to a letter from Mr. Z. I. Nyandoje, Secretary General of the KTWA said:

I have read your minutes with interest and I have no objection to your approaching any member of the Local Native Council to ask that these matters set down on

²³Ibid.

²⁴Ibid., letter 30 December 1937, p. 27.

²⁵KNA, DC/CN 8/2, KTWA, 1937-40, letter, 8 November 1938, p. 53.

the agenda for discussion at one of its meetings, provided that the point you wish to discuss is clear. No good purpose will be served by discussion of so general a subject as "the working of the Lands Trust Ordinance" but if there is any particular point in connection with the workings of the Ordinance it will be open for any member of the Local Native Council to ask that the Matter be discussed. ²⁶

When the Kavirondo Taxpayers Welfare Association attempted to raise the issue of a paramount chief a request that had already been considered and refused by the colonial government, the P.C. said, "It is not a matter which should appear on your agenda or be discussed by you because the constant raising of the question has tended to be subversive of tranquility and good order in the reserve."²⁷

Behind these attempts to direct the concerns of early African political associations was the assumption that politics was an improper activity for Africans and that it was dangerous to the maintenance of order. The Local Native Councils were administrative organs which were devised to contain and hopefully stifle political subjects forever, if they had to be discussed at all.²⁸

By denying their legitimacy, restricting their channels, and attempting to regulate their discussions, the colonial government sought to encourage the demise of early African political associations. One of its most powerful

²⁶KNA, PC/NZA2/565, KTWA, 1936-47, letter, 30 December 1937, p. 27.

²⁷Ibid., letter, 12 December 1936, p. 17.

²⁸Ibid., letter, 9 April 1937, p. 22.

weapons, however, was a further ability to exert pressure on African administrative officials who joined political groups. Government headmen were allowed to join and attend meetings of African political associations because the authorities thought this might have a "steadying effect" on groups like the Kikuyu Association and would keep them from becoming secretive, underground organizations. Government headmen were warned, however, that "adverse criticisms of Government actions or politics can not be permitted and will endanger their position."²⁹ This was the beginning of the colonial government's attempt to create a moderate cadre of African civil servants who would in some sense act as a "safety valve"³⁰ on political groups. It was also the beginning of the government's attempt to use political patronage as a means of forcing Africans to play politics according to their rules. The colonialists had once told Harry Thuku "to choose between his job and politics"³¹ and they were no less hesitant in repeating their warning to government headmen who were members of the moderate Kikuyu Association. Needless to say, in addition to discouraging the raising of political grievances, the use of political patronage also encouraged a further split between those who

²⁹KNA, PC/ CP 8/5/ 1, Kikuyu Association, 1921-31, letter from Senior Commissioner to Hon. Chief Native Commissioner, Jan. 20, 1928, p. 10.

³⁰Ibid.

³¹Rosberg and Nottingham, op. cit., p. 46.

were and those who weren't willing to pay the price of playing politics.³²

Among those who weren't was the Kikuyu Central Association (KCA), which emerged in 1924 as a successor to Thuku's former group, the Young Kikuyu Association, with Johnstone Kenyatta as its secretary. Its demands were in some respects similar to the more moderate Kikuyu Association which by 1932 had changed its name to the Kikuyu Loyal Patriots to distinguish itself from the KCA.³³ Both organizations petitioned the Ormsby Gore Commission and the Hilton Young Commission for permission for Africans to grow coffee, the appointment of a Kikuyu paramount chief, the publication of the colony's laws in Kikuyu, the return of alienated land, African representation on the Legislative Council and the release of Harry Thuku. The Kikuyu Central Association, however, like the Young Kikuyu Association before it, refused to confine its activities to government approved channels. In addition, unlike the moderate Kikuyu Association, the KCA challenged the assumption that the European and his way of doing things was naturally superior to the African's. This led to the association's defense of the Kikuyu practice of female circumcision, which was condemned by the church, the

³²"By and large this 'moderate' and 'constitutional' wing of African politics was composed of the new elite, who . . . owed their rise to power to the colonial state and their privileged positions largely to the colonial administration."
Ibid., pp. 84-85.

³³Ibid., p. 85.

government and the more moderate associations, including the Kikuyu Association and the Progressive Kikuyu Party, an organization sponsored by the Church Missionary Society.³⁴ In 1933, another moderate association appeared when Thuku, who had been released in 1931, left the KCA and formed the Kikuyu Provincial Association.³⁵ Whether or not this break was the consequence of a genuine preference for moderation, a pledge to the colonial government, or quarrels over leadership remains unclear. Although they were divided on a number of issues, the various associations nevertheless united to condemn the 1934 Kenya Land Commission Report. The Report finalized a system which allocated land to various groups on a racial basis and firmly entrenched the White Highlands.³⁶

Despite the unity on this issue, however, the more moderate associations were upset by the growing support for the KCA and actually encouraged the government's suppression of its activities.³⁷ In the KCA, the colonial government saw "a younger generation of sophisticated Kikuyu . . . becoming very difficult to control, [whose] mode of address to Europeans [was] very short of insolent . . ."³⁸ They maintained

³⁴Ibid., p. 115.

³⁵Ibid., p. 139.

³⁶Ibid., pp. 139-60.

³⁷Ibid., p. 137.

³⁸KNA, DC/KBU/1/22, Kiambu District Annual Report, "Handing over Report, M.R.R. Vidal to S.H. Fazan, p. 23.

that members of the KCA were "adept liars and . . . masters in sewing the seed of false rumours" who were thus able to "delude the unsophisticated natives into believing that they [had] power and ability."³⁹ Because of this supposed ability to "delude the natives" the government feared that the KCA would "rapidly increase unless something [was] done to check their propaganda activities and embrionic influence on native opinion."⁴⁰

One means of checking the Kikuyu Central Association was to continue to encourage the development of the more moderate political groups at the expense of the KCA.⁴¹

Another was to "combat [the association] by strengthening [the administration]; the hands of the native authorities best qualified to lead by their integrity and efficiency."⁴²

³⁹Ibid.

⁴⁰Ibid.

⁴¹Ibid. "The Kikuyu Association . . . has unfortunately become rather moribund . . . it is however still in being and is endeavoring as best it can to counteract the harmful influence of the other association Canon Leakey who takes a great interest in the Kikuyu Association has I think in mind a great revival of this association on rather different lines and with a better organization. The Roman Catholic missions have also started their "union". Both these movements will help to counteract the bad influence of the Central Association"

⁴²KNA, PC/CP 8/5/3, Kikuyu Central Association, letter from Horne, Senior Commissioner Kikuyu, to Chief Native Commissioner.

This policy was reflected in a decision by the colonial government in 1930 to amend the Native Authority Ordinance.⁴³ The Ordinance made it illegal for the KCA to collect funds or hold meetings without authorization from chiefs or headmen.⁴⁴ The headmen, as government servants, were under pressure to keep a tight check on the KCA's activities and it was obviously in their self-interest to do so. Thus, it was not unusual for a member of the KCA to attempt to circumvent the headman and go directly to the D.C. to request permission to hold a meeting. When Jesse Kariuki tried this he was told "he should apply in writing to the Headman of the location in which he wished to hold the meeting and that the application when made in the proper form would be considered."⁴⁵

Many like Kariuki and Owen before him found that "proper channels" were dead ends. "[I]t [was] of no use whatsoever to take certain classes of complaints to the administrators." They treated genuine grievances as though they were "often imaginary" and challenged the assumption that Africans were British citizens with constitutional rights who had "as much right to discuss political affairs as the [European]

⁴³Rosberg and Nottingham, *op. cit.*, p. 138.

⁴⁴George Bennett, "The Development of Political Organizations in Kenya," Political Studies, Vol. V, No. 2, June 1957, p. 123.

⁴⁵KNA, PC/CP 8/5/3, Kikuyu Central Association, 1928-30, draft letter from P.C. to D.C., 8 September 1930.

Convention of Associations."⁴⁶

By the end of the thirties, the administration had made it exceedingly difficult for the Kikuyu Central Association to operate independently of the Local Native Councils. It is not surprising that in 1940 a final means of restricting KCA activities was taken; it was banned and its leaders were arrested. When the KCA continued to attack the government even after the war broke out, the government said that the organization was subversive and had been in touch with the Italians.⁴⁷ The war was merely an excuse for doing what a number of administrators had wanted to do for a long time. The fact that once the war ended, the government still refused to lift the ban on the KCA supports this point.⁴⁸ With the increased membership of the KCA in the thirties and with the defection to the KCA of Koinange, an important moderate the government thought it could count on, it was worried that the organization would get out of hand.⁴⁹

Two other organizations which had been linked with the KCA were also banned, the Ukamba Members Association and The Teita Hills Association. However, the KTWA was not banned,

⁴⁶KNA, DC/CN8/1, Kavirondo Taxpayers Welfare Association, 1927-45, letter from W. E. Owen, President KTWA to Editor East African Standard, EAS 6 March 1928.

⁴⁷Rosberg and Nottingham, op. cit., p. 186.

⁴⁸M.P.K. Sorrenson, Land Reform in the Kikuyu Country, Nairobi and London: Oxford University Press, 1967, p. 73.

⁴⁹Ibid., pp. 48-49.

although it was no longer led by Owen.⁵⁰

The Kenya African Union

During the war years political activity was sporadic and unorganized. Former members of the Kikuyu Central Association continued to meet. However, their leaders were in detention,⁵¹ and Johnstone Kenyatta who had gone to England in 1929 to press for the KCA's demands came home only briefly in 1931 before he returned for good in 1946.

Prior to that, in 1944, the Kenya African Study Union (KASU) was formed to advise and assist Eliud Mathu, the first African nominated member of the Legislative Council (Legco). Previously, African interests were indirectly represented by a missionary.⁵² In 1946, the name of the organization was changed to the Kenya African Union (K.A.U.), and Kenyatta was elected president in 1947. With the change in name, the character of the Union also changed. It was not content simply to prepare platforms for Mathu or to study

⁵⁰The reason given by the D.C. was "I do not advocate the complete suppression of their activities, as it would only result in driving their aspirations underground while at present they are so open as to invite us to be present" at their meetings. KNA, DC/CN 8/1, K.T.W.A., 1927-45, letter from the D.C. to the P.C. of Nyanza, 13 June 1940.

⁵¹Rosberg and Nottingham, op. cit., p. 186.

⁵²Sorrenson, op. cit., p. 73.

African grievances.⁵³ It was time to organize and to demand some kind of genuine response from the colonial government. Effective organization was difficult, however. The colonial government reacted negatively to the Kenya African Union, and the first colony wide African political association also found that internal unity did not emerge naturally.

The colonial administration believed that economic and social development must precede political development. The strategy was to slowly educate a body of civilized men who would form a stable middle class and participate in the process of governing.⁵⁴ When the "S" was dropped from K.A.S.U., K.A.U. became a mass organization which attempted to appeal to all Africans and to agitate for equality. This was anathema to the colonial mentality.

The Kenya African Union (K.A.U.) had a number of legitimate grievances. The economy was good but African wages remained the same, unemployment had increased, the African reserves were feeling the pains of an expanded population, squatters were evicted from land they felt was their own, and the color bar and the Kipande pass system were still in effect. Africans further felt that they should have representation equal to the other races on Legco and that their members in local and national bodies should be elected directly. Although the colonial government believed

⁵³Oginga Odinga, Not Yet Uhuru, London: Heinemann, 1967, p. 97.

⁵⁴Rosberg and Nottingham, op. cit., p. 199.

"that the solution to the country's problems lay in effective administration and economic growth under European leadership rather than in any substantial reform of the political structure,"⁵⁵ it did not in fact respond to the economic grievances. By 1948, the number of African representatives on Legco had been increased to four,⁵⁶ however, both parity and direct election were rejected.⁵⁷ Typical of the response to requests for increased representation was the following draft reply:

as regards resolution number 6 . . . the reply was prepared last year when this old 'chestnut' was brought up.

African representation is of recent origin and has recently been increased to four seats. At the time this increase was being considered representations from among others, the K.A.U. that the number should be six were fully and sympathetically considered. The Governor-in-Council, however, decided that an increase . . . to four African seats to be occupied by Africans should be made. His Excellency is not prepared to re-consider that recent decision.

While African representation on the Executive Council is a legitimate aspiration for Africans to entertain it is one which H.E. the Governor is not prepared to gratify at the present time, nor until Africans have had sufficient time to take advantage of the widely increased opportunities for public service which have been opened to them in the last few years and have demonstrated by their capacity for responsibility and by their integrity in public matters that they are worthy of the great trusts which have already been entrusted to them.⁵⁸

⁵⁵ Ibid., p. 239.

⁵⁶ Ibid., p. 213.

⁵⁷ Ibid., pp. 188-233.

⁵⁸ KNA, MAA2/5/146, K.A.U., 1948-52, draft response by M. N. Evans to Resolutions passed by the Kenya African Union during its Annual Conference on 30 October 1949, p. 47, my emphasis.

African demands for equality were interpreted as a rejection of the colonial structure. The colonial government did not really react to the demands as such, but to an organization which challenged its fundamental assumptions about Africans and development. The methods that had been used to stifle the Young Kikuyu Association and the Kikuyu Central Association were used once again on K.A.U. However, the tools of suppression were more forceful because as a national organization with a national leader the Kenya African Union was more threatening. The consequences of suppression were also more dire, because many felt that legitimate grievances were being ignored and that there were no proper channels left.

Instead of simply branding K.A.U. as illegitimate and directing it back to the Local Native Councils, the government treated K.A.U. officials as subversives, "bad hats", who "inflamed . . . [and] invented grievances" and were "not supported by the reasonable elements in the African population."⁵⁹ When James Beuttah, the Vice President of K.A.U. Central Province, wrote the Governor to discuss some land problems and request that a certain group of Africans who had lived in the Mukogodo area for over fifty years not be evicted from their land, his memorandum was treated as "a scandalous falsehood" . . . "composed of a tissue of gross misrepresentations."⁶⁰

⁵⁹ KNA, MAA2/5/146, K.A.U., 1948-52, letter to Chief Native Commissioner from Provincial Commissioner of Central Province in response to a memorandum from James Beuttah, Vice President, K.A.U. Central Province, 1 September 1951, p. 186.

⁶⁰ Ibid.

Since the government viewed the Kenya African Union as subversive and unrepresentative it felt that it did not have to consider its petitions seriously. Thus, the Provincial Commissioner of Central Province advised that "we must avoid such actions or replies to their memoranda as may tend in any way to attribute to them an importance they do not command."⁶¹ The government discouraged communication from K.A.U. and suggested that the Chief Native Commissioner consider only resolutions emanating from the national headquarters, since he was tired of being "peppered" by the branches.⁶²

Africans were aware of the lack of response and the lack of communication. James Beuttah pleaded the Mukogodo issue at many levels and for over a year but finally conceded to the Governor, "I know that no body can listen to my recommendation at all being an African."⁶³ Another African claimed that members of locational councils who criticized the government were branded as "agitators" and that "if an African is found to be a K.A.U. member he can hardly be granted any license or occupation." Many others like him must have wondered as he did "aren't we included and accordingly treated as Government subjects? Is political progress an evil?"⁶⁴

⁶¹ Ibid., p. 196.

⁶² KNA, MAA2/5/146, K.A.U., 1948-52, memo, 17.3.50.

⁶³ KNA, MAA2/5/146, K.A.U., 1948-52, letter from James Beuttah to H.E. the Governor, 21 July 1951, p. 178.

⁶⁴ KNA, MAA2/5/146, K.A.U., 1948-52, letter from Secretary of the Nyeri Branch K.A.U. to the General Secretary K.A.U., Nairobi, 4 March 1951, p. 150.

The colonial government didn't simply brand K.A.U. as subversive. They used a number of other means reminiscent of earlier times to control and contain this new politics that they so despised. They attempted to regulate the content of discussion as they had in the days of the Young Kikuyu Association. They threatened that K.A.U.'s public statements would "infringe the law" if they became libelous and seditious,⁶⁵ and also took reprisals against Africans who were K.A.U. members or sympathizers.⁶⁶

Once again, however, the government's most powerful tool in suppressing the Kenya African Union was to strengthen the administration at the expense of political associations. From the files I have examined it appears that colonial government effectively gave up encouraging the moderate political associations, as it had done in the past. There seem to be two reasons for this. First, the moderate association petered out with the emergence of K.A.U. and most of the jockeying between factions was done within the Union. Second, the colonial government believed that almost all associations social or political were merely Kenya African Union groups

⁶⁵KNA, MAA 2/5/146, K.A.U., memo by Evans in response to a resolution by K.A.U., 30 Sept. 1950, p. 122.

⁶⁶See footnote 56 above. "You spoke to me on the subject of the speech made by Mr. Walter Odede at Kaloleni [who said that African membership on the Legislative Council should be increased]. . . . Mr. Odede is at present employed by Makerere College where he is a demonstrator in Veterinary Anatomy My information is that Government regulations regarding public speeches . . . can not be held to apply and the DVS considers that any suggestion that Makerere instructors should be curbed in their political activities would not be welcome." KNA, MAA 2/5/146, K.A.U., 1948-52, memo, 5 Sept. 1951, p. 187.

in disguise "to give the impression that their subversive views are shared by a greater proportion of Africans than is in fact the case" ⁶⁷ Many of the associations including the Luo Union in Nyanza and some of the trade union groups shared K.A.U.'s aspirations. Whether the African Drapery Guild or the African Toothbrush Association for instance could be considered offshoots of K.A.U. is somewhat dubious. The administration, however, believed that even strictly non-political societies were "bound to become politically minded at one time or another." ⁶⁸ The conclusion reached was that it was "essential that the local police be kept in the picture regarding all societies formed in their particular area." ⁶⁹

Since the colonial government had decided that all African associations were at least potentially subversive, it attempted to strengthen the administration from within rather than from without. In earlier days it had largely relied on the latter strategy. One means of doing this was to encourage the more moderate individuals in K.A.U.; however, it could not rely on persuasion alone. A second and more powerful weapon was the decision to refuse to allow government servants to join K.A.U. Until 1949, when the Chief Secretary sent out a

⁶⁷Footnote 59, op. cit., attached memo, pp. 202-3.

⁶⁸KNA, PC/CP8/5/4, Central Province Native Associations, 1938-50, memo from Superintendent of Police A. W. Riggs, Central Province to the Director of Intelligence and Security, C.I.D. Nairobi, 1 August 1945, p. 48.

⁶⁹Ibid.; also see the same file, p. 5 and p. 74.

circular prohibiting public servants from being members of political associations and engaging in political activities, civil servants were still permitted to join the Kenya African Union.⁷⁰ The decision had the clear advantage of making certain critical individuals choose once and for all between government and politics--something that had been only encouraged before, albeit strongly. The hope behind this move was to create a cadre of civil servants that the government could rely upon. According to Odinga, however, some of them "wriggled round the prohibition and remained members of K.A.U. by using their wives names."⁷¹

A third means of strengthening the administration was to encourage civil servants to restrict the Union's activities. They did this by making it difficult for K.A.U. officials to hold meetings. Private meetings could be held at Locational Centres only with the chief's permission.⁷²

⁷⁰KNA, PC/NZA3/1891, Administration-Institutions and Associations General, 1949-50, Circular No. 8, from the Secretariat, Nairobi, Kenya, 1 February 1949, p. 1. Circular No. 18, from the Secretariat, Nairobi, Kenya, 8 April 1949, p. 2; Rosberg and Nottingham, *op. cit.*, p. 214. Although there appears to have been no formal prohibition on joining political associations until 1949, there is some suggestion that informal decisions to this effect may have been made somewhat earlier: See KNA, PC/CP 8/5/4, Central Province Native Associations, 1938-50, letter to the P.C. Nyeri from the D.C., 6 November 1945, p. 54; also Oginga Odinga implies in his biography that the decision was taken soon after K.A.S.U. became K.A.U., Odinga, *op. cit.*, p. 97.

⁷¹Odinga, *op. cit.*, p. 97.

⁷²KNA, PC/CP 8/5/4, Central Province Native Associations, 1938-50, letter from District Commissioner to General Secretary of K.A.U., 27.3.46, p. 66 and KNA, PC/NZA 3/1894, Institutions and Associations, letter from Honorable Secretary General K.A.U. to P.C. Nyanza, 10 June 1946.

Public meetings were "controlled under the Police Ordinance"⁷³ and were permitted only at the District Commissioner's discretion.⁷⁴ K.A.U. complained about both vociferously. In numerous meetings and resolutions, they "deplore[d] the attitude of Government officials and chiefs prohibiting holding of meetings by Africans to discuss their own problems and affairs."⁷⁵

They particularly resented the attitude of government nominated chiefs whom they felt were unrepresentative lackies who ignored the affairs of their own community.⁷⁶ K.A.U. officials realized that some chiefs feared that Union branches were attempting to overthrow them and undermine their authority. The Secretary General of K.A.U. suggested that the problem of "rivalry between the chiefs and our locational committees" might be solved if the District Officer would explain that K.A.U. did not intend to overthrow them.⁷⁷ However, it was part of the colonial policy to encourage antagonism between these two groups.

⁷³KNA, MAA 2/5/146, K.A.U., 1948-52, draft answer of Provincial Commissioner to Resolution Number 10, Passed by K.A.U. Annual Conference on 30 October 1949, p. 54.

⁷⁴Footnote 72, op. cit.,

⁷⁵KNA, MAA 2/5/146, K.A.U., 1948-52, Resolutions Passed by K.A.U. Annual Conference on 30 October 1949, p. 44/1.

⁷⁶KNA, PC/CP 8/5/4, Central Province Native Associations, 1938-50, Mass Meeting of Members of K.A.U. Nyeri District Branch, 29 September 1946, p. 78.

⁷⁷KNA, PC/NZA 3/1894, Institutions and Associations, 1951-52, Letter from Honorable Secretary General K.A.U. to P.C. Nyanza, 10 June 1946.

The District Commissioner had a great deal more power than native chiefs to limit and define the conditions under which K.A.U. could hold meetings. First, because K.A.U. officials would often appeal to the D.C. after a chief had refused a request for a meeting.⁷⁸ Second, because the D.C. had control over public meetings which were obviously crucial for an organization attempting to build up support. Two types of complaints were leveled against District Commissioners; either that they were so strict that almost no meetings could be held,⁷⁹ or that the conditions under which meetings were permitted effectively prohibited free speech.

The official response to the allegation that it was almost impossible to hold meetings was that restrictions on the holding of meetings other than those which were not calculated to cause a "breach of the peace or of good order . . ." was the policy of any civilized country in the world today.⁸⁰ Subversive or potentially subversive organizations clearly intended meetings "to be . . . politically inflammatory performances." The colonial government maintained that meetings had to be restricted because "we know . . . how damaging their

⁷⁸Ibid.

⁷⁹KNA, PC/CP 8/5/4, Central Province Native Associations, 1938-50, Mass Meeting of Members of K.A.U. Nyeri District Branch, 29 September 1946, p. 78.

⁸⁰KNA, MAA 2/5/146, K.A.U., 1948-52, Memo of Evans in response to a resolution by K.A.U., 30 September 1950, p. 122.

performance could be if they are allowed free rein with mob oratory on a gullible public."⁸¹

Colonial administrators also claimed that the various means they used to control public meetings, when they were authorized, were "in the public interest." Many D.C.s, particularly those in Fort Hall and Nyeri, permitted political meetings only if they were held "at or near the District Headquarters."⁸² The government maintained that such an action was necessary to control the large crowds that gathered and that it was in the "public interest."⁸³ Public interest was narrowly defined, however. Exceptions were made for African members of the Legislative Council (Legco), who wished "to hold meetings in other places in the District."⁸⁴ They were loyal Africans to be differentiated from K.A.U. whose past activities had "forced these restrictions . . . upon the D.C.s."⁸⁵ Another means used to control free speech was for the District Commissioner to threaten not

⁸¹KNA, PC/CP 8/4, Central Province Native Associations, 1938-50, Memo from Provincial Commissioner on refusal to permit a meeting of the Fort Hall Traders' Association, 12 December 1950, pp. 149-50.

⁸²KNA, MAA 2/5/146, K.A.U. 1948-52, draft response by Provincial Commissioner to Resolutions passed by K.A.U. during its Annual Conference on 30 October 1949, p. 54.

⁸³Ibid., p. 54 and p. 77.

⁸⁴Ibid., p. 54.

⁸⁵Ibid., p. 77.

to permit meetings if the Kenya African Union persisted in "disseminat[ing] . . . lies."⁸⁶

Some of the above arguments and techniques adopted to restrict meetings and to control them when they occurred, were used in the past against the Kikuyu Central Association. The administration, however, was more forceful in its attempts to suppress K.A.U.'s activities than it had been earlier. In addition, it had another tool at its disposal which it had not needed before and which made it difficult for K.A.U. to operate as a national organization. Under a law known as "The Outlying Districts Ordinance," which commenced in 1902, certain areas of Kenya were designated "closed districts." Africans who did not live in these districts were prohibited from visiting them unless they obtained passes from a District Commissioner, issued at the discretion of the Provincial Commissioner. When K.A.U. officials were refused permits to travel to closed districts it often kept them from opening branches there.⁸⁷ In addition, it kept national officials from bringing politics to some of the more backward areas of Kenya and the more backward areas from effectively airing

⁸⁶KNA, PC/NZA 3/1894, Institutions and Associations, 1951-52, letter from District Commissioner Wainwright to Mr. Reuben Oemesi, Vice-President K.A.U., Kisumu, 7 May 1952.

⁸⁷KNA, MAA 2/5/146, K.A.U., 1948-52, Letter from General Secretary K.A.U. to the Provincial Commissioner, Rift Valley Province, Nakuru, requesting permission to visit the Samburu people in Maralal, 12 January 1950, p. 62.

their grievances on a national platform.⁸⁸

By branding K.A.U. as subversive, by attempting to regulate the content of its public statements, by refusing to allow civil servants to join it, and by restricting its activities in a variety of other ways, the colonial government sought to suppress the Kenya African Union from its inception. It is apparent, I think, that the colonial government's response to K.A.U. was not dictated predominantly by Mau Mau activities.⁸⁹ As the above arguments demonstrate, the colonialists' pattern of response predated their concern with Mau Mau and was largely conditioned by their ideas of development rather than the nature of African political associations themselves. Colonial administrators basically felt that political progress had to be contained believing that "it will not assist African development to get too far ahead . . . in this respect."⁹⁰

African difficulties in building the Kenya African Union into an effective national organization were not, however,

⁸⁸James Beuttah discusses his difficulties in attempting to go to Mukogodo, which was in a closed district. See KNA, MAA 2/5/146, K.A.U., 1958-52, letter from James Beuttah, Vice-President of K.A.U., to His Excellency the Governor, 21 July 1951, p. 178 and in the same file, letter from the Secretary General K.A.U. to the Chief Native Commissioner, 23 May 1950, p. 94.

⁸⁹See also Rosberg and Nottingham, *op. cit.*, p. 284.

⁹⁰KNA, MAA 2/5/146, K.A.U., 1948-52, Reply by Provincial Commissioner Central Province to Memorandum of James Beuttah, 12 September 1951, p. 196.

solely the result of colonial suppression. Several other problems prevented it from becoming a strong and unified political group.

Many Africans believed that the white man was superior and therefore accepted colonial supremacy as a fact. The "administration had identified everything good with the Europeans and everything bad or inferior with the Africans."⁹¹ This attitude encouraged a feeling of dependency and inferiority.⁹² A number of people simply could not imagine that they could "compete with the white man."⁹³ They came to accept that the colonial philosophy of development was correct, that gradualism with respect to representation was necessary, and that independence could not come in their lifetime.

These people believed in their own inferiority for a variety of reasons. Some simply accepted it as a fact. Others, who perhaps did not subscribe to it wholeheartedly, nevertheless, thought that it was politically strategic. They were employees of the government, teachers, businessmen, and Africans who had worked with the missionaries.⁹⁴

⁹¹Tom Mboya, Freedom and After, London: André Deutsch, 1963; see Odinga, op. cit., Chapters 1-4; Mugo Gatheru, Child of Two Worlds, London: Heinemann, 1966; and the novels of James Nguugi.

⁹²Mannoni, Prospero and Caliban, op. cit.

⁹³Mboya, op. cit., p. 64.

⁹⁴Ibid.

They had benefited from the colonial government and felt their future was secure with it.

There were, however, Africans who did not subscribe to the colonial philosophy. Among them were former Kikuyu Central Association leaders who had been released and ex-servicemen who had returned from fighting in World War II. The former refused to be bought off and the latter having been exposed to the fallibility of the European, came home radicalized by their experiences abroad. Both groups were tired of being treated like second class citizens in their own country. They joined with the trade unionists who had been frustrated in their attempts to deal with the colonialists and awakened hope in those who had given up--the numerous landless Kikuyu, the overtaxed, the unemployed and the poor throughout the rest of the country.

Both the conservative moderates and the radicals met in K.A.U. As Odinga notes:

. . . there was a constant tussle between the moderate and the more militant elements. The days had passed when an organization was needed solely to support one elected member, the people said. They were critical of leaders to whom compromise with the authorities seemed easier and safer than action. At times internal disputes paralysed the organization, as in the argument . . . on the racial proportions of representation on the East African Central Legislative Assembly when Mathu was in favour of accepting the settler formula for representation, and he was defeated by the more militant trends in K.A.U. People were demanding a more dynamic leadership. 95

⁹⁵Odinga, op. cit., pp. 97-98.

The moderates who initially composed the national leadership of the Kenya African Union included Mathu, Katithi, and Mbotela. They were opposed by Kaggia, Kali, Kimathi, Kubai, and Ngei among others. Animosity between the two groups became so great that the radicals finally took over the Nairobi Branch in February 1951.⁹⁶ Later that year, at the first annual conference which had been held in three years, the moderates lost their offices to the radicals and only Kenyatta retained his post as leader and General Secretary of K.A.U.⁹⁷ Kenyatta's role in these two groups was somewhat ambiguous. The radicals feared his moderation, of which there is some evidence.⁹⁸ In addition, they protested against his refusal to support a strike in May 1950 after the arrest of two trade union leaders, Markhan Singh and Fred Kubai.⁹⁹ The takeover of the Nairobi Branch may have been an attempt to assert themselves and override the national leaders who included Kenyatta. The moderates, however, were probably not completely confident of Kenyatta either. Since he was the only one of them to retain his position in the 1951 elections, they could not be sure of his relationship to the radicals.¹⁰⁰

⁹⁶Rosberg and Nottingham, op. cit., p. 270.

⁹⁷Ibid., p. 271.

⁹⁸Ibid., p. 267; George Bennett, Kenya a Political History, London: Oxford University Press, 1963, p. 115.

⁹⁹Rosberg and Nottingham, op. cit., pp. 266-67.

¹⁰⁰There is evidence that there was some suspicion of Kenyatta prior to the elections. Tom Mbotela wrote the

The factionalism between the two groups which stemmed from two different interpretations of colonialism, often made it difficult for Kenyatta to assert his leadership. Branches sometimes operated independently of the national headquarters¹⁰¹ and members were increasingly divided about the role of violence in changing the political system. Many in the Kenya African Union turned to "Mau Mau" because they thought it was "no longer possible to resolve problems within a framework of law and order."¹⁰² Although the leadership of K.A.U. and "Mau Mau" overlapped, the colonial assertion that the two groups were synonymous was false. By 1952, the two organizations had become closely identified in the Kikuyu Central Province, however, the latter continued to operate as a secret organization independent of the former.¹⁰³ The division over the role of

following to a colonial official: ". . . I would like to make one point clear as a result of a certain point which arose during our discussion. It is about the tribal associations to be allowed freedom of assembly. I hope that you will remember that Mr. Kenyatta spoke to some length about the K.C.A. and how it was banned during the war and that he also advocated for the ban to be lifted. . . . I would like to let you know that no responsible person would advocate for the ban to be lifted on this association I think the electoral college system of the African District Councils which has been going on for some time is the best method of getting suitable members for the Legislative Council and I think it does form a sound beginning to free election in the long run." KNA, MAA 2/5/146, K.A.U., 1948-52, letter from Tom Mbotela, Vice-President of K.A.U., to Mr. Rogers, 28 April 1951, p. 153.

¹⁰¹Rosberg and Nottingham, op. cit., p. 270.

¹⁰²Ibid., p. 291.

¹⁰³Ibid., p. 262.

violence finally led to a civil war in Kikuyu land and the assassination of Senior Chief Waruhiu in October 1952.¹⁰⁴

The second problem which kept K.A.U. from operating as an effective national organization was that political consciousness differed among tribes. Therefore, while the Kenya African Union was very strong in some areas, it was equally weak in others. K.A.U. appears to have made its greatest headway among the larger tribes, the Kikuyu, the Kamba, and the Luo and had almost no support among the "Masai and the Kalenjin-speaking Nandi, Kipisigis and Tugen."¹⁰⁵ The former had greater contact with the Europeans and were more developed than the latter. Of the large tribes, political awareness was greatest among the Kikuyu. The fact that it was their land which had been alienated and that they were closest to Nairobi undoubtedly made them feel relatively more deprived than some of the other tribes. Although the other large tribes participated in K.A.U., the Kikuyu "provided the hard core of leadership."¹⁰⁶ The Luo for instance were not as well organized politically as the Kikuyu¹⁰⁷ and Odinga himself did not attend

¹⁰⁴Ibid.

¹⁰⁵Sorrenson, op. cit., p. 89.

¹⁰⁶Rosberg and Nottingham, op. cit., p. 353.

¹⁰⁷"Eliud Mathu, the first African member of the Legislative Council, visited Kisumu on one occasion and he [Odinga], Achieng [Oneko] and I had a discussion . . . I remember Mathu looking around him saying: 'Where are your Luo people? You don't even have a building of your own'. . ." Odinga, op. cit., p. 81.

an executive meeting of K.A.U. until 1952.¹⁰⁸ The oathing among the Kikuyu may also have diminished the smaller tribes' interest in K.A.U. since some feared that it was a masked attempt at Kikuyu domination.¹⁰⁹

The third factor which explains K.A.U.'s lack of strength was that the Kenya African Union was the first national political organization to exist in Kenya. All associations prior to 1944 were at the district or tribal level. K.A.U. leaders had to learn how to organize a colony-wide group, how to handle the problems of factionalism, tribalism, how to communicate across a territory to people who spoke different languages, and how to finance this activity.

K.A.U. had no time to combat these three problems. Following the assassination of Chief Waruhiu, a "public emergency" was declared in Kenya on October 20, 1952. On October 21 one hundred and eighty-three of K.A.U.'s leaders were arrested, six of whom were later charged and convicted of Mau Mau activities at a trumped up trial at Kapenguria.¹¹⁰

¹⁰⁸Ibid., p. 102; Oneko, however, who had been among the "hard core," was a Luo. Ibid., p. 98.

¹⁰⁹Rosberg and Nottingham, op. cit., p. 261. Also see Tom Mboya's refutation of this point, op. cit., p. 75.

¹¹⁰The six were Kenyatta, Ngei, Oneko, Kaggia, Kubai and Karumba. See Odinga, op. cit., pp. 112-72; Rosberg and Nottingham, op. cit., pp. 279-92; and Montagu Slater, The Trial of Jomo Kenyatta, Second Edition, Revised, London: Mercury Books, 1966.

As Kenyatta noted at the trial, "they wanted to, I think, not to eliminate Mau Mau . . . but what they wanted to eliminate is the only political organization--that is, KAU-- which fights constitutionally for the rights of the African people, just as the Electors' Union fights for the rights of the European."¹¹¹

K.A.U., however, was not banned immediately. The government initially allowed it to continue, thinking that it might turn into a useful moderate organization now that K.A.U.'s Kikuyu leaders were behind bars. When its non-Kikuyu leaders refused to denounce those in detention, the government changed its mind.¹¹² On June 4, 1953, K.A.U. was proscribed and declared an unlawful society.¹¹³ Following the proscription, all African political associations were outlawed in Kenya from 1953 until 1955. In 1955 political organizations were permitted, but only at the district level, except in Central Province, where politics was restricted to an advisory council of Loyalists.¹¹⁴ The prohibition on colony-wide African political parties continued until 1960.

¹¹¹Slater, op. cit., p. 175.

¹¹²Rosberg and Nottingham, op. cit., pp. 308-9. The non-Kikuyu leaders were Odede, a Luo; Awori, a Luhya; Murumbi, a Masai-Goan; and Odinga, a Luo.

¹¹³KNA, MAA 8/120, K.A.U., 1953-54, Native Associations, Broadcast by Chief Native Commissioner on Proscription of K.A.U., 4 June 1953.

¹¹⁴Rosberg and Nottingham, op. cit., p. 310.

Constitutionalism

During this period, Africans succeeded in obtaining a limited number of constitutional advances. In 1954, the Colonial Secretary increased the number of Africans in the Legislative Council (Legco) from four to six and for the first time created a nominated seat for an African on the Council of Ministers. However, there was no direct election of Africans and each racial group was represented separately.¹¹⁵

In 1957, the number of Africans in Legco was increased to eight and in March of that year, Africans were allowed to elect these members under a plan known as Coutts' "fancy franchise." The plan restricted the vote to those who had a certain level of income or had worked for the government in a variety of capacities.¹¹⁶ In addition, among the Kikuyu, Embu and Meru only those with loyalty certificates could cast a ballot. No Kikuyu members were elected, however, and only two of the former nominated members managed to retain their seats.¹¹⁷ Those who were elected, pledged to condemn the

¹¹⁵Mboya, op. cit., pp. 117-19.

¹¹⁶"Coutts . . . recommended . . . the franchise should be limited to Africans over twenty-one with any of seven qualifications. These were possession of £120 income a year, long service in the army or the police or government, membership of a local government authority, 'meritorious service' marked either by the possession of decorations or a certificate from the Provincial Commissioner, and a long employment record in industry or agriculture." Mboya, op. cit., p. 118.

¹¹⁷George Bennett and Carl Rosberg, The Kenyatta Election, 1960-61. London: Oxford University Press, 1961, p. 13. Those who were elected were Mboya, Ngala, Mate, Oguda, Muliro, Moi, Muimi, Odinga.

Lyttelton Plan which they maintained had been imposed upon them and could not be viewed as a negotiated settlement.¹¹⁸

In November 1957, Africans were presented with another constitution by the new Colonial Secretary, Lenox-Boyd. Under it, African representation was increased from eight to fourteen and the Legislative Council acting as an electoral college would choose twelve specially elected members, four from each of the three races. Africans regarded the provision for specially elected members as a device to avoid a common roll and a means by which the Europeans, who were in the majority in the Legislative Council hoped to control African representation.¹¹⁹ After much discussion, the African members of Legco decided that they should contest the six new seats in the March 1958 election, but that they would boycott the selection for the specially elected seats and would refuse to accept the two ministerial seats which they had been allotted. Eight moderates branded as "stooges" decided to stand for the latter seats, however, and one of them, Musa Amalemba, accepted the position of the Minister of Housing.

¹¹⁸Mboya, op. cit., p. 119.

¹¹⁹Ibid., and "In the Legislative Council the African and Asian seats together equalled the White seats, but there were also twenty-three non-elected white members as against two Americans and five Asians, giving the Whites an overall majority of sixteen." Oginga Odinga, op. cit., pp. 137-38; also see, P. G. Pinto, "Glimpses of Kenya's Nationalist Struggle," Pan Africa-Kenya Uhuru Souvenir, Vol. 1, No. 1, December 12, 1963, pp. 34 and 37.

Once again, the directly elected African members of Legco felt that the new constitution had been imposed upon them with a "take it or leave it" attitude.¹²⁰ In response they decided to boycott the Legislative Assembly until the colonial government agreed to hold constitutional talks concerning a common roll and make "a definite declaration about the future objectives for Kenya."¹²¹ That decision was taken in the beginning of 1959 and in mid-January 1960 the first Lancaster House Conference was held in London. A declaration was made that Kenya was to be "an African country."¹²² Thirty-three of the seats in the Legislative Council were to be elected on a common roll and twenty were to be reserved (ten European, eight Asian, two Arab). The number of African ministries was increased to four and although universal suffrage was not granted the franchise was widened considerably.

Whereas before the Europeans always had a lead in the government and legislature (four Ministers and fourteen Elected Members and the preponderance of Nominated members, to the offer of two African Ministries and fourteen Elected Members) under the Lancaster House constitution the Africans would have a majority in the legislature and a four-to-three lead in the Council of Ministers.¹²³

The period of constitutional advance, from 1954 to 1960, has been underrated and its importance misplaced. The

¹²⁰For a very interesting discussion of the colonial attitude during this period see Mboya, op. cit., pp. 119-24.

¹²¹Ibid., p. 122.

¹²²Ibid., p. 127.

¹²³Mboya, op. cit., p. 127.

attitudes and tactics learned by Africans during this time were probably as significant as the qualified gains on the Legislative Council and the final recognition that Kenya would eventually become independent.

The principal attitude which this period fostered was that constitutions were items used by the governing power to manipulate politics in its favor and to suppress its opponents. The Coutts franchise was merely part of a converted overall plan of the colonial government to strengthen the hand of the loyalists and moderates which they hoped would be "the hard core of the new society."¹²⁴ The provisions for the election of the special members under the Lenox Boyd Constitution had the same purpose. As the Chief Native Commissioner noted when he proscribed K.A.U., "The Kenya African Union is finished. It was like a bad house destroyed because it was infected with disease and we cannot use the same bricks to build again."¹²⁵ Recognizing the various constitutions as tools of the colonialists, the African elected members reacted to them as such. As Oginda Odinga notes,

No sooner was each of these constitutions achieved than it was swept aside by the pressures of African nationalism We used the constitutional conferences like rungs on a ladder climbing ever higher towards the top step of complete independence¹²⁶

¹²⁴Rosberg and Nottingham, op. cit., p. 295.

¹²⁵KNA, MAA, 8/120, Native Associations, K.A.U., 1953-54, Broadcast by Chief Native Commissioner on Proscription of K.A.U., 4 June 1953, my emphasis.

¹²⁶Odinga, op. cit., p. 181.

George Bennett claims that "the rapid succession of Constitutions . . . had given many . . . leaders a feeling that Constitutions could be as easily broken as made."¹²⁷ I think it is fair to say that at a minimum this period of Kenyan history did not encourage Africans to view constitutions as neutral, permanent, or respected items. It is difficult to know how much this period contributed to post-independence attitudes and patterns, however, it should not be dismissed entirely.

The main tactic which this period encouraged was the recognition that when all other channels were closed to a group in opposition to the government, the Legislative Council could still be used as a forum for that group. Mboya has emphasized the importance of this tactic:

It should be remembered that in early 1957 there was no proper African political party in existence and public meetings were forbidden. So we used the legislature as the main platform for African demands: demands for the release of the detainees, for the removal of bans on parties and meetings and movement and the removal of many other restrictions on our freedom. We moved such motions as a vote of no confidence in the Kenya Government; we knew we would never win the vote, but we wanted to use the legislature as a platform. ¹²⁸

¹²⁷George Bennett, "Political Realities in Kenya," The World Today, vol. 19, no. 7, 19 July 1963, p. 296.

¹²⁸Mboya, op. cit., p. 119.

Factionalism in Legco

Although the Legislative Council was used as a national forum, the prohibition on colony wide parties severely inhibited political development in Kenya. It fostered tribal separatism at the expense of unity and encouraged factionalism among members of Legco.

During this period, two attempts were made to form national political associations. Both were halted by the government. In December 1955, Argwings Kodhek's Kenya African National Congress was refused registration until it agreed to change its name to the Nairobi District African Congress in 1956.¹²⁹ In May 1958, a Convention of African Associations which aimed to create "unity amongst . . . disparate district associations and develop a common policy with the African Elected Members," was also refused registration.¹³⁰ Localism and tribal parochialism were thereby promoted and since members of Legco were not allowed to hold meetings in each others districts,¹³¹ it was almost impossible to counteract these tendencies. Consequently, a number of parties with district loyalties developed. Although they were not particularly strong, they were sufficiently rooted to make it extremely

¹²⁹Oginga Odinga, op. cit., p. 146.

¹³⁰Bennett and Rosberg, op. cit., p. 36.

¹³¹Mboya, op. cit., p. 79.

difficult to build trans-tribal political parties in the post-independence era.¹³²

Factionalism was encouraged among the members of Legco because they were without a party or a national leader to maintain discipline. One writer on party politics has suggested that in a situation in which men run as individuals rather than as members of parties the following happens: (1) personalities become more important than ideology or issues since there is no party platform, and (2) "influence shifts to non-party groups" in the case of Kenya perhaps to tribes.¹³³ Consequently, a widely divergent group of individuals may be elected simultaneously for a variety of reasons. As Greenstein notes "such an election arrangement is hardly conducive to close cooperative arrangements between elected officials."¹³⁴ Undoubtedly a certain amount of factionalism is characteristic of all groups. Parties tend to elevate these differences. Without them disagreement is likely to be reduced to personal antagonisms, petty jealousies, and tribalism.

¹³²Some of the parties were: the Nairobi District African Congress, (Mboya's) Nairobi People's Convention Party, the Mombasa African Democratic Union, the African District Association (Central Nyanza), the Kisii Highlands Agabusii Association of South Nyanza District, the South Nyanza District African Political Association, the Taita African Democratic Union, and the Nakuru African Progressive Party. Bennett and Rosberg, op. cit., p. 34.

¹³³Fred I. Greenstein, The American Party System and the American People, Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1963, p. 59.

¹³⁴Ibid., pp. 65 and 73.

In 1957, the elected members of the Legislative Council had come together as individuals without the benefit of a party platform. They were "for the most part strangers to one another."¹³⁵ In addition, with Kenyatta in jail, there was a reluctance and a fear of accepting any one man as an interim leader.¹³⁶ Factionalism was thereby heightened. In the absence of Kikuyu participation in politics during this period, the initial division over leadership in the African Elected Members Organization (AEMO) was between two Luo, Tom Mboya and Oginga Odinga.

Odinga, as the older man, perhaps assumed that the younger should defer to him more than Mboya was able. Mboya, on his side, acquired a reputation for arrogance, independent action and personal pride which alienated many people. Each had a very different political style. Mboya proved the more capable organizer and tactician, His tactics were . . . much more subtle and sophisticated than Odinga's But perhaps the most significant difference between them . . . was in their public appeal. Odinga had an ethnic appeal that Mboya lacked. Odinga's base was essentially the Luo people. Mboya's was the cross-section of workers across the country whose battles he had fought for four years. He was essentially the non-tribal man, possessing no ethnic base. This different power base was reflected in their different approaches to political organization. Although Odinga used the Central Nyanza African District Congress . . . to further his battle in Nyanza, his influence was derived essentially from his dominant role in his Luo Thrift and Trading Corporation, and the Luo Union which had close ties with the District Congress. Mboya, on the other hand, was dependent on the trade unions, and on his Nairobi People's Convention Party

¹³⁵Oginga Odinga, op. cit., p. 143.

¹³⁶Bennett and Rosberg, op. cit., p. 35.

Notwithstanding these differences, when they entered the Legislative Council in 1957 there was no difference in their basic political objectives. Both spoke the same uncompromising language of African nationalism. Both were inflexible on the ultimate political goal of independence

At the same time each was ambitious for national political leadership. When they moved into the Legislative Council Mboya was already at the centre--Nairobi was his constituency. In a real sense Kenya was his platform, for his Trade Union activities had already given him a national base and potential mass support that cut across tribe

Odinga's base was at that time more restricted. He had established himself as a nationalist, but only in effect with his own people. His victory in the 1957 elections was for him the beginning of a new political phase. From that date he had to enlarge his activities in order to claim leadership at the centre. Unless he and Mboya were able to agree as to their respective positions, such a claim meant a challenge to the latter

Odinga became chairman and Mboya Secretary of the African Elected Members Organization which was set up immediately after the March 1957 election. Events quickly indicated, however, that the two men found difficulty in working together; and it was not long before there was public disagreement between them. Their failure to reach any enduring agreement divided both the nationalist movement and KANU, since each of them sought support for his case among his political colleagues. 137

Members of the African Elected Members Organization (AEMO) supported Odinga or Mboya for a variety of reasons. Some, including Kiano and Nyagah did not approve of Odinga's tactics. They felt that Odinga's 1958 Legco speech in which he claimed that those in detention were still the leaders of the African people was "inopportune."¹³⁸ Others, particularly

¹³⁷Gertzel, The Politics of Independent Kenya, op. cit., pp. 13-15.

¹³⁸Odinga, op. cit., p. 158.

Mboya, resented Odinga's position as Chairman of AEMO.¹³⁹ On the other side, many in AEMO were annoyed by the support that Mboya was receiving from American labour groups and resented "his parading as the African leader at Lancaster."¹⁴⁰

From 1959 on, factionalism over questions of personality, tactics, and power was increasingly intensified by tribalism. Until 1959, political organizations in Central Province were prohibited. In 1959, with a resurgence of political activity, antagonisms developed between Kikuyu and non-Kikuyu. A number of Kikuyu felt that other tribes, particularly the Luo "were exploiting this period of Kikuyu restriction to build themselves up."¹⁴¹ Two of the most prominent national politicians were Luo. In addition, this feeling of exploitation was intensified since a number of shops formerly run by Kikuyu were taken over by Luo during the emergency and Africans from Nyanza began to fill the civil service.¹⁴² Factionalism was further complicated by the fact

¹³⁹ Later when elections were held during his absence in Ghana and he lost his position as Secretary to Ngala, Mboya was especially angry with Odinga. Ibid., p. 167.

¹⁴⁰ Bennett and Rosberg, op. cit., p. 38. Mboya's trade union was the only one not banned prior to the emergency and there was some suspicion among radical union leaders like Ochwada that he was receiving support from the CIA.

¹⁴¹ Mboya, op. cit., p. 81.

¹⁴² Odinga, op. cit., pp. 132, 134.

that the Kikuyu themselves were not united. The "loyalty certificates" needed by the Kikuyu, Embu and Meru to vote during the 1957 Legco elections encouraged a split between the loyalists and the radicals. The colonialists further intensified this split by its implementation of a land consolidation plan in 1953 known as the Swynnerton Plan. The administration initially used consolidation as a means of rewarding the loyalists. "Loyalists also profit[ed] in a number of other indirect ways as they tended to get preference for farm plans, coffee plants and permission to return to their farms."¹⁴³ Following the release of those who had been detained antagonisms developed between them and the elite--both Kikuyu and non-Kikuyu--that had emerged in their absence. As Mboya noted,

Some of those who returned from detention feel they have fought and sacrificed themselves for their country, and now the country is nearing independence they should be given recognition for those hard years. This necessarily raised the question whether recognition of the old leaders meant discarding all the others who had also made a contribution to the nationalist effort, and had brought the country so far. ¹⁴⁴

¹⁴³"Despite the early emphasis on using consolidation as a reward for the loyalists, this was not to be consciously pursued to the extent of rewarding them with the land of Mau supporters Indirectly the loyalists did profit from the confiscation" Sorrenson, op. cit., p. 240. In addition, "the strongest supporters were not unnaturally the larger landowners, particularly those who had come out on top in the litigation before the Emergency. They saw in consolidation a means of obtaining a final validation of their titles . . . more often than not they were loyalists." Ibid., p. 243.

¹⁴⁴Mboya, op. cit., p. 81.

In July 1959, AEMO split formally into two groups. Although colony wide African parties were still banned, the government did permit multi-racial parties. Eight of the twelve Legco members led by Muliro, Ngala, Towett and Moi decided to form the Kenya National Party (KNP). They were joined by a variety of Asians, Arabs and Europeans. The remaining members of Legco--Odinga, Mboya, Kiano, and Oguda--formed the Kenya Independence Movement (KIM), which was never registered, because it refused to be multiracial. There is some speculation as to the basis of this break. Many claim that the leaders of the small rurally based tribes formed the KNP because they feared the economic domination of the urban and larger Kikuyu, Luo and Kamba. Undoubtedly, many of the Kalenjin were worried that once the "White Highlands" were opened to Africans, their claims would be ignored in favor of the Kikuyu. Others, like the coastal Africans feared that they would be exploited economically by the "up-country tribes."¹⁴⁵ There were, however, leadership conflicts between these two groups, particularly between Muliro and Mboya.¹⁴⁶ The fact that the larger tribes were urban and politically more astute than the smaller tribes, probably made the leaders of the latter worry that the positions they had built up locally while national organizations were prohibited would

¹⁴⁵Gertzal, op. cit., pp. 9-10; Rosberg and Nottingham, op. cit., p. 317.

¹⁴⁶Oginga Odinga, op. cit., p. 167.

be jeopardized once colony wide parties were permitted. Certainly then, the fear of political usurpation appears to have been at least as important as the fear of economic domination in understanding the split that developed between the KNP and the KIM. As Odinga notes:

There were men among us eager to hold the reins of power; they had ambitions to head political parties, to outshine political rivals. There were those who fell victim to, or used tribalism; it is difficult to know who genuinely feared the 'domination' of the two largest tribes the Kikuyu and the Luo and who capitalized on this theme to rally behind the tribally based political groupings. 147

The most interesting fact about the split, however, was that it left the Kikuyu (e.g., Kiano) and the Luo, and the two main antagonists of the latter tribe together in one organization. Thus the KNP/KIM split had certainly not eliminated the basis for factionalism in the Kenya Independence Movement.

The Kenya Nationalist Party and the Kenya Independence Movement managed to unite for the first Lancaster House Conference in January 1960. At the urging of Mboya and others Ngala, Muimi, Kiano, and Muliro accepted ministerial positions¹⁴⁸ in spite of the Africans' belief that the Constitution had produced "too little too late." The general feeling still was that "[t]he place for most of [the Africans] then,

¹⁴⁷Odinga, op. cit., p. 196.

¹⁴⁸Mboya, op. cit., p. 128.

was in opposition, using [the] Legislative Council as a platform for general harassment of the Government."¹⁴⁹

KANU and KADU

Following the Lancaster House Conference, however, the ban on colony wide African parties was lifted and Kenya's Africans finally did not have to depend solely on the Legislative Council as a national platform. Although the KNP and the KIM disappeared, the basic division between the two groups continued under new names. On March 27, 1960, a meeting attended by most of the members of AEMO and representatives from thirty African political associations was held at Kiambu. There the decision was taken to form a national party, the Kenya African National Union (KANU). In June, Gichuru was elected as the temporary President following the government's initial refusal to register the organization with Kenyatta as its head. The other officers were Odinga, Vice-President; Mboya, Secretary; Ochwada, Deputy Secretary; and Ngala and Moi as Treasurer and Assistant Treasurer, respectively.¹⁵⁰ At the time of the elections, however, Moi and Ngala were abroad and upon returning, they along with other former members of the KNP formed the Kenya African Democratic Union (KADU) on June 25, 1960. KADU was

¹⁴⁹ Ibid.

¹⁵⁰ Bennett and Rosberg, op. cit., pp. 38-41; Odinga, op. cit., p. 194.

a loose federation of the Kalenjin Political Alliance, the Masai United Front, the Abaluhya's Kenya African People's Party, and the Coast African People's Union. It was led by Moi, Towett, Tipis, Muliro, and Ngala.

The same reasons which gave rise to the Kenya Nationalist Party led to the formation of KADU and have been discussed above. In terms of policy, KADU, unlike KANU, was (a) willing to form a multiracial government rather than a predominantly African one, (b) was not adamant in demanding Kenyatta's release prior to the formation of a government, (c) would agree to preserve some of the White Highlands for the settlers once in power, and (d) opted for a regional rather than a unitary constitution. Both Mboya and Odinga were convinced that problems over the distribution of power rather than essential differences in policy separated the two parties.

They interpreted KADU's policy differences as an attempt to get the backing of the colonial government and thereby outmaneuver KANU in its bid for national power. Initially KADU succeeded. In the March 1961 election for the common roll seats that had been allotted at Lancaster House, KADU received eleven seats with only 16.4 percent of the vote while KANU with 67.4 percent of the vote won only nineteen seats. The constituencies had obviously been drawn to favor KADU. Following the election, the Governor Sir Patrick Renison said that Kenyatta would not be released

until a government had been formed. KANU refused on the grounds that the former should precede the latter. KADU agreed to participate in spite of KANU's refusal and on March 27th

A new Government led by Africans but with representatives from other races now shared authority with the colonial administration. Lacking a working majority in the Legco, however, it could only be maintained by the Government's appointing eleven nominees to the Government benches. Sir Patrick Renison was thus compelled to employ the reserve power of nomination which he had told the Lancaster House conference he desired to abandon. ¹⁵¹

KADU continued to receive financial support from the colonial government and had the backing of a number of European and Asian allies.

During this period, KANU was torn apart by two inherited problems. First of all it was without the leadership or resources to counteract the local district-oriented machines which had developed over the years. Second, with the question of leadership always ambiguous in Kenyatta's absence, factionalism among the national leaders was heightened. The frictions which had plagued the Kenya Independence Movement were exacerbated by an election in which feuding members of the same party supported opposing candidates. In Nakuru, three KANU or KANU independent candidates ran against each other with the support of Mboya, Gichuru, or Odinga. ¹⁵² In

¹⁵¹ Bennett and Rosberg, *op. cit.*, p. 200.

¹⁵² *Ibid.*, p. 174.

Nairobi, Odinga supported a non-KANU candidate, Waiyaki, against Mboya. Gichuru retaliated by suspending Odinga as Vice-President of KANU, an action which the Governing Council declared null and void.¹⁵³ Because of the situation in which different factions supported different candidates, KANU was unable to mount a national campaign. Furthermore, in the absence of legitimate national leadership, KANU's national executive continued to be weak to the extent of being unable to direct the nomination process and interfere with local choices.¹⁵⁴ "What emerged was a loosely knit organization vigorously resisting any suggestion that any one man could impose his leadership. In a real sense the party was haunted by the authority of Kenyatta" ¹⁵⁵

A third problem which weakened KANU during this period was that the colonial government restricted its activities. Its motive no doubt was in part that it supported KADU. In addition, suppressing the more nationalistically inclined political associations was by now almost a reflex action for the colonial government. Numerous branches complained that the government was refusing to allow them permission to hold public meetings, which they claimed made it

¹⁵³ Ibid., p. 131.

¹⁵⁴ Ibid., p. 137.

¹⁵⁵ Ibid., p. 42.

difficult for them to register voters for the 1961 election.¹⁵⁶ The government sometimes refused KANU branches permission to hold meetings on the grounds that this was illegal unless the branch was registered independently of the national organization. Since one of the stipulations of registration was that the branch have elected office bearers which necessitated a public meeting and consequently a licence, many members of KANU felt that "such very tight restrictions imposed on our local representatives [could] not give us room to carry out the requirements of the law."¹⁵⁷ Similar arguments were used by the colonial government to make it difficult for local branches which had not been registered to collect money on behalf of the national organization.¹⁵⁸

Aside from restricting meeting and inhibiting registration of branches, the government warned KANU that the criticisms expressed in its publication Sauti Ya Kanu should not be "couched in irresponsible and immoderate terms which transgress against the law of sedition." Criticism it claimed was a "good and healthy feature of a democratic society," but from the government's point of view "themes of racial hatred,"

¹⁵⁶Kanu Headquarters (hereafter referred to as KHQ), Central Nyanza File, Letter to President of KANU from Central Nyanza Branch, 9 August 1961.

¹⁵⁷KHQ, File No. 7, H.E. the Governor/KANU, Letter from KANU's Assistant Secretary General to Chief Secretary, 25 August 1960, p. 25.

¹⁵⁸KHQ, File No. 7, H.E. the Governor/KANU, Letter from KANU's Assistant Secretary General to Permanent Secretary for Defense, 19/7/1960, p. 25a.

for instance, overstepped these bounds and "in some instances . . . amounted to sedition."¹⁵⁹ In another case, after a meeting at which KANU had claimed it was the government, KANU received a letter from the administration saying that such a statement was "possibly an offense under the penal code" and that it was "manifestly absurd as well as dangerous to mislead the public in this way."¹⁶⁰ No doubt, the restrictions of the colonial government coupled with KANU's other problems made it even more difficult for KANU to operate as an effective political body.

In August 1961, Kenyatta was released from detention and in October of that year he decided to join KANU and was elected President. From February 14 until April 8, 1962, a Second Lancaster House Conference was held in London to work out a "framework constitution" for independence. The colonial government continued to support KADU, but also attempted to appeal to the moderates in KANU in an attempt to head off the so-called "Ginger Group" led by Odinga.¹⁶¹ It may have hoped that KANU would fold in the face of factionalism and that men like Gichuru and Mboya would join KADU.¹⁶² In any case, it

¹⁵⁹KNA, Office of the Chief Secretary 8/568, African Political Associations, KANU, 1960-61, Letter from E. N. Griffith-Jones to the Honorable J. S. Gichuru, M.L.C., 20 April 1961.

¹⁶⁰KHQ, File No. 7, H.E. the Governor/KANU, Letter from Neil to Gichuru, 3 January 1961.

¹⁶¹Bennett and Rosberg, op. cit., p. 129.

¹⁶²Odinga, op. cit., pp. 211, 224-27.

was definitely bent on limiting the influence of men like Odinga. The administration had long been perturbed by Odinga, especially since his 1958 Legco declaration in support of Kenyatta. It had always made it difficult for Odinga to hold public meetings,¹⁶³ and had made it clear that it did not want Odinga to join the KANU-KADU delegation that visited Kenyatta at Lodwar on March 23, 1961 before the latter's release.¹⁶⁴ Prior to the Lancaster House Conference, his passport had been confiscated and rumours were circulated that he was receiving money from Communist China.¹⁶⁵

The combined strength of KADU and the colonial government seemed even loftier in the face of a factionalized KANU. The administration played off these factions against each other much in the same way as they had in the early days. KANU's willingness to finally accept KADU's proposals for a regional instead of a unitary constitution and to enter into a caretaker government from which Kenyatta agreed to exclude Odinga, had much to do with its fears that its own members might defect to KADU. A second factor that influenced KANU was its realization that once it came to power it could change both the government and the constitution.¹⁶⁶ It was correct.

¹⁶³Ibid., p. 147.

¹⁶⁴Mboya, op. cit., p. 132.

¹⁶⁵Odinga, op. cit., pp. 222-27.

¹⁶⁶The Regional Constitution had the following characteristics: "There was to be a two-chamber parliament;

Following the independence elections of May 1963, a constitutional conference was held in London that September. Thereafter the regional powers were increasingly diluted and the constitution itself lasted only eleven months after independence until November 1964 when KADU folded and returned to KANU.¹⁶⁷ And following independence, Odinga was appointed as Vice-President and Minister of Home Affairs.

The APP and the General Election of 1963

Prior to the election, in November 1962, a third African political party, the African People's Party (APP), was formed by Paul Ngei, an ex-detainee and the acknowledged leader of Kenya's third largest tribe, the Kamba. Although the APP was primarily a Kamba party, its formation was not an expression of tribal separatism, but rather of Ngei's frustration in attaining a position of importance within KANU. Ngei left KANU because he felt he had been squeezed out of

six regions derived power from the constitution, not from central government; the regions were to have their own legislature, administration, financial and executive powers, and control over land and police. All Crown lands and trust lands came under the regional authorities. Scheduled land (including the White Highlands) came under a special central land board, but this board was composed of six regional nominees and only one from the central government, plus an independent chairman. Constitutional amendments required 75 percent and in some cases 90 percent of the vote in each of the two Houses." Odinga, op. cit., p. 230; Bennett, "Political Realities in Kenya," op. cit., p. 296.

¹⁶⁷Clyde Sanger and John Nottingham, "The Kenya General Election of 1963," The Journal of Modern African Studies, Vol. 2, No. 1, March 1964, p. 19. See entire article for a discussion of regionalism.

leadership positions both nationally and locally. He had been excluded from the Lancaster House conference of 1962, and more important he was edged out of his position as leader of the Kamba, when KANU headquarters attempted and successfully refused to acknowledge the elections which put him in control of the Machakos branch.¹⁶⁸ Some saw the split as a reflection of the split between Odinga and Mboya, since the former supported Ngei while the latter sided with his opponents.¹⁶⁹ Whatever the basis of the factionalism that preceded the APP break, it is clear that the origins of the party did not stem from a difference in ideology or program. Furthermore, the party definitely was not the African People's Party that its name suggested. It lost its meager support among the Luo very soon and was quickly turned into an all Kamba party. Even then it failed to win all the Kamba seats in the 1963 election.¹⁷⁰

In the face of rival claims for power, KANU attempted to impose some discipline on its internal organization as it faced the '63 elections. However, it failed in a number of places, including Nairobi, Nakuru, Kandara, and Nyanza.¹⁷¹

¹⁶⁸ Ibid., pp. 4-7; Bennett, "Political Realities in Kenya," op. cit., p. 297.

¹⁶⁹ Odinga, op. cit., p. 235; Sanger and Nottingham, op. cit., p. 4.

¹⁷⁰ George Bennett, "Opposition in Kenya," Collected Seminar Papers on Opposition in the New African States, No. 4, London: University of London, Institute of Commonwealth Studies, October 1967-March 1968.

¹⁷¹ Sanger and Nottingham, op. cit., p. 7.

As Odinga notes, "party discipline collapsed" ¹⁷²
 Mboya's group, the Nairobi based Luo United Movement, ran candidates against the official pro-Odinga slate and despite an agreement to split the seats between two contesting groups in Nairobi, the deal was repudiated. Elsewhere, there were contests between the radicals and the moderates within KANU.

Although some of the dissention subsided once the time for the election neared, KANU's victory largely stemmed from a kind of "bandwagon effect" and the weakness of its opponents. As Sanger and Nottingham note, it was difficult for KADU "to produce a constructive policy which did not seem merely to ape KANU's bold manifesto." ¹⁷³ It was left with very little to talk about other than regionalism and in the case of its affiliates the Coast African People's Union, tribalism and the Coast People's Party, tribal autonomy. ¹⁷⁴ KADU did not even run enough seats to obtain a majority and in spite of the last minute agreement with the APP not to contest each others seats, Ngei never came out clearly in support of regionalism. ¹⁷⁵ In addition, by the time of the election, the defections of the non-Kamba members from the APP had left

¹⁷²Odinga, op. cit., p. 235.

¹⁷³Sanger and Nottingham, op. cit., p. 8.

¹⁷⁴Ibid.

¹⁷⁵Bennett, "Political Realities in Kenya," op. cit., p. 298.

it a one tribe party.¹⁷⁶

KANU won the elections and led the country to independence on December 12, 1963, in spite of its weaknesses rather than because of its strength. The APP and Ngei returned to KANU in September 1963, further adding to KANU's numerical victory.¹⁷⁷ Following independence and the declaration of a "de facto" one party state in November 1964, KANU continued to be plagued by its inherited legacies. It was unable to surmount the organizational legacy of district locally oriented political associations. In addition,

¹⁷⁶ Membership in the APP seems to have been based largely on a calculation that this would be the best way to win a seat rather than on any ideology or program. This is well illustrated by the case of William Malu. "William Malu, the West Kamba and KANU national treasurer responsible for many of the moves against Paul Ngei suddenly decided to join the APP at the end of January 1963. His influence in the important Kikungu area of Machakos district was strong but presumably he felt it would not defeat an APP candidate He changed back to KANU when APP would not nominate him as their official party candidate and in the general election the figures were Mutiso, APP- 17,301; Malu, independent, 10,983; Kimwele, KANU, 683." Sanger and Nottingham, op. cit., p. 6.

¹⁷⁷ May 1963 Election Results:

<u>House of Rep.</u>	<u>Plus Nominated Mbrs.</u>	<u>Plus Defections from APP and KADU by December 1963</u>
KANU	72	98
KADU	32	26
APP	8	
BPU	0	
CPP	0	
INDEP	0	
 <u>Senate</u>		
KANU	20	23
KADU	16	15
APP	2	

Sanger and Nottingham, op. cit., p. 35.

and perhaps at least as consequential, certain members of KANU began to adopt many of the views and tactics of their colonial predecessors in dealing with internal factions and external opponents.

Conclusions

The argument of this chapter is that by the time of independence, African politicians themselves had inherited colonial legacies which encouraged the development of certain types of parties, certain attitudes towards politics and certain styles of dealing with internal and external political opposition. Basically, the argument maintains that imitation is an important factor in explaining why pre- and postindependence political patterns have been so similar.

The Organizational Legacy

The lengthy prohibition on nationwide political parties during the colonial era gave rise to local tribally oriented groups which were difficult to unify later on. By the time the prohibition was lifted, many political leaders had developed a vested interest in maintaining these groups, whether they were formal parties or informal cliques. The factionalism which developed among the members of AEMO in the absence of party discipline continued and was encouraged by the colonial government. Furthermore, the administration's continued detention of Jomo Kenyatta meant that at least one

national organization, KANU, was without a leader--a fact which tended to strengthen local associations at the expense of national political parties and intensified factionalism both at the national and the local level.

Whether or not district tribal political associations and factionalism would have matured to the extent they did had the colonial government encouraged rather than discouraged national parties is difficult to say. Regardless of the colonial policy on parties, it is fair to say that the country would have developed differentially. The large tribes, especially the Kikuyu who were closest to the capital of Nairobi, would still probably have received many of the economic and educational benefits from colonialism. Undoubtedly, this would have generated a certain amount of separatism from and ill feeling among some of the other tribes. In addition, the fact that the country's resources--both material and human--were limited, would have made it difficult to build strong national political associations.¹⁷⁸ Limited resources would also have encouraged factionalism, since rewards or patronage was so limited and the contenders were so numerous. Nevertheless, it is difficult to escape the conclusion that the colonial government's denial of colony wide political associations did much to reinforce the problems of building trans-tribal political groups following independence.

¹⁷⁸For an extensive general discussion of this point see Zolberg, Creating Political Order, op. cit.

The Legacies of Attitudes and Styles

The colonial government's attitude towards politics was that it should be contained and if possible eliminated. It did this first, by building a strong administration which it hoped would stifle and perhaps remove the need for political expression outside of a very limited arena. Second, it treated early African political associations and their members as seditious agitators--opponents who had to be annihilated from rather than brought into the political process as equal participants. From the administration's point of view, political opposition was equated with political destruction. Consequently, they adopted the attitude that opposition or politics itself was illegitimate and had to be destroyed.

From the time of the first African political association in Kenya, the colonial government began to use the administration--which was considerably strengthened during the Emergency--¹⁷⁹ to suppress political opposition or development. It did this in a variety of ways. It used tribal authorities as its tools in the civil service. It prompted and encouraged the rise of certain organizations which were almost its appendages in an attempt to pit those who were prepared to accept unequal political participation against those who weren't. It also used the administration to narrow the available constitutional channels to the point where they were barely realistic avenues for political expression. The

¹⁷⁹See Gertzel, op. cit., Chapter One.

government did this by making it difficult and often impossible for political associations to register themselves, collect funds, hold meetings or in any way to genuinely participate in politics. Organizations or individuals who protested against this narrowing of channels were reprimanded financially and vocationally, branded as seditious, and were often imprisoned or had their organizations banned.

Precisely because African politicians were treated so miserably during the colonial period one might have expected that they would have completely repudiated the colonial government's attitude towards politics and its style of dealing with political opposition.

This did not happen for two reasons. Kenya was left with an organizational legacy of weak parties and a strong administration. Because the administration was already there and because there were only limited resources at hand to reorganize the political parties, the government used what was available and depended increasingly on the administration to govern the country. However, this fact alone hardly explains why the new government adopted similar attitudes towards politics as its colonial oppressors and began to use the administration to similar ends.¹⁸⁰

One of the most powerful explanations of why this happened stems from a belief that political socialization during the colonial period was an important if not crucial

¹⁸⁰This assertion will not be elaborated here, but will be discussed below in later chapters.

factor in setting the norms and practices of political participation. The fact that politics on a national scale first appeared during the colonial period should not be underrated. National politics and patterns of political participation were in a sense "learned" under colonial tutelage. Obviously to make any headway at all with the colonialists it was necessary in part at least to learn to play their game according to their rules. It is not surprising as Sorrenson notes that "on the whole the independence movements had assumed a European (and Christian) form and had been developed through European types of institutions."¹⁸¹

It is not only the forms of politics devised during the colonial period that were aped, however. Coleman and Rosberg maintain that the orientation of the attitudes of many political leaders was also shaped by their lengthy exposure to "bureaucratic centralism" under an "authoritarian political order."¹⁸² Not having interviewed colonial administrators or African politicians about their political attitudes, it is, of course, impossible to discuss these attitudes with any specificity. From the written evidence that does exist, however, it appears that at the very least, both the colonial government and postindependence political leaders viewed

¹⁸¹Sorrenson, op. cit., p. 50.

¹⁸²For most of the leaders in Kenya the "lengthy exposure" had the duration of a lifetime. Coleman and Rosberg, op. cit., p. 659.

political opposition as seditious and illegitimate. It is possible that the inequitable distribution of socio-economic resources and sanctions in the society would have led to negative attitudes towards political opposition and to its repression irrespective of the socializing influence of the colonial period. (This is discussed in Chapters IV and V). It is abundantly clear, however, that the colonialists did nothing to institutionalize a set of norms which would have encouraged positive attitudes towards opposition parties.

In attempting to answer the question of why some of the attitudes and tactics of the colonial period appear to have been adopted after independence, La Palombara and Weiner have suggested that continuous repression leads to inadequate socialization in the art of political compromise and bargaining.

Nationalist movements were compelled to develop under clandestine conditions when the right to organize for the purpose of achieving independence was limited or denied by colonial rulers. Nationalist groups subjected to such repressive measures and compelled to operate underground are not adequately socialized into the art of political compromise and responsible leadership. Once such groups emerge either as cliques or political parties after independence they are likely to manifest an overtly strong identification with the state, view opposition as illegitimate and be dogmatic, uncompromising and monolithic in their orientation. 183

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Joseph La Palombara and Myron Weiner, "The Origin and Development of Political Parties," in La Palombara and Weiner, eds., Political Parties and Political Development, Princeton, New Jersey: Princeton University Press, 1966, p. 31.

La Palombara and Weiner have also maintained that groups which are severely repressed are "conditioned in their attitudes towards the political process" and "are likely to apply to their own future opponents the same standards and patterns of repression to which they were subjected."¹⁸⁴

A second and related reason why the independence government adopted colonial attitudes and styles, may stem from the origins of the political parties themselves. Unlike many parties of the West, political parties emerged as what Duverger calls "externally created parties"--"parties that began outside the legislature and invariably involved some challenge to the ruling group and a demand for representation."¹⁸⁵ The argument is that because these types of parties initially and often for some time do not participate in parliament or the ruling process, they do not develop an attachment to existing political institutions. As in the case of Kenya

¹⁸⁴Ibid., p. 24.

¹⁸⁵Ibid., p. 10 and Maurice Duverger, Political Parties, New York: Science Editions, John Wiley and Sons, 1963, pp. xxxiii-xxxvii. One might argue that KANU and KADU were not in fact "externally created parties" since (a) some of their leaders were members of Legco prior to the emergence of national parties, and (b) one year after the formation of the two parties, in 1961, an election was held which the two parties contested for seats in Legco. If, however, one views the KCA and K.A.U. especially as parties, one could argue convincingly that political parties in Kenya were "externally created." It all depends on what point in time one uses as a starting point. Certainly there were many important discussions in Legco by individuals who were part of the African Elected Members Organization even prior to the formation of KANU and KADU. Among these important discussions was the issue of when Kenyatta would be released from detention.

they often view constitutions as tools of the colonial administration which will have to be "swept aside by the pressures of African nationalism."¹⁸⁶ Furthermore, since they are usually deprived of constitutional channels, of which parliament is just one, toughness and force become accepted means of dealing with the colonial government and of solving political problems.¹⁸⁷ This exclusion from the political process and consequent development outside it, where as Mboya notes, "everyone is taught to know one enemy--the colonial power--and the one goal--independence,"¹⁸⁸ leads to what Shils has called "oppositional politics" and later in the postindependence period to an "oppositional mentality."

The oppositional mentality impatient with the talkative and round about methods of representative government, inclines towards oligarchical solutions to the problems confronted and envisaged in new states. 189

¹⁸⁶Odinga, op. cit., p. 181.

¹⁸⁷Where constitutional channels do not exist then nationalists will resort to the only other means--which is force . . . the frustrations which precipitated violence were clearly there and the colonial powers . . . cannot escape responsibility for having precipitated this violence It appears the world's newspapers are more interested in areas where there is violence And this poses the question of whether or not it is the only method by which nationalists can awaken the world to the plight of their people." Mboya, op. cit., p. 50. "We learnt during our struggle that the only way to get anywhere with Britain was by being tough." Ibid., pp. 129-30.

¹⁸⁸Mboya, op. cit., p. 61.

¹⁸⁹Edward Shils, "Political Development in the New States," Comparative Studies in Society and History, vol. 2, no. 3, April 1960, p. 285.

It appears that the two reasons given thus far to explain why some of the political attitudes and styles of the colonial government were adopted in the post-independence period--political socialization, and externally created political parties--stemmed from the policies of the colonial government itself. Undoubtedly, the policies of the colonial government were only one reason why colonial attitudes towards politics and colonial styles of dealing with internal and external political opposition were adopted by the African government following independence. There were other compelling reasons and these will be discussed in the chapters below. The purpose of this study simply has been to establish the importance of the colonial period in shaping later political patterns.

Although writers have acknowledged the organizational legacy of colonialism, generally they have treated the patterns of political behavior which evolved after independence separately and distinctly from those of the colonial period. The argument of this chapter has been that the colonial period left other legacies which in part explain the similarities displayed in attitudes and styles adopted by Africans following independence.

Chapter II

DISSENT WITHIN ONE PARTY 1964-66

. . . the single-party state can also provide a unified scheme within which differences can be accommodated, especially during times of crisis. What really matters is whether the political system established allows and facilitates effective discussion of various views before final policy is formulated

Tom Mboya, "Introduction," March 1969, in Tom Mboya, The Challenge of Nationhood, London: André Deutsch, 1970, p. 8.

It is said that opposition is a luxury we cannot afford, since it will divert us from the progress whose general direction is widely agreed within the nation.

Yet the danger is that where opposition is given no institutional framework it may find expression in unconstitutional forms

Ibid., p. 9.

Introduction

With the dissolution of KADU in November 1964, Kenya became a 'de facto' one party state. From 1964 until 1966 KANU was Kenya's only political party. This chapter examines the problems of expressing dissent within that party during its period of supremacy, prior to the formation of an opposition party in mid-1966.

Within this chapter the term "dissent" refers exclusively to the ability "to criticize, to exhort, to persuade, and to be listened to."¹ The term "opposition" on the other

¹ Leonard Shapiro, "Putting the Lid on Leninism--

hand applies strictly to an opposition party, a legally "organized political group, or groups, of which the aim is to oust the government in power and to replace it by one of its own choosing."² Hence the term "opposition" is a specific phenomenon and does not here encompass any form of "opposing"³ or dissent. Unlike oppositions, factions are groups of voters and leaders which usually operate to support an individual or a clique within a particular party and which display varying degrees of coherence and continuity.⁴ Factions are not oppositions because in a one party situation they are not legally distinct groups from the party.⁵ However, depending on the bias of a faction, the rulers of the governing party may suppress the ability of a group to dissent if they believe it constitutes a potential opposition party. It is not unlikely then that certain factions in a one party state will be treated similarly in some respects to oppositions. For the purpose of what follows, it is nevertheless helpful to keep the terms dissent, opposition, and faction analytically separate.

opposition and dissent in the communist one-party states," Government and Opposition, Vol. 2, No. 2, April 1967, p. 182.

²Ibid.

³Giovanni Satori, "Opposition and Control Problems and Prospects," Government and Opposition, Vol. 1, No. 2, January 1966, p. 150.

⁴This definition is partially derived from V. O. Key, Jr., Southern Politics, New York: Vintage Books, 1949, p. 16.

⁵This distinction may account for that although factions are almost always engaged in political competition they "do not advertise themselves as factions but try on various types of normative clothing," a point made by F. G. Bailey, Strategems and Spoils, Oxford: Basil Blackwell, 1970, p. 54.

The discussion below attempts to focus on the following questions: What was the party's ideology with respect to dissent? What avenues were available for dissent on the national and local party level? How did the relationship between the party and the administration effect the channeling of dissent by party members? How was the National Assembly used as an organ for the expression of dissent by the Parliamentary Party of KANU?

Ideology

Kenya was a 'de facto' one-party state from 1964 until 1966. It relied on arguments similar to those of 'de jure' one party states in Africa in defending the propositions that a single party system was justified on traditional, historical, economic, and political grounds and that it was possible to effectively voice dissent within such an organization.⁶ As Aristide Zolberg notes, however, the single party

⁶These arguments have been stated and criticized in detail and shall not be repeated here. See W. Arthur Lewis, Politics in West Africa, New York: Oxford University Press, 1965; S. E. Finer, "The One-Party Regimes in Africa: Reconsiderations," Government and Opposition, Vol. 2, No. 4, July-October 1967, pp. 491-509; Zolberg, op. cit., passim; Coleman and Rosberg, op. cit., pp. 655-91; Henry Bienen, Tanzania: Party Transformation and Economic Development, Princeton, New Jersey: Princeton University Press, 1967, pp. 203-67; Frantz Fanon, op. cit., pp. 136-47; Samuel P. Huntington, Political Order in Changing Societies, New Haven and London: Yale University Press, 1968, pp. 397-461; La Palombara and Weiner, op. cit., pp. 399-435.

and the arguments for it are probably best understood as "a goal set by a political elite which then worked self-consciously for its achievement."⁷

Kenyatta, like a number of other African leaders, claimed that a single party was necessary to attain political stability and economic development. Given the monumental tasks that faced the nation the aim of every Kenyan should be to work for the motto of the nation--"Harambee"--"Let us all pull together." Above all the newly independent country should strive for unity to overcome the divisions of the colonial era. The experience of KADU, Kenyatta maintained, had demonstrated that the existence of an opposition party at this point in time was a hindrance to unity. Opposition parties were dangerous because they could become the tools of foreign governments all too readily. KADU had "warm[ed] their bellies under imperialist wings."⁸ KADU, Kenyatta said, was not a party that had been based on genuine differences from KANU. They were merely "dissidents" who had formed a "splinter club." "It would be a sham, [he asserted], to imagine that these self-conceited grasshopper politicians formed their new club because of their belief in majority rule, democracy and the rule of law. Had that been the case,

⁷Zolberg, Creating Political Order, *op. cit.*, p. 35.

⁸Jomo Kenyatta, "A One-Party System--1964," Suffering Without Bitterness, Nairobi: East African Publishing House, 1968, p. 228.

the . . . leader of the cabal known as KADU would not have connived with a Colonial Governor in an unholy alliance to coerce the majority and delay independence."⁹

Opposition parties were not only dangerous because of their unholy alliance with foreign powers but were also politically and economically frivolous. Kenya had been forced to "maintain [KADU's leaders] from public funds and tolerate their insatiable desire for agitation merely because they wanted to oppose for the sake of opposition."¹⁰ Opposition parties were from Kenyatta's point of view almost outrightly defined as groups which "[i]nstead of being constructive from within prefer . . . to be destructive from without."¹¹ The idea of containing conflict within one group stemmed from traditions within African society and could, Kenyatta suggested, be applied analogously to a one party system, in spite of the difference in the scale of the two organizations. A time might come, Kenyatta said, when "relevant grounds" would "evolve" for a "multi-Party state" and he declared that it was "not the intention of [his] Government to block such a trend through any prohibitive legislation."¹²

⁹Ibid., p. 230.

¹⁰Ibid.

¹¹Ibid., p. 228.

¹²Ibid., p. 231.

In the meantime, however, opposition parties, having been declared potentially subversive, wasteful, and destructive, were hardly encouraged. Kenyatta had declared that the Government could "accept fair and constructive criticism," but that it could not "afford the luxury of negative and destructive opposition."¹³ Two crucial questions remained to be examined. First, what was "constructive criticism" or dissent, who was to define it and how was it to be differentiated from destructive dissent? Second, what guarantees were available to insure freedom of dissent within one party?

The question of "constructive criticism" was rarely tackled very directly. Like a number of other nations Kenya was faced with a variety of problems following independence which threatened her already precarious unity. KANU was highly factionalized and inadequately organized to handle the increased demands that were placed upon it. In addition, there was a resurgence of oath-taking in 1964 followed by increased activity among the "shifta" groups of the North who wanted to separate from Kenya and join Somalia. Finally part of the Kenya army mutinied in January of that year although it was quickly and successfully quelled. Faced with a situation in which its enemies appeared to be coming from all fronts, the Government adopted the colonial policy of banning public meetings in an attempt to maintain order. A number of M.P.s felt that the

¹³Jomo Kenyatta, Harambee!, Nairobi: Oxford University Press, 1964, p. 12.

ban was simply an attempt by the Government to muzzle dissent. On June 17, 1964, when the ban was lifted the question of what constituted "constructive criticism" came up in the House of Representatives.¹⁴ At that time Tom Mboya, Minister of Justice and Constitutional Affairs, said:

Meetings must not be used as instruments to try to undermine established authority. Legal action would be taken against those who abused their privileges. It was only in answer to abuse that the Government would consider imposing restrictions.

Public meetings were not for slogan-shouting or destructive criticism. The Government was not afraid of criticism but it must be constructive. Asked "Who is the Judge?" Mr. Mboya replied, "The Judge was the Government."¹⁵

Ronald Ngala replying to Mr. Mboya suggested that it was a dangerous precedent to link "criticism" with "undermining the Government."¹⁶ Although Mr. Ngala was the Leader of the Opposition at the time, this vague coupling of destructive dissent with undermining established authority continued following the dissolution of KADU.¹⁷

Kenyatta and Mboya both considered the question of what guarantees were available to ensure the freedom of dissent

¹⁴East African Standard (hereafter referred to as EAS), June 18, 1964, p. 5.

¹⁵My emphasis, EAS, June 18, 1964, p. 5. See also for other discussions of the ban, EAS, April 14, 1964, p. 5; April 20, 1964, p. 5; April 24, 1964, p. 8; May 28, 1964, p. 5.

¹⁶Ibid.

¹⁷This will be discussed in greater detail below.

within one party. They noted the following: a properly working party machinery which encouraged discussion and democratically made decisions, leaders of integrity, provisions in the constitution for freedom of association, speech and assembly, and a change of Government through free elections.¹⁸ However, for a variety of reasons which will be discussed throughout the rest of this chapter, the above guarantees did not operate particularly effectively.

The Party and Dissent

The Party on Paper--The KANU Constitution 1962-66

The KANU constitution which was revised in 1962, prior to independence, was in effect until 1966 when it was amended. On paper at least, it appeared that the party provided for a wide variety of organs through which individual officers and members of the party could exercise their concerns, dissent when appropriate, and control the decisions and organization of the party. Before turning to the important questions of how and why the party deviated from the constitution in practice, it is instructive to understand the guidelines that the party set for itself.¹⁹

¹⁸See Kenyatta, Suffering . . ., op. cit., p. 231; Mboya, Freedom . . ., op. cit., p. 89; Tom Mboya, The Challenge of Nationhood, London: André Deutsch, 1970, p. 9.

¹⁹The information and organization which follows comes from the Constitution of the Kenya African National Union, KANU Headquarters.

Membership

Any African who was at least eighteen and was not a member of another group whose policy was "inconsistent" with that of KANU's was eligible for membership in the Union. His obligations once his application had been accepted by the sub-branch or branch Executive Committee, were to pay an admission fee of five shillings and a monthly subscription fee of one shilling. If he was in arrears on his monthly dues for three months, he would be suspended from the Union and ineligible to vote at any party meeting.

National Officials

The National Officials of the Union consisted of the following officers: President, Deputy President, Seven Vice-Presidents, Secretary-General, Assistant Secretary-General, National Treasurer, Assistant National Treasurer, National Organising Secretary, Publicity and Education Secretary, National Executive Officer, Accountant, and Inspector of Books. Each office bearer except for the last three who were appointed by the President in consultation with the National Executive Committee was to be elected at an Annual Delegates Conference for a period of two years and would then be eligible for reelection. No national office-bearer was to simultaneously hold an office in "any branch, sub-branch or subsidiary organisation of the Union" and both the Secretary General and the National Treasurer were to be "full time officials."

The President was to "be the head of the entire administration of the Union." He was empowered with "full authority" over all the subsidiary organs of the Union including the Branches, the Parliamentary Group, and the Youth and Women's Wings. "In all respects" he was to "assume leadership of the Union, symbolize its unity, and be the Union's national and international spokesman." He could suspend any individual from the Union subject to ratification by the Governing Council and "suspend from office any person or groups of persons who act or speak contrary to Union policy." He was to "initiate policy" on behalf of the Union and to be the leader of the Parliamentary Group.

The Deputy President was to assist the President in the above duties and to "assume his duties in the President's absence."

The seven Vice-Presidents were to each represent one of the administrative provincial areas, and were to be nominated at the Annual Delegates Conference by the members from their respective provinces, which would act as an electoral college in making the nomination. Their duties consisted of primarily furthering the party's program throughout the country and sitting on various standing committees appointed by the President.

The Secretary General was to "be responsible for all Union correspondence," to keep a "record of all meetings of the National Executive Committee, Governing Council and Delegates Conference" and to distribute these minutes.

In addition, he was to "ensure that meetings of the National Executive Committee and the Governing Council [took] place at such times as may be decided by the President."

The National Treasurer was "to be in charge of the Union's financial office and supervise branch financial transactions under the direction of the President, the National Executive Committee and the Governing Council." He was also to prepare a quarterly statement of accounts for the Governing Council and an annual statement for the Delegates Conference.

The National Organising Secretary was to supervise plans for Union meetings and rallies, for Branch elections and to establish Branches and Sub-Branches where they did not exist.

The Publicity and Educational Secretary was to be in charge of publicity and scholarships "secured by the Union."

National Organs

At the National level KANU was to consist of three groups which were to direct and organize the affairs of the Union.

The National Executive Committee was to act as the Executive body of the Governing Council and the Delegates Conference. Its functions were to see that decisions and policies made by the two other bodies were carried out and that appropriate measures were adopted to enforce these decisions. It was to meet once a week except in an emergency when it would assume full responsibility for the Union and it was to report to the

Governing Council quarterly. It was to work closely with the KANU Parliamentary Group and was to consist of all National Officials and "one other member elected by the Governing Council from each administrative Provincial area."

The Governing Council's functions were to carry out the program of the Union, to organise branch activities and "to select candidates for Central and Local Government elections from lists or a panel of names submitted by the Branch concerned." It was to make sure that the Treasurer submitted a financial statement to the Council every three months and that all branches sent monthly financial reports to Headquarters. In addition, it had the power to make bylaws as long as they were not inconsistent with the Constitution of the Union. It was to meet quarterly and to consist of all National Officials, "two representatives elected by each Branch Executive Committee," and "one representative of the KANU Parliamentary Group from each Province elected by the elected members from that Province."

The Annual Delegates Conference was to meet every August to discuss party matters and to elect an Auditor and National Officers when their terms had expired. The yearly conference was to include "members of the National Executive Committee," "all KANU members of the Legislature or Parliament," and "six delegates duly elected by each Branch Executive Committee of the Union." Notice for the date and the agenda of the meeting were to be announced to all those entitled to attend "not later than 21 days before the date of the Conference, and

where practicable by press advertisement not less than 14 days before the date of the conference."

Local Organs

On the local level KANU was to be divided into Branches, Sub-Branched, and Sub-Location or Area Committees.

The Branch was to be the basic unit of the Union and there was to be one for each administrative district of the country. Each Branch was to be governed by a Branch District Executive Committee consisting of: elected officers, Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer and Organising Secretary, a Branch Executive or Revenue Officer appointed by the President in consultation with the NEC and the BEC, "one member from each sub-branch in the area," and "district officers of the KANU Youth and Women's Wings." The duties of the BEC were to organise, propagandise, and recruit new members for the Union, to represent the views of the Branch to the Governing Council, to report any recommendations for suspension from the Union to the President and the NEC, and to foster a spirit of self-help among party members. Branch Officers and an Auditor were to be elected at an annual general meeting consisting of Office bearers of the Branch and all sub-Branched in the district, ten members elected by each Location in the District, and "district officer bearers of the KANU Youth and Women's Wings." At this time, the Branch Treasurer was also to give his report.

Each Branch was to be subdivided into Sub-branches based on the "administrative locational in rural areas." The officers of the sub-branch working committee²⁰ were similar in most respects to those at the branch level and were to be elected at an annual meeting consisting of its former office bearers, twenty delegates from each sub-location elected by the sub-location area Committees, the Locational Party Organizer, an officer in charge of collecting revenue appointed by the Branch Executive Officer, and representatives from each Women's and Youth Wing. Its duties were to parallel those of the Branch except that it had "no original powers of expenditure"; all money collected had to be remitted to the Branch and all money received had to be claimed from the BEC or Treasurer.

Finally each sub-branch was to be divided into sub-locations or areas, to be based on the administrative sub-location or ward. Each sub-location was to be governed by a Working Committee, whose officers and members were to be elected at an annual meeting consisting of "all KANU members who have paid up their subscriptions registered in the area, including members of the Women's Wing." The functions of the committees were to be those of a sub-branch, but at the sub-location level.

At the local level, the finances of the Union were to be handled largely by the Branches, who were to remit forty

²⁰The Sub-Branch Working Committee also consisted of a Locational Party or Revenue Officer, appointed by the Branch Executive Officer, two representatives from each Sub-Location or Area Committee, and two representatives from each of the Women's and Youth Wings.

percent of all the dues collected at each level and forty percent of all funds collected at rallies and meetings to the National Headquarters.²¹

At each level of the local party organisation, there were to be KANU Youth and Women's Wings who were to work in conjunction with the party who were to organise rallies and meetings and to increase the political consciousness of their respective groups.

Parliamentary Organ

Within Parliament there was to be a KANU Parliamentary Group consisting of all Union members in Parliament and any non-members "who accept the Union's whip, policies and programmes as members of the Group." The Parliamentary Group was to be under the "direct supervision of the President," to "be responsible for tactics and programmes with Parliament," but to "have no power to initiate policy." The group was to "be based on discipline under the whip" and members could be expelled by the President or the NEC "for any disregard in policy."

Procedures

A quorum was to be established for meetings held at every level of the Party.²² Resolutions at all such meetings

²¹In addition, they were required to submit not less than twenty percent of the money received from any sub-location back to the sub-location.

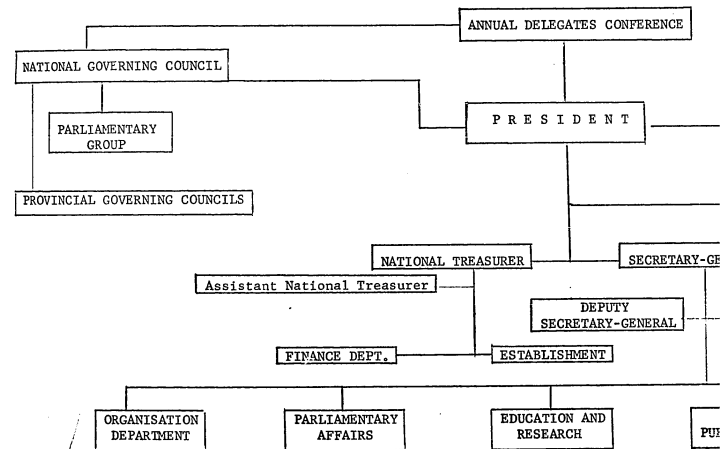
²²The quorum for meetings of NEC, the Governing Council, the BEC, the Sub-Branch Working Committee, the Sub-Location

were to be decided by a simple majority and in the case of a tie, the Chairman would have the deciding vote. The Constitution and Rules could be amended "by a resolution carried by a two-thirds majority vote of members present at any Delegates Conference." Only Branches and the NEC were to be empowered to "send resolutions affecting amendments to the Constitution and Rules for consideration by a Delegates Conference."

At any time, the President was empowered to appoint a committee to "investigate the affairs of any Branch, Sub-branch, or Location Committee," and to act on its recommendations unless they were modified or set aside by the Governing Council. The President with the approval of the NEC, could also "dissolve any branch, sub-branch, sub-location, Youth Wing or Women's Wing Committees and order fresh elections to such Committees, if he and the NEC consider[ed] the activities of any such Committees detrimental to the interests and objects of the Union."

Working Committee and all Committees of the Youth and Women's Wing was to be one-half of the members entitled to attend. For the Parliamentary Group and all delegates conferences and all general meetings at the Branch, Sub-Branch and Sub-Location levels the quorum was to be two-thirds of the members or persons entitled to attend.

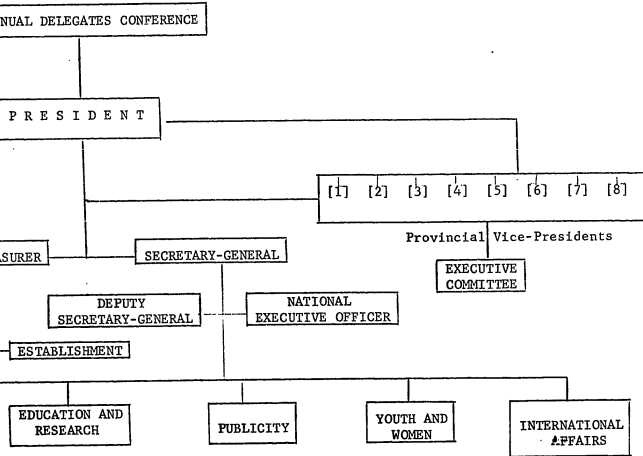
K.A.N.U. STRUCTURE CHART



[1] [2] [3] [4] [5] [6] [7] [8]
 Provincial Organising Officers.

Source: KANU Headquarters. This chart displays KANU's structure following the 1964 post of Vice President was abolished.

A.N.U. STRUCTURE CHART



's structure following the 1966 amendments when the
nt was abolished.

The Party in Fact

The party in operation differed enormously from what was envisaged on paper. At the national and local levels many of the organs did not meet at all and those that did, performed ineffectively. The organizational legacy of colonialism, a lack of finances, institutions, and personnel to cope with the enormous demands that were placed upon it, each in part explains why the party never got off the ground and became "an effective instrument of mobilisation."²³ In addition, with the return of KADU, factions within the party became more pronounced and tactics of the colonial era were

²³Zolberg, Creating Political Order, *op. cit.*, p. 126. For discussions of what many scholars thought the party in Africa was like see Ruth Schachter Morgenthau, "Single-Party Systems in West Africa," The American Political Science Review, Vol. LV, No. 2, June 1961, pp. 244-307 and Thomas Hodgkin, African Political Parties, Harmondsworth: Penguin Books, 1961. For critiques of these discussions see Zolberg, *op. cit.*; Henry Bienen, "One-Party Systems in Africa," in Samuel P. Huntington and Clement H. Moore, Authoritarian Politics in Modern Society The Dynamics of Established One-Party Systems, New York: Basic Books, Inc., Publishers, 1970, pp. 99-127; Henry Bienen, "Political Parties and Political Machines in Africa," African Studies Colloquium, University of California Los Angeles, April 9, 1968, unpublished paper; Aristide R. Zolberg, "The Structure of Political Conflict in the New States of Tropical Africa," The American Political Science Review, Vol. LXII, No. 1, March 1968, pp. 70-87. In addition, a number of book length studies develop these critiques less theoretically. See especially, Dennis Austin, Politics in Ghana, London: Royal Institute for International Affairs, 1964; Martin Kilson, Political Change in a West African State: A Study of the Modernization Process in Sierra Leone, Cambridge: Harvard University Press, 1966; Colin Leys, Politicians and Policies, Nairobi: East African Publishing House, 1967; Henry Bienen, Tanzania: Party . . ., *op. cit.*; and Aristide Zolberg, One Party Government in the Ivory Coast, Princeton: Princeton University Press, 1964.

used to isolate and repress those who disagreed with the Government. Consequently, the party was not only weak, but party members found it increasingly difficult to exercise their right to dissent and to control the decisions of the party. For some the difficulty stemmed from the fact that the party machinery was simply not available or in too confused a state to be used effectively. For others, who were in a position to use the available avenues, dissent was nevertheless difficult because it was automatically interpreted by those in power as destructive, subversive, and an attempt to undermine established authority. To understand the problems of exercising dissent within KANU, it is necessary to examine how in fact the party operated at the national local and parliamentary levels and why factionalism brought about the repression of dissent.

The Party at the National Level

In 1962, the party was envisaged as an organization which would "promote national consciousness and unity and vigilantly . . . safeguard national interests," "serve as the vigorous conscious political vanguard for removing tribal racial, social and economic discrimination and exploitation, and all other forms of oppression," would "work for the speedy reconstruction of a better Kenya, raising the people's standard of living, wealth, education, health and welfare," and would "secure for the workers and people of Kenya the full fruits of their industry and the most equitable distribution thereof

by ensuring that the means of production, distribution and exchange are under the best obtainable system of popular control and fair play."²⁴

Within a few years, however, it was obvious to many that the party was extremely weak and hardly the instrument of mobilization that it claimed to be. For those who had not watched the activities of the party carefully in the intervening years since independence, it was somewhat of a shock when in 1966 John Keen, KANU's National Organising Secretary publicly announced that the central organs of the party had not functioned for some time and that party Headquarters was in a state of chaos because of neglect and bankruptcy.

Formal Party Organs

From 1963 until 1966 there had been no meetings of the Governing Council or the National Executive Council. Furthermore, there had been no Annual Delegates Conference since the party's inception at Kiambu in 1960, although a special conference had been called in 1962 to draft the party constitution.

There are various explanations as to why the formal organs were allowed to shrivel at the national level.

Top party officials also held important positions in the Government and were consequently very busy. Kenyatta was President of the country and head of KANU. Odinga was both

²⁴"Aims and Objects," Constitution of the Kenya African National Union, op. cit.

Deputy President of the party and Vice-President and Minister of Home Affairs. K. K. Njiiri, KANU's Publicity and Education Secretary, was also the Junior Minister of Natural Resources and later the Assistant Minister for Local Government. John O' Washika, the party's Assistant Executive Officer, was a member of the East African Legislative Assembly (M.L.A.). Mwai Kibaki, KANU's National Executive Officer, was also a junior minister in the Treasury. Tom Mboya simultaneously held the position of Secretary General within KANU and was the Minister of Justice and Constitutional Affairs and later the Minister of Planning and Economic Development, following the declaration of the Republic in December 1964. In an article in which he discussed the problems and functions of the party in independent Kenya, Mboya himself admitted,

. . . [W]e the leaders must accept some responsibility for this slackness in the party activities in the months following the elections. I hope that our members and supporters will understand the pressures under which we have had to work. 25

In spite of the other pressing work of national party officials, it is nevertheless clear that Mboya at least was spending a noteworthy amount of time on party affairs. Other national party officials including Keen and O'Washika were making efforts as early as 1964 to persuade Mboya and Kenyatta to convene a meeting of the Governing Council of the party.

²⁵Tom Mboya, "The Role of the Party in Independent Kenya," in Mboya, The Challenge . . ., *op. cit.*, p. 48. Originally the article appeared in Pan Africa, 1964; also for a press statement to this effect see, EAS, January 24, 1964, p. 1.

Although Keen's letter publicly exposing the state of the party was not written until 1966, he drafted a circular to party officials in March 1964, to the same effect and in that month wrote Kenyatta, "It is a long time since we held our last Governing Council and it is therefore imperative that we should hold one sometime during this month."²⁶ Party Branches were also becoming impatient with the lack of party activity and their consequent inability to have any voice in party affairs at the national level. In April 1964 supporters from KANU Branches in South Nyanza, Central Nyanza, Kisii, Kuria, Nakuru, Kiambu, Kirinyaga, Taita, and Mount Elgon wrote a letter to Kenyatta demanding "under clause 6 sub-section IX of the Kenya African National Union" "that the Governing Council of the [Union] be convened on the 8th May 1964 at 10 a.m."²⁷ It is clear that although party officials were busy with Government work, they had time to consider the problem of reactivating the national organs of the party. Nevertheless, except for the Parliamentary Group, there was no meeting of a national body within KANU until 1966, when the first delegates conference since 1962 was held.

²⁶ KNA, Office of the President (hereafter OOP) 2/1, KANU Party Matter Addressed to the Prime Minister (hereafter KPMPM), letter to Kenyatta from John Keen, March 3, 1964, p. 11; also see Ibid., letter to Kenyatta from John O'Washika, April 21, 1964, p. 23.

²⁷ KNA, OOP 2/1, KPMPM, letter to Kenyatta from supporters of the above branches, 17 April 1964, p. 23/1.

Aside from excess work another explanation for party inactivity was that factionalism within the party and the preeminent position of Kenyatta prevented any national officials from asserting themselves, thereby leading to the withering away of the party. John Okumu notes:

Having been made the focus, and the condition for the winning of political independence, Kenyatta came out into the role of the saviour, the only one fit to lead the public to independence. This incarnation made him the only "good sword." He was or at least seemed to be, apart from political parties, and could not be bound by party regulations and rules, for his position seemed unchallengeable. This trend of events was deliberately created by the leaders of the Kenya African National Union in order to avert the intense "ideological" and personality struggle among them.

But once created, the special position of Kenyatta almost wholly prevented all other leaders from playing a creative rôle in the party, a rôle which a few of them were also capable. 28

As the party of independence, KANU, like a number of other one party regimes in Africa, continued to provide an "ideology of nationbuilding"²⁹ during a very difficult period. Although the national organs of the party did not meet, the party was not dead. Nevertheless it is probably true that because of the often intense factionalism among party leaders and the special position of Kenyatta, a number of officials undoubtedly

²⁸ John Okumu, "Charisma and Politics in Kenya," East Africa Journal, Vol. V, No. 2, February 1968, pp. 14-15.

²⁹ Henry Bienen, "The Party and No-Party State: Tawgawyika and the Soviet Union," Transition, Vol. I, No. 13, March-April 1964, pp. 25-32.

felt that the party was not capable of being used effectively and chose to exert their influence as members of the Government rather than as leaders of KANU. The lack of party activity by national organs stemmed then in part from a conscious choice, rather than the pressures of work. It was clearly advantageous for both Kenyatta and Mboya to keep the party weak. Had the party been strongly institutionalized, it would have been more difficult for Kenyatta to exert his king-like influence over the party's district bosses. Mboya, who was without a district base of his own, may have desired a stronger party than Kenyatta; however, his commitment was no doubt to a strong party which he could control and not to institutionalization in the abstract. Mboya's own insecurity among the Kikuyu clique within the Cabinet made it unlikely that he would ever be allowed to exert such control. Consequently, in spite of Mboya's many pronouncements concerning the need for a strong party, it was very uncertain whether or not he in fact wanted one.

Kenyatta himself appeared to have neglected the party. At independence, Kenyatta was faced with an exceptionally well-organized civil service and a very poorly organized party. From 1964 until 1966, although he continued to invoke party wisdom and ideology in speeches, Kenyatta relied on the administration not only for economic development as might be expected, but also increased their political responsibilities.³⁰

³⁰ See Cherry Gertzel, "The Provincial Administration in Kenya," Journal of Commonwealth Political Studies, Vol. 4, No. 3, November 1966, pp. 201-15; and Cherry Gertzel, "Development and Administration in Kenya, 1965-67," unpublished paper.

Nevertheless, even those national officials who themselves had not attended to the party were annoyed with the increased role of the civil service which they often resented as a challenge to their leadership at the local level.³¹ Therefore in spite of the pressures of work, the unchallengeable position of Kenyatta and party factionalism, there was a sincere desire by some party members to get the national level of the party moving so that these matters could be discussed.

Mboya himself claimed that the major reason that the national party organs had not and could not yet meet was that party branches had not elected officials since the merger with KADU. Therefore, he maintained, since the branches were not properly organized, they could not send representatives to national councils and delegates conferences. He deeply resented John Keen's accusation that "Senior officials of the party devoted most of their time to government business and all that was left at the party headquarters were the party staff without any executive power."³² Replying to Keen's circular, Mboya said, "It is . . . unfair for the author of this circular to make people believe that his efforts have always been frustrated or no one at the Party Headquarters apart from himself cared to strengthen the party."³³ KANU had held regional reorganization

³¹ Ibid.

³² Circular from John Keen, National Organizing Secretary, March 25, 1964, KANU Headquarters (hereafter referred to as KHQ).

³³ KHQ, Tom Mboya's "Answer to Circular drawn up by Organizing Secretary John Keen."

conferences at Embu, Kakemega, Kisumu, Eldoret and Mombasa from May through July 1964, and Branch elections were taking place from August until December, Mboya asserted. After that, KADU dissolved, necessitating a second series of elections in some areas. By mid-1965, these elections were still not completed and Mboya claimed that until they were, "it would be impossible to reconstitute the party Governing Council and the National Executive for national officials."³⁴ He furthermore reminded Keen that

the intention of reorganizing KANU is to have a dynamic mass organization in which views of the people can be expressed and wishes of the people fulfilled. But in order to fulfill these it was necessary to complete Branch elections before calling for a National Headquarters election. Since district branch elections were not completed by the end of 1964, no proper Governing Council nor Delegates Conference could be convened to make popular decisions as is generally desired. 35

Elections in many areas of the country went smoothly; however, in others factionalism was so intense that no group was willing to concede to another. Thus, from Mboya's point of view, throughout 1965 and early 1966 while Branch elections were still going on, it was impossible to convene national party organs.

A number of party officials among whom Odinga was most prominent did not accept Mboya's explanation for the delay. He claimed,

³⁴EAS, March 18, 1965, p. 5.

³⁵Ibid.

The party as an expression of the will of the ordinary people was not being allowed to function, and despite repeated requests by branches for the holding of a conference and new elections, head office stalled on this demand. KADU's joining the party gave the party officials a prolonged pretext for delaying national elections and a national conference, because all the KANU branches had to hold elections to absorb KADU members at their local levels. 36

Furthermore, he maintained,

The [delegates] conference was postponed time and time again while the party bosses led by Tom Mboya endeavoured to get branch executives that would accept their leadership. A series of coups was held that created crises in KANU branches in many parts of the country. Aspirant candidates would put themselves up in elections organized by their supporters, would declare themselves the new branch leadership and send their name in for registration as the new executives by the Attorney General, who controls the Department of the Registrar-General. (All party and trade union officials have to be registered under the Registration of Societies Act.) The leaders of the coups were inevitably recognized as the branch leadership by Tom Mboya, the KANU General Secretary. 37

It is clear that when KADU joined KANU, the more conservative forces within the party were strengthened and the left was considerably weakened.³⁸ This is evident from a study of what was happening within Parliament during this period³⁹ and it is apparent that there was some effort made

³⁶Odinga, op. cit., p. 284.

³⁷Odinga, op. cit., pp. 297-98.

³⁸See Okumu, op. cit., p. 14 and A Special Correspondent, "Realignment in Kenya Politics, 1965-66," Africa Today, Vol. XIII, No. 3, March 1966, pp. 12-13.

³⁹A subject which will be discussed below.

to bring the party in line with this trend. In former KADU areas, where KANU had not been strong and in certain cases non-existent, the old KADU officials were simply re-elected without any difficulty. In parts of the country where factionalism was intense or more radical members of KANU still had a foothold, the Provincial Reorganization Committees of the Provinces, which were created in 1964, were headed by former KADU leaders including Ronald Ngala from the Coast, Daniel arap Moi from the Rift Valley,⁴⁰ or in the case of Murrany'a District in Central Province, by the more conservative leaders within KANU.⁴¹ Following the elections, new Branch officers took over in Murang'a, Homa Bay, Kitui, South Nyanza, Mombasa, Machakos, Nakuru, and Kisii, all areas with pro-Odinga support or M.P.s.⁴² The consequence of these elections was to solidify the control of the party by Mboya and former KADU members at the expense of the more radical Odinga faction.

In some cases, the "elections" were hardly more than coups opportunely carried out. In Nakuru, Mwitumi, the ousted Branch Chairman "accused Mr. Mboya of personally selecting the Rift Valley KANU leadership and of trying to engineer a change

⁴⁰A Special Correspondent, op. cit., p. 14.

⁴¹EAS, May 22, 1965, p. 5.

⁴²Geoffrey Lamb, Politics and Rural Development in Murang'a District, Kenya, Unpublished Ph.D. thesis, Sussex University, 1970, pp. 34 and 52.

in the local leadership from above."⁴³ As John Harbeson notes, "the reorganization effort involved a new attempt by the national leadership to regulate the political gyrations of the local party branch."⁴⁴ In Murang'a, opponents of the pro-Odinga M. P. Bildad Kaggia who was then Chairman of the KANU Branch in that district, called a meeting to elect new officials without even notifying him. Kaggia contested the results and complained to the Registrar General that they were unconstitutional. The Registrar General said that he would wait to hear from KANU Headquarters and when he did, he was told to register the newly elected officials.⁴⁵

It appears then, that an explanation of why party organs at the national level did not operate for so long must take account of the effort being made to isolate a certain faction within the party and to solidify control at the local level.

However one chooses to weigh the explanations given for the inactivity of the central party organs, the consequences of this inactivity were severe. There simply was no formal working party machinery which provided for the exercise of dissent at the national level. Consequently, many party

⁴³ John W. Harbeson, "The Kenya Little General Election: A Study in Problems of Urban Political Integration," Unpublished Paper, 1966, p. 11; also see, EAS, April 27, 1965, p. 1; April 30, 1965, p. 9; July 20, 1965, p. 5; August 2, 1965, p. 1.

⁴⁴Ibid.

⁴⁵Lamb, op. cit., p. 52, from an interview with Kaggia.

members began to feel extremely frustrated in their attempts to participate in KANU, as the following rather typical letter from the Branch Chairman in Central Nyanza indicates:

Dear Mr. President,

Our Party

It appears that all verbal talks I have had with you regarding Party organization is a failure and even the committee duly appointed to work out details of reorganization of which I was a member and Mr. Jeremiah Nyagah was the Chairman reported to you on its work. Furthermore about three weeks ago, the Parliamentary Group wrote to you directly about the KANU Governing Council. Nevertheless, the answer is "nothing doing".

Now Sir, I think you and your colleagues--national leaders of KANU--have either chosen to see that KANU as a Party is dead or you are punishing KANU local leaders and members of the union for reasons known to you yourself--I don't know 46

As it was originally conceived, the Governing Council was the organ which was to "bring together the views of people from all over the country . . . and control the leadership" of the party.⁴⁷ Mboya had at one time noted that "[c]learly the Governing Council must meet regularly, if the party machinery [was] to work effectively."⁴⁸ Without an active Governing Council, however, power within the party at the national level fell to M.P.s and Cabinet Ministers. Consequently, there were no formal means by which party officials who were not in

⁴⁶KNA, OOP 2/1, KPMPM, letter to the President from D. O. Makasembo, Senator from Central Nyanza, 14 May 1964, p. 47.

⁴⁷Mboya, Freedom . . . , op. cit.

⁴⁸Ibid.

Parliament could effect the policy of the party. Furthermore, without a delegates conference, national leaders who had held power since 1960, continued to do so subject neither to removal nor checks by other party members.

For one party to be democratic, Odinga had claimed that "the mass of the people had to be associated with policy-making at all levels" and that "all policy decisions and differences had to be hammered out within the party."⁴⁹ Although this expectation may have been unrealistic for almost any party, the total lack of formal operating party organs at the national level meant that it was virtually impossible for KANU to work as an "umbrella party" in which differences would be resolved by "full and open discussion."⁵⁰

Party Headquarters

Organization

In addition to the lack of formal party machinery at the national level, participation and the exercise of dissent at this level were also inhibited by the chaotic situation that existed at KANU's national headquarters in Nairobi. Reading some of the literature on African political parties, one is falsely inclined to expect a fairly organized central party office, full of officials and buzzing with activity. This is the organ of the party that one expects will channel the

⁴⁹Odinga, op. cit., pp. 269-70.

⁵⁰Ibid., p. 270.

criticisms and other inputs of party members and will in turn do something about them. Instead, what one often finds, as was the case with KANU, is a dingy group of rooms hardly frequented by national party officials and left to the management of the office staff when they themselves are not busy with other tasks. The party headquarters on Jevanjee Street provides a stark contrast to the modern, busy government offices and Parliament buildings that are actually the centers of political activity in Nairobi. The sheer physical differences between party and government offices and all that these differences implied, meant that many party members didn't even attempt to participate through or express their dissent at party headquarters. For as Keen noted, the party headquarters were manned by a staff without any executive power.⁵¹

A second and at least as important consequence of the lack of a genuinely functioning central party office was that national party officials worked on party matters at a distance from each other. This in turn, encouraged a lack of coordination and direction in national party affairs.

It was not uncommon for decisions made by one official to be challenged by another. In mid-1964, for instance, K. K. Njiiri, the party's Publicity and Educational Secretary, wrote to Kenyatta announcing the composition of a KANU party delegation that was to tour India.⁵² Mboya answered Njiiri complaining,

⁵¹Keen, Circular . . . , " op. cit.

⁵²KNA, OOP 2/1, KPMPM, letter from K. K. Njiiri, 10 February 1964, p. 12.

Last week . . . I approached you to find out about the proposed delegation of KANU going to India. You promised to let me have a list while in Parliament which up to now I have not received.

Since then I have received in my office copies of two letters, one to the High Commissioner of India and the other to the President of KANU. . . I suppose that the sending of these two copies is in a way to explain the background of this delegation. I must draw attention to the fact that in your letter of the 10th February to the President, copies are supposed to have been sent to the Vice-President, Secretary General, Executive Officer, Treasurer, Organizing Secretary. It is strange that therefore I have received these copies only now and only after making inquiries. I would like to record my very strong resentment and disapproval of the way this whole matter has been handled.

As Secretary-General of the party and in view of the decisions taken by the party all along about external visits and delegations, I consider that your proposal should have been discussed with the other officials before it was put to the Indian High Commissioner before any question of the purpose and the selection of the delegation was decided. As it is you are giving me and other officials a fait accompli. You have already decided on the purpose of the delegation and the nature of study and further all who should go, something which the National Secretariat has stated that it should not be done in such a way

Please be assured that I will always respect your position as Secretary of Education and I congratulate you on your efforts to secure places for the party overseas, but I must insist that the procedure laid down must be followed by me, by you and by everyone else. 53

Although a KANU delegation including Njiiri finally left for India in April,⁵⁴ the incident highlights the fact that national party officials were not operating as part of a

⁵³KNA, OOP 2/1, KPMPM, Letter from Mboya to Njiiri, 14 March 1964, p. 15.

⁵⁴EAS, April 3, 1964, p. 1; April 6, 1964, p. 3; April 13, 1964, p. 5.

central headquarters, but individually and often independent from any unit whatsoever. Goings on at Jevanjee Street were almost irrelevant. Not even physically was it a place where party officials met and worked out decisions. The joint actions that were taken by KANU officers appear to have stemmed largely from correspondence and personal encounters in Parliament. The problem was that there was no official unit within which the coordination of party activity took place, yet personal initiative was often reprimanded and viewed as the usurpation of power by one faction over another.⁵⁵ Clearly, outside of Parliament, the party organs available at the national level of KANU for participation or the expression of dissent were indeed minimal.

A third consequence of the chaos at headquarters was that much that went on in the name of the party did not have the blessings of any party officials at all. KANU Headquarters was constantly having to disclaim responsibility for various actions taken in its behalf--demonstrations by youth wingers protesting against American policy in the Congo and Vietnam outside of the U. S. Embassy,⁵⁶ members who claimed positions they did not hold,⁵⁷ and "bogus officials" who

⁵⁵For the latter reason Odinga appears to have been annoyed by some of the arrangements Mboya made for the reorganization conferences in 1964. See KNA, OOP 2/1, KPMPM, letter from Mboya to Minister of Home Affairs, 26 May 1964, p. 57.

⁵⁶EAS, August 20, 1964, p. 5.

⁵⁷EAS, September 18, 1964, p. 17.

pretended they were collecting dues on behalf of the party.⁵⁸ The fact that party headquarters was unable to effectively exercise some control and discipline over its own members, probably discouraged many officials from taking the headquarters seriously or working with it. Mwai Kibaki, may have expressed a common sentiment when he said that he thought that the "vacuum" in party activity "could only be filled when there was at Headquarters a nucleus of intelligent party 'civil servants'."⁵⁹

The situation at party headquarters not only affected the relationship among national party officials, but also between the headquarters and the branches. For a variety of reasons, which will be discussed in greater detail in the following section, headquarters was simply not in a position to respond to many of the complaints and requests from the branches. A number of branches were seriously upset by the lack of interest the central party office was showing in their affairs. This disillusionment with party headquarters and what in fact the party as an organization could do may in part account for the extraordinary low voter turnout in the 1965 Senate by-elections. It is possible that branch officials may have believed that it was irrelevant whether or not they brought out the vote and that voters may have felt similarly about the act of voting. For when it came to using one of their most potentially powerful

⁵⁸EAS, September 19, 1964, p. 5.

⁵⁹EAS, July 14, 1965, p. 7.

means of expressing dissent--the vote--the electorate proved to be apathetic. As the East African Standard noted,

. . . [W]hat a sad tale of electoral apathy is told by the returns of this week's Senate elections, in which the first thirteen seats to become vacant under the constitution were contested. Look at some of the comparative figures: In Central Nyanza only about 17,000 (7.3 percent) of the huge electorate of 231,000 voted compared with 186,000 (88 percent) for the same Senate Seat in 1963. In Turkana, the percentage poll was down almost unbelievably to 5 percent against 50 percent in 1963.

Even in Muranga, where political interest is always high, the percentage of voters reached only 26 compared with more than 95 two years ago. The fact that Kenya is now a one-party state . . . does not explain apathy since in 1963 the voting percentages were as high in constituencies where rival candidates belonged to the same party as where there was a Kanu-Kadu clash. 60

⁶⁰EAS, August 13, 1965, p. 8.

Comparison of Voter Turnout for Senate Seats in 1963 and 1965

<u>Registered Electorate</u>	<u>Coast Province</u>	<u>Total Votes 1963</u>	<u>Total Votes 1965</u>
86,066	Mombasa District	62,923	10,003
8,828	Tana River District	candidate returned unopposed	3,677
	<u>Eastern Province</u>		
46,547	Embu District	candidate returned unopposed	7,804
82,286	Kitui District	57,595	17,790
14,106	Marsabit	candidate returned unopposed	3,762
	<u>Nyanza Province</u>		
230,107	Central Nyanza District	286,596	16,818
	<u>Western Province</u>		
75,206	Bungoma District	60,389	16,708
	<u>Rift Valley Province</u>		
11,290	Samburu District	9,498	2,288
21,094	Turkana District	10,537	1,119
30,755	Baringo District	27,380	9,624
14,500	West Pokot District	12,544	candidate returned unopposed
	<u>Northeast Province</u>		
?	Wajir District	candidate returned unopposed	2,927
	<u>Central Province</u>		
100,789	Murang'a District	15,932	31,801

Sources: EAS, August 10, 1965, p. 5; August 11, p. 5; The Kenya Gazette, Vol. LXVII, No. 42, 14 September 1965; EAS, May 31, 1963, pp. i-iii; Daily Nation, May 28, 1963, pp. 1-8, May 29, p. 3; EAS, February 19, 1964, p. 1. Total votes do not include spoiled ballots.

The reasons for the lack of executive power, the neglect of the head office, and the general chaos that existed at KANU Headquarters can be explained by some of the factors mentioned earlier in the previous section: factionalism, the preeminent position of Kenyatta and the priority of Government work. It is nevertheless difficult to escape the conclusion that a number of KANU's M.P.s and officials consciously preferred a weak party headquarters which would not operate as an active organ for the expression of grievances or dissent and which would not be in a position to challenge their rule at the local level. Local district bosses were primarily concerned with maintaining their power, a goal which could be achieved without building strong party institutions at the national level. Furthermore, as Odinga notes, for some leaders, the status and wealth that came with political power brought such "personal advantage" that they were willing to manipulate⁶⁾ party branch and government office to stay in power. It is entirely possible then that this manipulation extended to headquarters. Whatever the preferences of national officials, however, the financial poverty of the party was in itself a major factor in explaining the lack of vitality at KANU Headquarters.

⁶⁾Odinga, op. cit., p. 53.

Finances

According to the public exposure of party affairs by John Keen in 1966, the party was seriously in debt to \$56,000. It had not paid its own headquarters staff their salaries for months and was also unable to meet the bills for central and branch office rentals. After prolonged nonpayment, even the telephone service to headquarters was finally cut off.⁶²

Publicly, headquarters staff denied that they had not been paid. When Luke Obok, the M.P. from Alego, alleged that this was the case in a statement to the press in early October,⁶³ the staff rebutted with a statement of their own. They said that Obok's remarks "created a bad picture of the national officials . . . challenged Mr. Obok to substantiate his allegations and warned that if he failed to do so they would ask the President for advice on what steps to take against him."⁶⁴ Even privately, Mboya claimed in his answer to Keen's circular in 1964 that the "financial problems of the party have been exaggerated."⁶⁵ It is impossible, of course, to know the size of the party's debt, however, on the basis of limited information both Keen's and Obok's disclosures appear to be true.

⁶²Odinga, op. cit., p. 271; Newell M. Stultz, "Parliament in a Tutelary Democracy: A Recent Case in Kenya," The Journal of Politics, Vol. 31, February 1969, p. 99; John Spencer, "Kenyatta's Kenya," African Report, Vol. 11, No. 5, May 1966, p. 6

⁶³EAS, October 4, 1965, p. 5.

⁶⁴EAS, October 5, 1965, p. 5.

⁶⁵Mboya, "Answer to Keen's circular . . .," op. cit.

Throughout 1964 and 1965, employees from the Nairobi office wrote Mboya and Kenyatta that they had not received their salaries. How, they asked, could they live in Nairobi, support their wives and children, and avoid eviction from their houses if they had no money? How, in addition, would it be possible for them to save to purchase a "shamba" (small farm) of their own if they had no income.

A number of the debts that the party had incurred, stemmed from the still unmet expenses of the 1963 general election. Party Headquarters was flooded with requests from various companies and individuals which had performed services for KANU at that time. Letters were received as late as 1966 for bills due in 1963. The following correspondence is typical of many such letters. In this case, the Chairman of the KANU North Tetu Division in Nyeri District of Central Province wrote directly to the Attorney General, Njonjo, after no success with the Secretary-General.

Sir:

. . . I feel ashamed and depressed if I shall be compelled to take action against my own Party with a view towards recovering the sum of Shs. [Shillings]: 22, 726, 92 owing by the Party to Messrs African Othaya Bus Union Ltd. Nyeri for the transportation of voters to the Rift Valley during the elections of the year 1963.

. . . There have been 489 promises made by T. J. Mboya the Party's Secretary General that payment was to be made in due course but to date not a cent has been paid. All his promises have been empty ones. He has written to transporters giving them hope.

[This refusal to pay] has jeopardized my dignity and respect amongst my own people . . . and it has also left me without any time to look into my own

affairs and that of my entire family rendering great loss and hardship to me and my family⁶⁶

Njonjo forwarded the letter to Mboya who wrote back that the claim should actually be lower, and requested Njonjo to discuss the matter with the President on an informal basis. Njonjo replied that the matter should be handled by KANU Headquarters and that since he was a civil servant, he did not want to be accused of interfering in party matters.⁶⁷ It is impossible to say what happened to this claim and the many others like it. If officials--many of whom were far from poor--were willing to dig into their own pockets, it is possible that some of the claims were paid off. Clearly, however, by late 1966, the party was still in debt and unable to pay its employees or to meet its former bills.

Aside from the burden of election expenses, part of the party's financial difficulties also stemmed from "unauthorized spending" and the "misuse of party funds," according to Mboya and Keen.⁶⁸ It is difficult on the basis of available information to substantiate these allegations. However, corruption is a well known fact of life in both old and new states and it is not an uncommon problem in Kenya.⁶⁹ Indeed, Odinga

⁶⁶Letter from the Divisional Chairman North Tetu Division, Kirori Motoku to Attorney General Njonjo, 23 November 1966.

⁶⁷Letters from Mboya to Njonjo, 30 November 1966, and from Njonjo to Mboya, 6 December 1966.

⁶⁸Mboya and Keen, "Circulars" op. cit.

⁶⁹See Herbert H. Werlin, "The Nairobi City Council: A Study in Comparative Local Government," Comparative Studies

felt that many of the political leaders in the post-colonial era were susceptible to financial corruption and that this was a major factor in explaining what had happened to the party.

Whatever the causes of its poverty, the party was unable to meet its past expenses or to pay its present ones, because there was very little money coming in. According to the KANU Constitution, branches were supposed to remit forty percent of the dues they received and forty percent of the money they obtained from other activities. However, membership dues were not collected by most branches and the local organs themselves were generally unsuccessful in remaining solvent let alone in assisting the head office.

The main consequence of the lack of finances at national headquarters, was that "[a]s an arm of the government for popularizing development programs, for encouraging the discussion of policy, for keeping people alive to the aim of 'uhuru' [freedom], or the government alive to the needs of the people, the party was paralysed."⁷⁰ For as one author has noted, although economic

in Society and History, Vol. VIII, No. 2, January 1966, pp. 181-98; and J. David Greenstone, "Corruption and Self Interest in Kampala and Nairobi: A Comment on Local Politics in East Africa," Ibid., pp. 199-210. For the history of a decision to purchase £ 10,850 Rolls-Royce by Charles Rubia, the Mayor of Nairobi, which was finally cancelled by a decree from Kenyatta see, EAS, February 3-10, 1966. For the report of how Minister of Cooperatives and Marketing used his position as Chairman of the Maize Marketing Board to reap tremendous personal profit, see, Republic of Kenya, Report of the Maize Commission of Inquiry, Nairobi, June 1966.

⁷⁰Odinga, op. cit., p. 272, my emphasis.

factors do not necessarily determine what happens politically, they do "act as constraints on political possibilities."⁷¹

Without money, it is difficult for a party headquarters to respond to many of the complaints of its constituents, which are often in large part of an economic nature. When patronage is not available from a party to ease the pain of its supporters, complaints, dissent and criticism may turn to apathy or even alienation from the party.⁷² As this happens, it seems increasingly unlikely that the party in general or headquarters in particular will be used by party members to sort out their differences.

Not only is a party headquarters often unable to respond to dissent without money, but it is also extraordinarily difficult for it to act as an initiator in the face of poverty. Organization takes money, money helps to attract talented people, and patronage offers some means of disciplining party members. Without funds, the ability of the party to do any of the aforementioned becomes dubious. And when it ceases to initiate, headquarters in turn ceases to be viewed as a vital part of the central party machinery, either by officials or ordinary party

⁷¹Henry Bienen, "The Ruling Party in the African One-Party State: TANU in Tanzania," Journal of Commonwealth Political Studies, Vol. V, No. 3, November 1967, p. 226.

⁷²Undoubtedly in every party there are always a number of hard core stalwarts who are willing to stick by the party in thick and thin. Certainly this was the case at KANU Headquarters where a number of the staff in spite of poor pay and sometimes none at all nevertheless continued to work for the party with great vigor and zeal.

members. Thus, the state of the party at the national level-- the poverty and chaos at headquarters, factionalism, and the lack of active formal organs--were bound to have consequences for KANU at the local level.

The Party at the Local Level

The question of what avenues were available for dissent at the local level of KANU is difficult to consider generally. At this level, KANU as a party varied enormously from location to location and from district to district. For one thing, KANU as a party spread unevenly throughout the country. The growth of KANU appears to have been "closely related to wealth, communications development, and literacy," according to a recent and rather sophisticated study.⁷³ In some of the less developed parts of the country, particularly in the northern part of the Rift Valley, in the Northeastern Province and in certain areas at the Coast, KANU was not even established until two to three and one-half years after the first branch was registered in Nairobi. (See Chart below.) By 1965, KANU Headquarters claimed to have established branches in all forty-one administrative

⁷³Edward Soja, The Geography of Modernization, Syracuse, New York: Syracuse University Press, 1968, p. 75.

GROWTH OF KANU

<u>District*</u>	Number of days after Nov. 6, 1960 that a Branch Office was established and registered for the <u>Given</u> <u>District</u>	Distance From <u>Nairobi</u>	<u>Province</u>
1. Nairobi	0	---	Nairobi Area
2. Nakuru	167	97	Rift
3. Kitui (Kitui, Marsabit, Isiolo)	187	102	Eastern
4. Elgon Nyanza (Bungoma and Busia)	194	265	Western
5. Nyeri	204	97	Central
6. Kiambu	209	10	Central
7. Mombasa	217	307	Coast
8. Naivasha x (Nyandarua)	218	54	Rift
9. Fort Hall (Murang'a)	232	56	Central
10. Meru	251	177	Eastern
11. Thika (now part of Kiambu)	254	27	Central
12. Machakos	255	40	Eastern
13. Uasin Gishu (Eldoret)	261	195	Rift
14. Laikipia	266	108	Rift
15. Embu (Embu and Kirinyaya)	287	87	Eastern
16. North Nyanza (Kakamega)	332	244	Western
17. Taita	357	230	Coast
18. Central Nyanza (Kisumu and Siaya)	380	212	Nyanza
19. South Nyanza	399	247	Nyanza
20. Kisii	475	219	Nyanza
21. Nandi	504	225	Rift
22. Kajiado	546	53	Rift
23. Laikipia	266	108	Rift
24. Trans-Nzoia (Kitale)	581	338	Rift
25. Narok	698	100	Rift
26. Kwale	763	327	Coast
27. West Pokot (Pokot)	718	258	Rift
28. Nanyuki x (part of Laikipia)	758	122	Rift
29. Kilifi	716	343	Coast
30. Samburu	848	186	Rift
31. Baringo	951	184	Rift
32. Turkana	1316	456	Rift
33. Tana River	1380	453	Coast
34. Northern Frontier (Mandera, Wajir, Garissa)	1385	337	N.E. Province
35. Lamu	1675	523	Coast
36. Elgeyo-Marakwet	1680	223	Rift

* Based on the 36 administrative districts before 1963, when the number of districts were increased to 41 and the boundaries were revised by the Regional Boundaries Commission. x indicates

districts in Kenya.⁷⁴ It seems reasonable to assume, however, that in the less modernized and less populated parts of the country which were furthest from Nairobi or other urban centers KANU's organization was flimsier than it was in Central and Nyanza Provinces, for instance. The former areas were certainly less politicized than the latter. Soja notes, for instance, that of the more than 3,600 political organizations in Kenya, "about one third were located in Nairobi with large numbers in Nakuru and Mombasa Districts." Areas with over one hundred such organizations included Central and North Nyanza, Kiambu and Thika, while Lamu, the Northern Frontier, Tana River, Samburu, Narok, West Pokot, Elgeyo-Marakwet, Baringo, and Turkana all had less than ten political associations.⁷⁵ One is inclined to think that the lack of political experience in certain areas of the country had an effect on the nature of the party branches that existed there. The fact that there were generally fewer sub-branches in the less politicized areas must have limited political

no longer a district. Within the parentheses are either the new names that have been given to the districts, the new districts that were created in 1963, or divisions that have occurred since then until 1970. For a more exact and detailed description of what happened in 1963 and the specific alterations of boundaries see, the Report of the Regional Boundaries Commission, London (1962), Cmd. 1899.

Source: Soja, pp. 67, 125. Copyright (c) 1968 by Syracuse University Press. Reprinted by permission of the publisher.

⁷⁴KHQ, List of Branches, 1965.

⁷⁵Soja, op. cit., p. 67.

communication, had an unfavourable effect on the amount of revenue a branch could collect and in turn inhibited the response of a branch to its constituents. Since there have been no political studies of these areas, however, it is impossible to say if this is in fact what happened.

KANU also varied from place to place in terms of the qualifications of local leaders, the degree of rivalry that existed among them, how connected it was to rivalry at the national level, and the extent to which traditional political sub-cultures influenced KANU's operation at the local level. It is very difficult to gauge the import of these differences, partly because there is no comparative study of the party at the district level in Kenya and very few case studies of local politics at all. Nevertheless, on the basis of existing material and discussions with scholars in the process of research, certain common problems appear to have affected KANU at the local level throughout the country. These were factionalism, financial and organizational neglect, and a poor relationship with the administration. Where these problems were most severe, even when the reasons for them were different,⁷⁶ it is probable that it was increasingly difficult for KANU to effectively channel dissent or to respond to it.

⁷⁶e.g., in the case of factionalism.

Factionalism

Factionalism at the branch and sub-branch level revolved around the questions of who would control the party at the local level and at the center. Control of the branch and sub-branch was important for reasons of status, to influence nominations to locally elected bodies, and because branch officers represented the party at Governing Council meetings and at the Annual Delegates Conference where KANU's national leaders were elected. Although neither the Council nor the Conferences met for some years, the anticipation that they would be convened some time from 1964-1966 made the issue of local control one of continuing importance both nationally and locally.⁷⁷

National party leaders were extremely anxious to see that the right people were in control at the local level, since the composition of the party's leadership would eventually be influenced by these individuals' votes. Hence, the issue of local control was also an issue of national control. On the other hand, local leaders were also constantly in a position of insecurity vis-à-vis the center. District and sub-district leaders were anxious to attain party offices at these levels, in part, as a means of reducing this insecurity. Given KANU's weakness at the local level, the offices themselves were often not important in terms of their specific functions. However,

⁷⁷In March 1965, Mboya announced that he expected that there would be a meeting of the Governing Council in May. In fact, none took place until the Limuru Delegates Conference in mid-1966. EAS, March 18, 1965, p. 5.

holding office at the local level was a means by which individuals could reaffirm their power and legitimacy to those in control at the Cabinet level at the center. This local power and legitimacy was also important to leaders at the center. Given the Government's scarcity of resources, and its fears and insecurity concerning its ability to exert control at the local level, it needed local clients upon whom it could call to do its bidding. Furthermore, an M.P. who was useful to the center because of his power at the local level was also more likely to be rewarded with a ministerial position and other sorts of patronage. These rewards in turn increased a local area's access to the center and its chances of receiving development funds, because it had a patron who could make himself heard at the center.

The realistic assumption that holding a local party office was critical to a man's political security naturally proliferated a desire for positions within the party at the local level, and intensified factionalism at the district and sub-district levels.

Factionalism at the local level also stemmed from a variety of other related factors.

Much of what existed was simply a continuation of pre-independence squabbles between groups that was encouraged by the organizations' legacy of colonialism and intensified by other factors, including ethnicity and economic differences.

In Nairobi, the factionalism between Mboya and Odinga, who had supported separate candidates in the 1963 elections,

was to some extent "undermined by the . . . reentry of the Kikuyu into politics."⁷⁸ Both Odinga and the returning Kikuyu were anxious to dislodge Mboya from his position of National prominence and hence to weaken his support in the Nairobi Branch. This alliance of strange bedfellows continued until 1966, when Odinga formed an opposition party. From 1966 onwards, the Kikuyu split between the two parties and the pro- anti-Mboya struggle continued to rage within KANU, as the Kikuyu clique in the Government lent support to those who were attempting to undermine Mboya.

In Nakuru, factionalism had always been intense but fluid until 1965, when Daniel arap Moi, Kenya's Vice-President and the former national chairman of KADU, was elected to head KANU's provincial reorganization team in the Rift Valley. Prior to the 1963 elections, the Nakuru KANU Branch had achieved temporary unity behind Achieng Oneko, a Luo Minister who was close to both Kenyatta and Odinga. Following the election, factionalism began anew and three of the four M.P.s who held local offices lost them in the Nakuru Branch elections of 1964. Those who lost were Fred Kubai, the Assistant Minister for Labour; Onamu, another Assistant Minister; and Wasonga Sijeyo, the Senator for Nakuru. Accusations were made that a number of the losers had neglected the local party, a fact which worked against them in the elections. In addition, the large influx of Kikuyu into the area hurt some of the non-Kikuyu who were

⁷⁸Harbeson, *op. cit.*, p. 7.

running for office. Kubai, a Kikuyu who had been detained with Kenyatta, may also have been negatively affected by this influx, since he had taken a forceful stand against the Land Freedom Army, which was led by Kikuyu radicals and ex-freedom fighters. Of the M.P.s who ran locally in 1964, Oneko was the only M.P. who retained his position in the branch. As Moi began to make plans for KANU's reorganization in the Rift Valley, it became apparent that these plans would involve new Branch elections. One of the announced reasons for these elections was the desire to integrate former KADU supporters into KANU. Moi's plans were swiftly denounced by the officials of the Nakuru Branch who had just been elected in 1964. Mwitumi, the Branch chairman at the time, accused Mboya and central headquarters of attempting to engineer a branch coup from above and Oneko made an effort to keep sub-branch elections from being held in his constituency. This had the effect of solidifying opposition to the national party headquarters by uniting former opponents who were commonly affected by their purge from the party. When the Branch elections were held in 1965, the Oneko faction lost, several old KADU officials won offices, Kubai and Onamu were reinstated, and Mark Mwithaga, a Kikuyu who aided Moi in reorganization (and who was later to defeat Oneko in the 1966 by-elections) was elected Branch chairman. Even following the election, however, factionalism continued to plague the Nakuru Branch as Kikuyu were accused of monopolizing the branch leadership.⁷⁹

⁷⁹Ibid., pp. 9-12.

In other parts of the country, factionalism stemmed from or was heightened by the inclusion of former opposition parties in KANU. In Kitui and Machakos, Kamba areas and former strongholds of the APP, it was impossible to integrate Ngei's party into KANU. Neither Paul Ngei, who was the former leader of the APP and was supported by Odinga, nor William Malu, who was KANU's acknowledged leader and had the backing of Mboya, were willing to relinquish their hold over these Eastern Province districts. Consequently, the party split in two in these districts; one group was called "KANU A" and one was called "KANU B," one was led by Malu and the other by Ngei. Both leaders and their supporters continued to struggle for the control of these districts and both claimed that his particular branch was the legal one.⁸⁰

In Mombasa, prior to KADU's folding, KANU was already split among ethnic and generational lines. In 1964, Chokwe, an old KANU buff, who represented the "up country" Luo and Kikuyu, opened his own KANU office in defiance of headquarters and split from the younger Coastal Arabs and Asians, led by Kombo, a Tanzanian by birth, who from Nairobi's point of view was the recognized Chairman of the Mombasa Branch.⁸¹ When Ngala brought his

⁸⁰ KNA, OOP 2/1, KPMPM, KANU Eastern Region Conference, 29 May 1964, p. 65/1; EAS, January 13, 1964, p. 5; January 16, p. 5; January 28, p. 5; May 26, p. 5; July 22, 1965, p. 7.

⁸¹ There were more than two factions in Mombasa; however, by 1964, the fight for the control of the KANU branch seemed to have coalesced around these two. See Richard Stron, "Administration and the Growth of African Politics in Mombasa: 1945-64," Unpublished paper given at the Social Science Conference, Kampala, Uganda, January 1969.

KADU following into KANU, Mboya appears to have switched his support from Kombo, whom he had initially backed against Chokwe, to Ngala. In mid-July 1965, Kombo claimed that he had been illegally ousted as Branch Chairman⁸² and by August the position was appropriated by Ronald Ngala.⁸³ The Kombo faction refused to concede defeat and Mombasa continued to be plagued by intense factionalism.⁸⁴

Factionalism at the local level also stemmed from the uneasy relationship between local party members who had no national standing and M.P.s who did. The former especially resented M.P.s who held offices at the local level, but nevertheless neglected the branch. Many hoped to defeat such M.P.s nationally or locally. Those who had no particular aspirations for office but were embittered were also willing to work against particular M.P.s. In some cases, such as Nakuru in 1964, local party members united to oust almost all M.P.s from control of the branch. In others, such members simply became willing

⁸²EAS, July 10, 1965, p. 5.

⁸³EAS, August 4, 1965, p. 5.

⁸⁴In 1966, Kombo finally broke away to join the KPU and the former Odinga faction of KANU. When he returned to KANU, however, both he and Chokwe, former opponents, united in defiance of Ngala. Chokwe had the support of the Kikuyu clique within the Cabinet until the Mboya-Ngala axis was broken with the assassination of Mboya in 1969. After that Ngala's power was no longer a threat to the succession battle being waged at the center and he was allowed to assume control at the Coast following branch elections which were held after Mboya's death in 1969. The Chokwe faction was defeated in these elections, however, factionalism nevertheless continued, over other issues.

allies for a variety of factional groupings regardless of origin or ideological inclination, if their aim was to turn a particular M.P. out of office. This in part explains the fluidity of many of the factions that existed and the ease with which many people turned from one to another. The relationship between local party members and M.P.s appears to have been a rather serious problem throughout the country, since it was considered in depth at all of the Regional Reorganization Conferences in 1964.

Undoubtedly, the way in which the party was organized locally was a major factor in encouraging factionalism in many branches that were not beset by the above problems and succeeded in intensifying it in those that were. KANU was organized on the basis of the administrative division of the country into districts. For each of the forty-one districts there was one KANU branch. Within these districts, there were 158 elected National Assembly seats--117 for the House of Representatives and 41 for the Senate.⁸⁵ Thus, when it came to control of the branch, M.P.s within a district were automatically pitted against each other. Such in part was the basis for the disagreements in Baringo,⁸⁶ in South Nyanza, and in Kisii.⁸⁷ The figure below and Appendix I, provide a more visual and descriptive interpretation

⁸⁵The Constitution of Kenya (Amendment) (No. 4) Act, which came into effect on January 5, 1967, amalgamated the two Houses of the National Assembly and provided for 158 elected members.

⁸⁶Keen, "Circular . . . ," op. cit.

⁸⁷Interview with Frank Holmquist, Nairobi, September 1969.

of the problem.⁸⁸

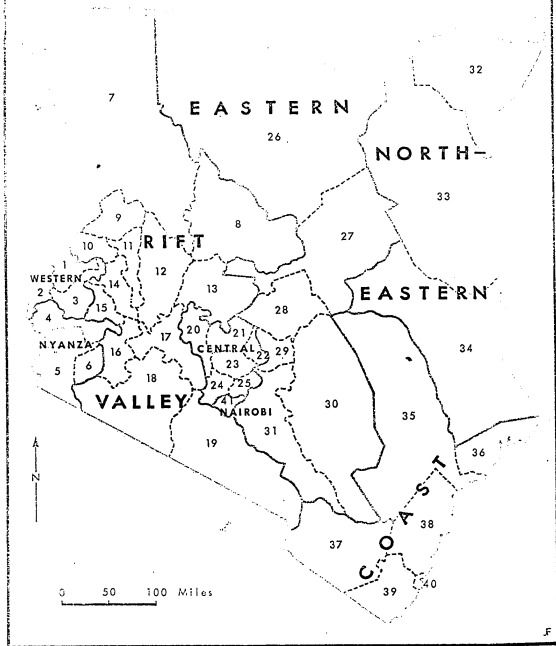
Although factionalism had existed for some time in the forms described above in many parts of the country, it was intensified in some areas because of its intimate connection with the struggle that was going on at the center, a problem which was discussed in the previous section. Factionalism had always to some extent hindered branches from effectively channeling local dissent, because the issue of control was so time consuming and overriding. Once the decision was made to consolidate the control of the more conservative factions in various branches, however, there was an outright attempt to repress dissent by certain groups. A brief discussion of what happened in Murang'a (formerly Fort Hall) District of Central Province illustrates how dissent was repressed here and in other parts of the country.⁸⁹

⁸⁸The figure comes from Soja, op. cit., pp. 129-30. The chart displaying the relationship between districts and constituencies is drawn from information in The Daily Nation, May 28, 1963, pp. 5-8, the Report of the Constitutional Delimitation Commission, London, January 1963, Cmnd. 1921, and the EAS, November 28, 1969, p. 5.

⁸⁹On the basis of the limited information available what happened in Murang'a does not appear to have been unique.

ADMINISTRATIVE DISTRICTS

1967



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Key to Figure

<u>Province</u>	<u>District</u>	<u>Number on Map</u>	<u>*National Assem- Number of Constituencies</u>
Western	Bungoma	1	4
	Busia	2	4
	Kakamega	3	8
Nyanza	**Central Nyanza	4	9
	South Nyanza	5	7
	Kisii	6	7
Rift Valley	Turkana	7	3
	Samburu	8	2
	West Pokot	9	2
	Trans-Nzoia or Kitale	10	2
	Elgeyo-Marakwet	11	4
	Baringo	12	4
	Laikipia	13	2
	Uasin Gishu or Eldoret	14	1
	Nandi	15	3
	Kericho	16	5
	Nakuru	17	4
	Narok	18	3
	Kajiado	19	2
	Central	Nyandarua	20
Nyeri		21	4
Kirinyaga		22	3
Fort Hall or Murang'a		23	5
**Kiambu		24)	7
**Thika		25)	
Eastern	Marsabit	26	3
	Isiolo	27	2
	Meru	28	7
	Embu	29	3
	Kitui	30	5
	Machakos	31	7
North- Eastern	Mandera	32	2
	Wajir	33	3
	Garissa	34	3

<u>Province</u>	<u>District</u>	<u>Number on Map</u>	<u>*National Assembly Number of Constituencies</u>
Coast	Tana River	35	2
	Lamu	36	2
	Taita	37	3
	Kilifi	38	4
	Kwale	39	3
	Mombasa	40	4
Nairobi Area	_____	41	8

*In 1966, the House and the Senate were amalgamated into one National Assembly, and the number of seats for each district remained constant (i.e., number of National Assembly seats per district = Senate seats plus House seats. Also see Appendix I.)

**Central Nyanza has now been divided into two districts, Kisumu with 5 constituencies and Siaya with 4. Thika has now been eliminated as a district and joined with Kiambu with a total of 7 constituencies.

Source: Soja, op. cit., pp. 128-29; EAS, November 28, 1969, p. 5; and Ibid.

Factionalism in Murang'a

When Bildad Kaggia, a radical ex-detainee who had been imprisoned with Kenyatta, was released in 1961, he was asked to organize the KANU Branch in Naivasha, an area close to, but outside of his home in Central Province.⁹⁰ Those younger men who had taken over the leadership of Murang'a District during his absence--Kiano, Gachago, Njiiri, and Mwaura⁹¹ were very upset in late 1962, when Kaggia decided he would seek his nomination for the 1963 elections from his home sub-branch of Kandara in Murang'a District. Kaggia's opponents identified themselves, objectively speaking, with the more prosperous strata in Murang'a; however, Kiano, Njiiri, and Gachago could all still recruit supporters by invoking general nationalist themes which evoked support from the poor as well. Mwaura was the only one of Kaggia's antagonists whose main support was clearly drawn from the rich and the loyalist Home Guards who had worked for the colonialists against the Mau Mau in the 1950s. Nevertheless, all of Kaggia's opponents were united in their fear that he could gain a great deal of support from the many ex-detainees in Kandara and would eventually be in a position

⁹⁰The information which follows comes from Lamb, *op. cit.*, pp. 39-65, and from Geoffrey Lamb's interviews with Bildad Kaggia in Kandara in 1967. I am extraordinarily grateful to Mr. Lamb for his tremendous generosity in giving me copies of his manuscript and his interviews, and especially for allowing me to quote freely from the latter.

⁹¹In 1963 the first three became M.P.s and Mwaura, who had been Chairman of the KANU Branch in Murang'a since 1961 was elected as Senator for the District.

to threaten their leadership of the district. Mau Mau had been active in this part of Central Province and many former detainees felt forgotten, neglected, and discriminated against. Kaggia was in fact nominated by his sub-branch. The District Governing Council which consisted of Kaggia's enemies attempted to block the nomination. They appealed to Kenyatta to invoke his authority and the latter tried to persuade Kaggia to stand for a seat in Naivasha instead of in Kandara. But Kaggia said,

So I told him, look here, Mzee, some people wanted you to stand in Murang'a, but you chose Gatundu instead. So I think it's also natural for me to choose my home district. Although I have been trying to help the Naivasha district, it has been very difficult for me because it has meant always coming down every now and then. So I think that in order to be able to represent my constituency properly, I should represent my home area, where all my interests are. So I decided against that. 92

Although Kaggia refused to stand down in Kandara, when the list of nominations was published, Kaggia's name did not appear. In his place was Kiano's supporter, Muigai, whom Kaggia had defeated at the nomination stage. Kaggia claimed that "at last Mzee was influenced to announce this man Muigai as the rightful candidate, although he was never nominated by the divisional governing council or even by the district."⁹³ However, Kaggia protested with such fervor to Kenyatta and Headquarters that he had been undermined, that Odinga was finally sent to Kandara to hold new nominations. Kaggia won again;

⁹²Interview, Bildad Kaggia with G. Lamb, 25 May 1967, at Kandara.

⁹³Ibid.

however, headquarters under Mboya's auspices continued to back the KANU independent candidate, Muigai, and did not support Kaggia in the election beyond paying for his deposit.⁹⁴ Kaggia, nevertheless, secured a seat in the House of Representatives and was appointed Parliamentary Secretary for Education.

Kaggia was the spokesman of the ex-detainees and in spite of his junior ministerial position, he was very critical of the Government's general policies on land--particularly its decision to compensate the colonialists who left Kenya by buying back their land, and its methods of handling consolidation which he believed had favored loyalists rather than detainees. In June 1964, Kaggia's critical attitude finally led to his dismissal from his government post. Once this happened, Kaggia's opponents were sure that Kenyatta's revenge would finish him locally. As Kaggia noted, "there has been a saying here in Kenya that anybody who is challenged by Kenyatta cannot exist politically."⁹⁵ Nevertheless, Kaggia and his followers were able to capture the branch offices held in 1964. Kiano's group refused to accept the election as genuine and both factions claimed to be the leaders of the

⁹⁴Kaggia suggested the following explanation for the reaction by headquarters, "Actually Tom Mboya being the head of KANU . . . He didn't like us, because he is one of this new generation, and many of them feel very insecure. They were quite clear that if we had not been detained, they would not have assumed the positions they did. They didn't like our return, they were all somehow united, knowingly or unknowingly to see that none of us, if they can go to Parliament. So the Kanu headquarters had decided to support my opponent to see that I was defeated." Ibid.

⁹⁵Ibid.

branch from August 1964 to February 1965.⁹⁶

Events clearly began to shift in Kiano's favor, however, when in April 1965, Kenyatta came to Murang'a and denounced Kaggia from a public platform. Following this in May branch elections again took place under Mwaura's auspices without Kaggia's knowledge.⁹⁷ The Kaggia faction was ousted from their positions in the branch, Kiano became Branch Chairman and his supporters captured the other offices.

After the coup at the branch, the knowledge that "the full weight of the Kikuyu national leadership was behind Kiano accelerated the erosion of all but [Kaggia's] most committed supporters."⁹⁸ Some simply dropped out of politics, others played a less active role and still others succumbed to the patronage that Kiano as the Minister of Commerce and Industry at that time was said to have used to buy off Kaggia's supporters. Thus, one man got a settlement plot and two others obtained positions on the Fort Hall Trade Development Joint Board.

Kaggia himself found that he "was virtually confined to asking Parliamentary questions and moving critical motions."⁹⁹

⁹⁶Given the state of the sub-branches, Geoffrey Lamb claims "there was no question of authoritative accreditation of delegates to the 1964 election conference, or of any effective appeals by the losers to an active and knowledgeable party membership." Nevertheless, he says that "The Kiano faction seems to have recognized, however, that Kaggia's claim could not easily be challenged . . ." Lamb, op. cit., p. 47. Also see Pan Africa, May 28, 1965, pp. 7-8, and April 16, 1965, pp. 8-9, for more information on the struggle between Kiano and Kaggia.

⁹⁷This "coup" was described in more detail above in another section.

⁹⁸Lamb, op. cit., p. 52.

⁹⁹Ibid.

His opportunities to speak at public meetings became scarcer and scarcer throughout 1965. For as one author notes,

When in the opinion of Kenyatta some M.P.s went beyond the bounds of political propriety and reopened old, divisive wounds by bitterly attacking the government, the President devised a simple remedy: he decreed early in 1965 that all members must obtain a license from the Administration before being allowed to speak at a public gathering even in their own constituencies. 100

Although intimidation and repression were used successfully to isolate Kaggia at the local level, it is interesting that Kaggia's candidate nevertheless was able to capture the Senate seat for Murang'a in 1965. Prior to the branch coup that year, the Kaggia controlled Branch Governing Council nominated a man named Robinson Mwangi Wanjagi to contest Mwaura's Senate seat in the 1965 Senate by-elections. Although the elections did not take place until after the Kiano faction regained control of the branch, Wanjagi, Kaggia's candidate won. The reason that this happened apparently was that within the Kiano faction, Mwaura, the incumbent Senator, was the only prominent person in a position to threaten Kiano's leadership locally. As Geoffrey Lamb notes, Wanjagi won because "Mwaura was opposed by members of the Kiano faction outside of Kandara and was not conspicuously supported for re-election by Kiano himself." Hence, Wanjagi got both Kaggia support and part of Mwaura support.¹⁰¹ Thus, although the Kiano and the Kaggia

¹⁰⁰Spencer, op. cit., p. 8.

¹⁰¹Lamb, op. cit., p. 54. Here Lamb is quoting the D.C. in his Annual Report of 1965. According to Mamb it is not clear whether or not Kiano in fact actively supported

factions were divided along generational, class and ideological lines, the threat that Mwaura himself might be able to form a faction independent of Kiano, was enough in this instance to make Kiano support the nominee of his former opponent. This example illustrates the subtle but important differences in the reasons for the repression of dissent at the local and the national level.

On the basis of the Murang'a experience, it appeared that the attempt to consolidate power at the national level was in large part what prompted the repression of local dissidents. At the national level, Kenyatta and other members of the Government also stifled dissent because they were genuinely sensitive to any negative criticism and responded to it as a challenge to their authority at the center. At the local level, however, it seems that a general sensitivity to criticism was far less important than personal ambition in motivating local politicians' response to dissent in their own districts. This explains in part the greater fluidity of factionalism at the local level and why Kiano's group could back a former Kaggia supporter--a dissenter--rather than the man who had been opposing Kaggia along with him from the beginning.¹⁰²

Wanjagi. Furthermore the issue of who was the "official candidate" is also ambiguous. Discussions with Geoffrey Lamb, August 1970.

¹⁰²After Kaggia joined the KPU in 1966, Kiano unsuccessfully attempted to keep Mwaura from being nominated as a candidate in the Little General Election of 1966. Following the LGE people became increasingly critical of Kiano, however, "pressure from the national leadership of the party was clearly effective in persuading the sub-branch and locational delegates to support Kiano," Lamb, op. cit., p. 63.

This fluidity at the local level was not uncommon to Murang'a. As early as 1961, in Nairobi, Dr. Mungai Njoroge who was later to become one of Odinga's staunchest enemies, joined hands with the latter in an attempt to undermine Mboya's fight for the Nairobi East seat.¹⁰³ In Nakuru, in 1965, and later in Mombasa, former opponents also joined hands for a time after they were isolated from positions of power. Local party officials who held no positions whatsoever and desired them, or simply were discontented, were obviously the most fluid source of support for the "unholy" alliances that often existed at the local level.

Financial and Organizational Neglect

Undoubtedly, much of the inability of local branches to channel and respond to dissent, had very little to do with factionalism or repression per se. The local party was in a state of organizational and financial neglect throughout the country. It is clear that in parts of the country some branches existed in name only and that many others were virtually inactive, because of a lack of direction from headquarters, the frustration felt by individual officials, and financial poverty.

Many local officials expected that with independence, KANU would be able to supply them with a salary or a job with a regular income. At the very least, they thought that their branches would be well-equipped offices, which would own or have use of a landrover and other finery. In short, they hoped that their

¹⁰³Bennett and Rosberg, op. cit., pp. 176-81.

positions would better them financially and give them some power or status. These same expectations were held by a large number of party supporters who were disappointed and frustrated when KANU did not respond to their needs or their hopes. Indeed, initially, there was almost a pathetic naiveté which inspired many to believe that the party would be able to cure almost every evil under the sun.

There was talk throughout 1964 and 1965 about reorganizing and revitalizing KANU at the local level.¹⁰⁴ However, national officials were so busy with their government jobs and attending to and manipulating factional strife in certain areas of the country, that very little, if indeed anything, was done to remedy the difficulties at the local level.¹⁰⁵

During this period, the party was in such a state of neglect that headquarters had not even sent membership and receipt books to many of the branches and sub-branches. Consequently, the local party was often unable to issue members who had paid their dues with receipts to this effect. Mostly, however, dues were not paid, many branches were in debt or arrears on their office rent, and contrary to the party constitution, a number had not filed their financial returns with headquarters for

¹⁰⁴See Mboya, "The Role of the Party in Independent Kenya," in The Challenge . . . , op. cit., pp. 48-62, where he examines some of the problems discussed in this chapter.

¹⁰⁵A number of grandiose plans were made at the Regional Reorganization Conferences in 1964, however, apart from the local branch elections, nothing much seems to have happened.

three to four years. Had either KANU Headquarters or the Registrar of Societies been strict, non-compliance with the provision that returns were to be filed annually could have led to the cancellation of a branch's registration. Because of the close cooperation between party and government, it appears that this did not happen.

However, the fact that branches and sub-branches could not exactly verify who their members were, because of a lack of receipt books, undoubtedly had a very important consequence on the ability of local party members to effectively register their dissent by voting at branch and sub-branch elections. At either level, if and when the party was unable to identify its members it was obviously much easier for various factions to coopt people to vote for them who were not in fact members of the party. As Geoffrey Lamb has noted, "[t]here was no question of authoritative accreditation or effective appeals" in branch and sub-branch elections, because there were "few organizational or constitutional norms to control the tactics of conflict."¹⁰⁶

Aside from voting and the ability to exercise dissent, the organizational and financial state of the party, also had much to do with its inability to respond to the requests of its members.

It was obviously difficult for national headquarters to inspire or discipline local officials when it had no money to pay them. Some of these officials, according to Keen "simply deserted or gave up party work." And perhaps this partly explains why when

¹⁰⁶ Lamb, *op. cit.*, p. 47.

Keen went to visit the Embu Branch in Eastern Province and the Kirinyaga Branch in Central Province in 1964, he found them totally empty.¹⁰⁷ In other places, where there were officials present, they were often unemployed youthwingers who had nothing better to do than to hang around the local headquarters. As Tom Mboya noted,

At first the youth-wing members were to help raise the membership of the party, but although they were employed on this, no proper arrangements were made for their subsistence. As time went on, this part or their function was given up. Many of them worked full-time or just stayed at party offices throughout the day without specific work. It was not uncommon to find youth-wingers begging for money and food from different leaders. This part of our party's history was its biggest weakness. It led to a demoralization of the youth-wingers and it cheapened their position. It got them a bad name and even the good ones were lumped together with the bad. When factions broke down the youth-wingers were left without support and even leaders got tired of their begging. The relations between the youth-wing and the party got out of hand.¹⁰⁸

The fact is, that only in rare cases, was the personnel at the branch and especially at the sub-branch level competent to process the demands that came its way. Because it had no money to offer its employees, the party could not attract the really

¹⁰⁷ Keen, "Circular . . . ," op. cit.

¹⁰⁸ Mboya, The Challenge . . . , op. cit., pp. 54-55. Mboya suggested the following remedy for the youth wing situation: 1. try to coordinate youth wing activities at the national level rather than leaving it solely to the branch. 2. "avoid having idle, unemployable and hungry youths whose services can be bought for a two-shilling tip." 3. "insist that the party youth-wing is not a full-time or a full day's job." 4. set an age limit for members. Ibid. In one youth wing delegation which visited Mboya, Odinga, and Murumbi, the age of the 19 visitors ranged from 18-51, the average age was between 25-35, and half had no jobs. KNA, OOP 2/1, KPMPM, Meeting of KANU Youth Wing Nairobi Branch from Bahati Sub-Branch, 7 January 1964, p. 49.

educated and skilled to organize for KANU at the local level on a full-time basis. Those areas far from Nairobi or a major town, were at a further disadvantage because the distance was too great for skilled government employees or even M.P.s to undertake organizing activities on a part-time basis.¹⁰⁹

Apart from the problems of leadership, the party was also not really in a financial position to respond to its constituents many complaints and demands. Unlike politics in early twentieth century America, where the machine often supplied its members with jobs and other welfare services in exchange for a vote,¹¹⁰ KANU at the local level in Kenya had almost no means of distributing patronage to consolidate its support. Although idle youth wingers may have gotten a few shillings from time to time, local leaders like Kiano in Murang'a apparently used patronage very selectively and often only to bring over key men to his side. According to Geoffrey Lamb, one of the major complaints against Kiano in 1966 and 1967, was that

Some of his followers felt that his influence had been used more frequently to buttress his own position in Murang'a over against possible rivals, than to secure benefits for his followers or for the district as a whole.¹¹¹

Machine politics in the States did a great deal to benefit a large number of people, while in Kenya it seems that money and jobs may have

¹⁰⁹ One of the major complaints against M.P.s as late as 1969 was that they had neglected the party in their own constituency.

¹¹⁰ Greenstein, op. cit., pp. 37-53.

¹¹¹ Lamb, op. cit., p. 61.

flowed only to a very few people. The fact that twentieth century America was even relatively speaking, much richer than Kenya, partly explains the difference in the distribution of rewards by local machines in the two countries. The difference must also have stemmed from the fact that in America, machine politicians really needed the votes that they were buying. In Kenya, however, some factions could gain control at the local level without buying votes, because of the organizational chaos that existed and others were assured that national headquarters would intervene on their behalf. Furthermore, because both national party officials and district party bosses were not interested in building a strong party and had little need to do so, the patronage that was available could be used for personal consumption rather than for building party institutions without much ill effect. Thus the following notation by a KANU party activist who said, "I as chairman who began politics in 1959, I have not been given any prize,"¹¹² was probably indicative of the paucity of patronage that existed and the narrowness of its spread among party members.

The lack of patronage at the local level was not without its consequences, however, and it may have had much to do with the increasing apathy and sometimes even alienation that many people felt towards KANU. As one author has noted in surveying the general state of the party during this period,

¹¹²KNA, OOP, KPMPM, letter to Kenyatta from KANU Division Chairman Majoge location, 13 July 1964, p. 103.

[T]he active membership had declined sharply after independence, with many of the most prominent activists being absorbed into government or drifting away into commerce and with KANU's *raison d'être*, apart from its identification with Kenyatta and the Government, apparently uncertain to the bulk of the population.¹¹³

A number of KANU members were clearly very annoyed that the party had done nothing for them. A group of Kisii Youth Wingers wrote to Kenyatta and their M.P.s saying that they had been promised that they would be taken to a training center to be prepared for jobs, but that "this had not been done." The letter continued and closed by saying,

If this matter is not going to be considered we regret that KANU Office at Kisii will be closed as early as possible because you members you have forgotten us. Since some of us were beaten and imprisoned for the sake of you and uhuru [freedom]. It will be better, we Kisii Youth Wingers to be imprisoned instead of staying at home jobless and being asked to pay poll tax, yet we are unable to pay school fees of our children.¹¹⁴

Other branches said that the KANU offices in their districts were "dead," that nothing was done for them when they went there, and that KANU leaders were willing to work only for themselves but for the good of the public.¹¹⁵

The Relationship Between the Party and the Administration

Partly because of the party's lack of response to its constituents, it became less of a focal point than it had been for

¹¹³Lamb, *op. cit.*, p. 46.

¹¹⁴KNA, OOP 2/1, KPMPM, Letter to Jomo Kenyatta, Hon. Sagini and Hon. Nyamweya, 19 March 1964, p. 9

¹¹⁵KNA, OOP, KPMPM, entire file.

certain kinds of dissent. This was also due to the fact that after the Regional Constitution was replaced with a Republican Constitution at the end of 1964, the civil service was reinstated to its pre-independence status and position.¹¹⁶ Once the control of the Provincial Administration was transferred from the Ministry of Home Affairs to the Office of the President, "the administrative officer . . . became in a real sense the representative of the President."¹¹⁷ At both the provincial and district levels of government, the Provincial Commissioner and the District Commissioner became the "coordinators of governmental activities" in their areas and were also in control of police, security, and intelligence matters.¹¹⁸ Furthermore, the new development plan which was proposed in 1965, gave the administrative officers rather than the party officials the key roles.¹¹⁹ Previously, Geoffrey Lamb has noted, "the party was seen . . . to control the really important local resources (such as land

¹¹⁶ See Gertzel, "The Provincial Administration in Kenya," *op. cit.*, for a full description of the organization of and the changes that have been made in the civil service.

¹¹⁷ *Ibid.*, p. 201.

¹¹⁸ *Ibid.*, pp. 204-5. After 1964, "the tribal police were restored officially to their former role as subordinate force under the direct authority of the Administration and in October 1965, their title was changed to 'Administration Police.' . . . In 1963 the police won a long-standing battle with the Administration, the Regional Commissioner of Police assuming final responsibility for security matters within his region and becoming directly responsible to the Inspector-General of Police in Nairobi. This independent position thus accorded to the police was withdrawn at the beginning of 1965 when the Provincial Commissioner by virtue of his responsibility for the peace and good government of his Province, became once more the Chairman of the Provincial Security and Intelligence Committees as did the District Commissioner of the equivalent District Committees." *Ibid.*

¹¹⁹ *Ibid.*, p. 118.

settlement), but after 1964, much of this control passed to the Government."¹²⁰

Although the revived position of the civil service relieved the local party from having the major responsibility of responding to certain types of demands and dissent, it nevertheless aggravated local party officials. From their point of view, the increased authority of the civil service was a final admission to them that national officials really didn't care about the party and that it was no longer considered to be of primary importance. Cherry Gertzel claims that the question of leadership was at the heart of the friction between the two groups. Many M.P.s and local party officials felt that since they had been elected and were therefore representative of the people, they should have more authority than an appointed administrator.¹²¹

Secondly, they resented what they felt was the "colonial mentality" of civil servants. Many party members felt that the increased role of the administration put them in the same position that they had been vis-à-vis the colonial government. Cherry Gertzel has suggestively noted that a large number of the administrative officers who had positions in the sixties had received their training under the colonial government during the Emergency, when the administration wielded enormous authority and "was

¹²⁰ Lamb, op. cit., p. 45. There is some debate, however, whether or not the party had much control over local development resources even prior to 1965.

¹²¹ Gertzel, "the Provincial Administration . . . ," op. cit., p. 201.

characterized by a strong sense of leadership."¹²² "These attitudes," she maintains, "were carried over"¹²³ after independence and were an important part of the inherited colonial legacy.

Not only was the authority of the administration increased after 1964, but the fact that the increase was largely concerned with law, order and control, meant that in terms of a number of its primary duties, the administration also reverted to its pre-independence position.¹²⁴ Those tasks not unnaturally gave the administration a certain "authoritarian" taint,¹²⁵ and also made many political leaders "fear that the administrators still . . . wield[ed] political power as they [had] in the past."¹²⁶ That this in fact happened is not surprising, for as one author has noted not only the institutions of the colonial era, but the norms of these institutions as well, were transferred to the newly independent state. As he puts it,

Africanization did not normally entail significant alteration in role definition, but rather that indigenous Africans were substituted for expatriate Europeans in roles already well-defined and already possessed of an established status and a highly routinized set of procedures. Furthermore, these inherited roles procedures and rules were not designed to achieve the goals of the

¹²²Ibid., p. 207.

¹²³Ibid., p. 209.

¹²⁴Cherry Gertzel, "Development and Administration in Kenya, 1965-67," op. cit., p. 13.

¹²⁵Ibid.

¹²⁶Gertzel, "The Provincial Administration. . .," op. cit., p. 210.

newly established polity, but rather worked to perpetuate a preexisting distribution of values. ¹²⁷

The increased authority of the administration in areas of law and order combined with the ruling that M.P.s now had to obtain a license for public meetings in their own constituencies, meant that from 1965 on civil servants had more control over politicians than they had had in the past. Consequently, for some political factions, it became increasingly difficult to obtain a license for a meeting and thereby to exercise their freedom to speak and when necessary to dissent publicly. As Odinga notes, "Kaggia was among those refused licenses to address meetings even in their own constituencies. Some of my meetings were cancelled by government order, and restrictions were placed on some of my vice-presidential tours."¹²⁸

In the area of development, by 1965, the administration had the major responsibility for implementing the Government's planning program. Nevertheless, on paper at least, politicians were to be included in the planning process. Administrative Development Committees were paralleled at the Provincial and District levels by Advisory Committees which included M.P.s and local party leaders as well as civil servants. The Advisory Committees, however, had no powers of implementation, were chaired

¹²⁷Fred G. Burke, "Public Administration in Africa: The Legacy of Inherited Colonial Institutions," Journal of Comparative Administration, Vol. 1, No. 3, November 1969, p. 359.

¹²⁸Odinga, op. cit., p. 298.

by administrators, and were merely supposed to be a meeting ground for discussions. In fact, the Provincial Commissioners were reluctant to set up these committees as independent bodies and politicians did not want to attend when they had no authority. In 1967, Cherry Gertzel reported that the "Advisory Committees had not functioned at all,"¹²⁹ and that the overall authority of the administration had been increased "at the expense of the representative elements in the district."¹³⁰ In general, the new role of the civil service appears to have facilitated its ability to stifle dissent by certain party figures¹³¹ and to have made it more difficult for elected party members to voice their concerns in the area of economic development. These problems, Cherry Gertzel noted "raise[d] the question as to whether it [was] possible to use what is essentially the colonial style machine in the independent state."¹³²

The difficulties KANU was experiencing at the local level--a poor relationship with the administration, organizational and financial neglect, factionalism and repression--combined with the problems incurred by inoperative machinery at the center, meant that for a variety of reasons the expression of dissent within KANU organs was increasingly frustrated. Because of this situation, Parliament became a major forum for KANU M.P.s.

¹²⁹Gertzel, "Development . . .," *op. cit.*, p. 2. The discussion above also is based on Miss Gertzel's paper. For the exact composition of the Development Advisory Committee see, Mboya, The Challenge . . ., *op. cit.*, p. 60.

¹³⁰*Ibid.*, p. 113.

¹³¹This will be discussed in greater detail below.

¹³²*Ibid.*, p. 15

Parliament

From 1964 until 1966, KANU M.P.s were extremely active in criticizing the Government on policies having to do with land, nationalization, education, and foreign relations.¹³³ However, as a number of authors writing about Kenya's Parliament have noted, "[t]he Executive [was] not turned out of office by this debate nor [did] the Government radically alter . . . its policy as a result of criticism, although it . . . made significant modifications in

¹³³ See C. J. Gertzel, "The Role of Parliament in Independent Kenya," East Africa Journal, Vol. 5, No. 10, October 1968, p. 36. Until 1966 when the two Houses of Parliament were amalgamated, Kenya had a House of Representatives of 117 members elected for a five year period on the basis of single member constituencies, 12 specially elected members, and an Attorney General appointed by the President sitting as an 'ex-officio' member. The Senate consisted of 41 members, each representing one of the administrative districts for 6 years, and were elected on a rotating schedule. The First Amendment to the Constitution in 1964 made the President both Head of State and Head of Government. Until 1968, the President was elected to his post by the House and was also an elected member of the House as were the Cabinet Ministers, excluding the Attorney General. Only the House of Representatives was empowered to invoke a motion of "no confidence" in the Government. If it succeeded, the President was forced to resign or dissolve Parliament. He was empowered to dissolve Parliament at any time at which time he would also be forced to resign. Cherry Gertzel, "Parliament in Independent Kenya," Parliamentary Affairs, Vol. 19, No. 4, August 1966, pp. 486-87.

"Motions passed by the House are advisory decisions and constitutionally do not bind the Cabinet" Stultz, op. cit., p. 113. The discussion which follows refers only to the House of Representatives which was the more active and significant body of Parliament from 1964-66. For a discussion of the Senate see, J. Harris Proctor, "The Role of the Senate in the Kenyan Political System," Parliamentary Affairs, Vol. XVIII, No. 4, Autumn 1965, pp. 389-415; for a detailed description of Parliamentary procedures in the House and the Senate and the early constitutional amendments see Gertzel, "Parliament in . . .," op. cit., pp. 486-504 and Humphrey Slade, The Parliament of Kenya, 2nd edition, Nairobi: East African Publishing House, 1967.

particular legislation" ¹³⁴ J. P. W. B. McAuslan goes so far as to maintain that although "it is customary to remark on the liveliness of debate [in Parliament] . . . it is hard to see that the Government [was] ever seriously inconvenienced on these occasions." ¹³⁵ Criticism during this period never appears to have gone so far as to actually impede the Government. Nevertheless, because of the lack of discipline within KANU, the Government was extremely sensitive to criticism which had at least the potential of leading to an actual opposition to Government policies.

The Backbenchers

Prior to 1964 when KADU folded, KANU M.P.s had formed a backbenchers group, consisting of members who did not have ministerial or junior ministerial posts. These M.P.s were identified with the more radical segment of the party and became increasingly cohesive as their frustration in being left out of the decision and policy-making stages of parliamentary business mounted. The KANU Parliamentary Group which was to have been the place where all KANU members could meet to discuss, criticize and resolve policies before they were taken to the floor of the

¹³⁴ Dr. C. J. Gertzel, "Kenya's Constitutional Changes," East Africa Journal, Vol. III, No. 9, December 1966, p. 22. Another author notes " . . . and to 1966, Parliament has not failed to enact a measure that was desired by the Government." Stultz, op. cit., p. 114.

¹³⁵ J. P. W. B. McAuslan, "Constitutional Changes in Kenya, 1963-8," in Collected Seminar Papers on Post-Independence Constitutional Changes, No. 5, London: University of London, Institute of Commonwealth Studies, October 1967-March 1968, p. 88.

House, did not function as anticipated. Ministers did not attend these sessions and backbenchers consequently felt annoyed, frustrated and left out of the most crucial stages of parliamentary decisions.¹³⁶ Odinga claims that this exclusion extended not only to the backbenchers, but also to Ministers and Assistant Ministers known to support him. He alleges "a group in the Cabinet alarmed at the strength of backbench popular pressure was resorting to caucus forms of procedure and was excluding some of us in the Cabinet from decision-making."¹³⁷

There is no doubt that the Government's sensitivity to criticism led to attempts to curb dissent within Parliament. The Government's ideology of dissent which connected criticism with a challenge to its authority and thereby with subversion, seems to have governed its attitude towards the backbenchers. In April 1964, Mboya wrote a letter to Henry Wariithi, Chairman of the KANU Backbenchers and an Odinga supporter, expressing his dissatisfaction with the group's performance.

. . . You will no doubt agree the conduct at backbenchers meetings has left a lot to be desired. There have been times when it was not even possible to hold sensible discussions. At other times they have been turned virtually into censor meetings at which discussions or exchange of views have been ignored and instead personalities recriminations and some pettiness has occupied all the time

¹³⁶ Gertzel, "Parliament in," *op. cit.*, p. 494. The Minister for Labour and Social Services, Mr. Mwendwa accused backbenchers of adopting a critical approach because they were not fully aware of Government policies. A member answered by saying that if backbenchers were consulted this would not occur. EAS, January 1, 1964, p. 5.

¹³⁷ Odinga, *op. cit.*, p. 284.

Within the chamber debate is free but the whip is our strength. The moment it is abused or ignored the strength and stability of our government is weakened

Within the Parliamentary Group, debate in the House must centre around constructive contributions rather than negative criticisms. There is no question of denying members their right to speak freely, but our party unity and interests must always rank above any personal feelings. Besides we need not wash our dirty linen in public

I should point out that collective responsibility and the Cabinet Secret Code must be accepted 138

Wariithi responded by defending the backbenchers and claiming that "members of Parliament become frustrated when they are kept in the dark of what the Government is doing."¹³⁹

While these letters were going back and forth, ten members of the KANU Parliamentary Group were in the process of meeting with M.P.s from Uganda and Tanzania to discuss the future of the East African Federation, much to the annoyance of the Kenya Government.¹⁴⁰ They were critical of what they thought was the Government's lack of interest in federation and in an effort to keep it from dragging its heels on the issue, they released a resolution passed at a meeting in April urging all three governments to expedite federation. The meetings and the resolution

¹³⁸KNA, OOP 2/1, KPMPM, letter from Mboya to Wariithi, 30 April 1964, p. 2, my emphasis.

¹³⁹KNA, OOP 2/1, KPMPM, letter from Wariithi to Mboya, May 27, 1964, p. 60.

¹⁴⁰Among the members were Kaggia, who was then a Junior Minister, Kali who was the Chief Whip, Wariithi, and Anyieni, all of whom were viewed as pro-Odinga radicals by the Government. See Pan Africa, May 15, 1964, pp. 14-15, 20-22; Gertzel, "Parliament in . . ." op. cit., pp. 494-96; EAS, April 15, 1964, p. 5, April 16, 1964, p. 1, April 25, 1964, p. 1, May 1, 1964, p. 1, May 16, 1964, p. 1.

finally led to a private member's motion on June 18, 1964, in which KANU backbenchers joined KADU M.P.s to support a motion that the Government submit definite plans for an East African Federation by August 15, 1964. The Government was clearly opposed to the motion and although it ignored it, it was nevertheless outraged by the votes of its backbenchers and more by those of some of its senior M.P.s like J. D. Kali and Bildad Kaggia.¹⁴¹

In a press statement on June 24, 1964, Henry Wariithi said that "the backbenchers would never try to 'wreck' the Government by an adverse vote in Parliament on a major issue."¹⁴² Re-stating the position of the backbenchers with respect to dissent, he added

The party's backbenchers were behind the Government. However, they reserved the right on occasion to criticize certain aspects of the Government policy and were in a position to act as a sort of watchdog or pressure group Despite their respect for the Government, they reserved the right to criticize if such action was called for.¹⁴³

A few days later, the Murang'a KANU Branch said that the vote against the Government showed that "some KANU members were undermining Kenyatta" and added that the backbenchers were "disloyal" because they supported Kaggia, who had been removed from his

¹⁴¹For the vote see Official Report, House of Representatives (Hereafter referred to as Official Report), 18 June 1964, Columns 326-27.

¹⁴²EAS, June 24, 1964, p. 1.

¹⁴³Ibid.

Government post.¹⁴⁴ Wariithi retorted that the statement was "irresponsible" and that M.P.s voted "in accordance with their convictions."¹⁴⁵

It appears, however, that the statement by the Murang'a Branch was not an isolated reaction. Following the issue of the East African Federation criticism of the Government by certain M.P.s within Parliament was increasingly identified with "dis-loyalty," "undermining Kenyatta," subversion and even Communism. By 1965, when the right was strengthened by the inclusion of KADU in KANU, there was a concerted attempt to stifle radical criticism which went beyond mere namecalling.

Within the Cabinet, Odinga by this time already had been isolated by his opponents Mboya, Gichuru, Kiano, Njonjo and Mungai. His ministerial powers were clipped by removing certain important items including the responsibility for elections from his portfolio and according to him many Cabinet decisions were taken without his knowledge.¹⁴⁶

Within Parliament, the right wing backbenchers and M.P.s formed a group allegedly known as the "Corner Bar Group"--the Corner Bar being the Nairobi restaurant where the group met.

¹⁴⁴EAS, June 29, 1964, p. 5.

¹⁴⁵EAS, June 30, 1964, p. 5.

¹⁴⁶In addition, in 1964, when Kenyatta left the country briefly to go to London Kenyatta appointed Murumbi rather than Odinga as Acting Prime Minister. In 1965, after it had been announced that Odinga would lead the Kenya delegation to the Commonwealth Prime Minister's Conference, he was removed from this position. Odinga, op. cit., pp. 276, 296. Furthermore, the First Amendment to the Constitution in 1964 specified that the Vice-President would not automatically succeed the President on his death.

The aim of the group according to the minutes of the meeting which are reproduced in Odinga's books was to "curb" Odinga's efforts to fight the "Communists in Parliament," to "heckle them," and to "demand new election for the backbenchers so that all Communists be swept off the leadership."¹⁴⁷ The use of the Communist taint to brand dissenters was a very dangerous tactic. As Odinga noted,

The allegation 'communism' has always been a convenient weapon. During the Colonial times Kenyatta was termed a Communist and the freedom struggle was labelled Communist-inspired. Politicians have made use of the anti-communist smear not because they hold confirmed political views but to use a stick to beat those campaigning for real consultation with the people and against corruption in public life. 148

Throughout 1965, the "Corner Bar Group's" aims were gradually realized as there were significant efforts to reorganize parliamentary committees to the detriment of radical M.P.s and to the benefit of the conservatives.

Parliamentary Reorganization

In February 1965, Odinga moved that the Sessional Committee, the most important committee of the House which controls its business, be reconstituted because of the dissolution of KADU.¹⁴⁹

¹⁴⁷Odinga, op. cit., pp. 289-91; as Geoffrey Lamb suggests in a footnote, "The document's authenticity seems beyond doubt; the Assistant Home Affairs Minister, Jeremiah Nyagah, whom the document identifies as having been present, quoted from it with approval in Parliament. See Official Report, 30 April 1965, cols. 1731-2." Lamb, op. cit., p. 34.

¹⁴⁸Odinga, op. cit., p. 294.

¹⁴⁹Official Report, 17 February 1965, cols. 81-82.

The motion failed largely because the backbenchers felt that they were not sufficiently represented on the Committee. In discussing the nominations, however, Ronald Ngala, who himself was still a backbencher at the time, said referring to the nomination of certain pro-Odinga M.P.s--namely, Oneko, Anyieni, Kaggia, Kali and Okelo-Odongo--that "as birds of the same feather they should not be put together in such big numbers."¹⁵⁰

In spite of Ngala's remark on March 3, 1965 the House approved the Government's nominations for a new Sessional Committee which included more backbenchers as well as the radical M.P.s referred to by Ngala.¹⁵¹ This committee did not last for long, however, and on June 28, 1965, Ngala came to the House with a proposal for a new Sessional Committee. It is customary for the committee to be reconstituted for each new session of the House although there is no ruling to this effect. Since the committee for the second session had just been approved in March, it hardly seemed time for a change. Ngala maintained that "the present Sessional Committee had proved to be biased in the selection of motions, [and] in the selection of items to be discussed." He said that these matters had been "discussed in the Parliamentary Group under Kenyatta" during the previous week.¹⁵² Although the Government normally takes the initiative

¹⁵⁰Ibid., col. 90; Ngala was also the alleged Chairman of the Corner Bar Group.

¹⁵¹Official Report, 3 March 1965, cols. 454-55.

¹⁵²Official Report, 28 July 1965, col. 1489.

in nominating members to the Sessional Committee, Ngala's Private Members' Motion nevertheless passed and all of the radical M.P.s mentioned above, excluding Odinga, were removed from the Committee.¹⁵³ One of the new appointees was one of Kaggia's opponents from Murang'a and at least two others were allegedly members of the "Corner Bar Group."¹⁵⁴ On November 4, 1965, Odinga nominated a new committee at the beginning of the third session of the House, which would have reinstated some of the radicals and reduced the control of the conservatives.¹⁵⁵ The House amended Odinga's list and resolved to renominate all of the members of the Committee that had been elected in July 1965. The motion, as amended, passed.¹⁵⁶

The Sessional Committee was not the only place within the House where the radicals lost positions in 1965. In March, the two official candidates chosen by the Parliamentary Group to replace the assassinated Pio Pinto's 'Specially Elected' seat in the House and his seat in the East African Central Legislative Committee, were contested by moderate independents who won.¹⁵⁷

¹⁵³Ibid., cols. 1492-93.

¹⁵⁴Ibid.

¹⁵⁵Official Report, 4 November 1965, cols. 88-89.

¹⁵⁶Ibid., cols. 131-32.

¹⁵⁷ Those who lost were Mr. Ndola Aya, a former private secretary to Mr. Odinga, and Mr. Kamwithi Munyi. ole Tialal, a former KADU executive officer, and B. T. Chokwe from Mombasa won. "It is understood that many Members of Parliament were absent when the KANU Party chose its nominees, and that they disagreed with the decision," Reporter (East Africa), April 9, 1965, p. 10.

In June 1965, the backbenchers elected new officers. Up to that time, Wariithi was Chairman; Anyieni, Vice-Chairman; Kaggia, Secretary; Ngala, Treasurer; and Malinda, Assistant Whip.

In July 1965, the Parliamentary Group, at Kenyatta's request voted to disband the backbenchers group and to henceforth discuss all matters within the Former group. At the same meeting, Kenyatta was elected as President of the Parliamentary Group, Ngala as Vice-President, and Malinda as Secretary. In addition, Kali and Tanui, two radical critics, lost their offices of Chief Whip and Assistant Chief Whip to Malu and Too.¹⁵⁸ Odinga, who had formerly been Vice-Chairman of the KANU Parliamentary Group, said,

When I saw that there had been preliminary caucusing to edge me out of the office, I left the meeting of the Group and the country was treated to the spectacle of Ronald Ngala former leader of KADU, archopponent of all KANU policies and always one of the most obedient protégés of the colonialists handed the Vice-Chairmanship of our Parliamentary Group." 159

A few days later at a press conference in London, the Minister of Finance, James Gichuru, maintained that "[a]s an indication of the trend of things in Kenya, at a recent party election Mr. Ngala polled 75 votes against Odinga's six for the vice-chairmanship. So I have no need to explain things any more.¹⁶⁰ In Parliament, Ngala-Abok refuted Gichuru and supported Odinga's explanation

¹⁵⁸EAS, July 22, 1965, p. 1.

¹⁵⁹Odinga, op. cit., p. 296.

¹⁶⁰Reporter, July 30, 1965, p. 11.

of the "election."¹⁶¹ Once Odinga was squeezed off the Parliamentary Group and the Backbenchers were disbanded, the way was paved for Ngala to make a motion to reconstitute the Sessional Committee. From July 1965 onwards, the left was considerably weakened in terms of Parliamentary strength, and with Kenyatta at the helm of the Parliamentary Group, debate within that body was less open and frank.

What is especially interesting about this period is that although there was considerable criticism of the reorganization going on in Parliament, M.P.s nevertheless voted to pass the Government's motions. Why in these instances when there was much dissent and also substantial areas of disagreement with the Government, did the House continue to ratify Government motions?

Explanations for Parliamentary Cohesion

One answer is that with the return of KADU, the conservatives simply had more strength than the radicals. This does not appear very satisfactory, however. For following the merger of the two parties and prior to the efforts at reorganization at the second meeting of the House in 1965, "backbenchers blocked immediate consideration of the Government's Supplementary Estimates, rejected the Vice-President's list of nominees for election to the Sessional Committee . . . and criticized a Government project for the provision of hydroelectric power throughout Kenya."¹⁶²

¹⁶¹ EAS, July 29, 1965, p. 3.

¹⁶² Stultz, op. cit., p. 109.

In addition, this answer does not explain why vocal criticism did not lead to more divisions, especially over issues of reorganization.

More complex explanations of why M.P.s generally voted cohesively appear to have a great deal to do with Kenyatta's influence, the Government's ability to use patronage to keep dissidents in line, and its tendency to link radical criticism with subversion.

Kenyatta has a seat in the House, however, he rarely has attended or participated in its debates. According to a number of authors, this aloofness from politics, has given him the flexibility to intervene privately when M.P.s have threatened to clash with the Government. This intervention in turn has had the effect of keeping M.P.s in line. Following the disastrous second meeting of Parliament in 1965, Kenyatta met privately with the M.P.s and agreed to do so on the first Wednesday of each month. Later, he suggested that the backbenchers disband, was present at the elections of the Parliamentary Group in July 1965, and thereafter became its President. His presence is apparently inhibiting and reportedly tended to stymie adverse criticism as well as votes.¹⁶³ Nevertheless, "[p]rivate discussions between the President and the M.P.s . . . certainly emerged as one of the conventions of government in Kenya."¹⁶⁴ In seeking to explain why this happened Cherry

¹⁶³Gertzel, "Parliament . . ." op. cit., pp. 501-3; Stultz, op. cit., p. 109.

¹⁶⁴Gertzel, "Kenya's Constitutional . . ." op. cit., p. 24.

Gertzel suggests,

In the 'de facto' one party state, where the House could pass a vote of no confidence in him, it must have been expected that the President would demand sufficient party discipline to keep his parliamentary majority. In a House where there was no formal opposition this would further increase the power of the Executive at the expense of the Legislature and so minimize parliamentary control. 165

Partly because Kenyatta kept his distance from Parliament, M.P.s tended to be very vocal in criticizing specific policies of the Government and particular Ministers, while simultaneously espousing their loyalty to Kenyatta. The distinction between the Government and the Executive was unrealistic and ignored the whole issue of collective responsibility. It had the effect, however, of encouraging dissent up to the point when Kenyatta intervened to associate a policy with the Executive. The result was that criticism was generally "contained."¹⁶⁶

Finally, Kenyatta's position as Head of the Government and KANU also encouraged a number of recalcitrant M.P.s to tow the line. Many of them were weak in their own constituencies and feared the Government's ability to call an election at any time.

¹⁶⁵Ibid., p. 25.

¹⁶⁶Stultz, op. cit., p. 111. In February 1966, there was a discussion in Parliament concerning collective responsibility. See Gertzel, "Kenya's Constitutional . . .," op. cit., pp. 23-24. McAuslan claims that "[T]he doctrines of collective responsibility have been interpreted in such a way as to limit meaningful control. The Speaker has ruled that M.P.s cannot draw a distinction between the President and the Government, attacking the latter and not the former. Ministers have been quick to see the advantages of this ruling, for few M.P.s . . . are willing to attack or criticize President Kenyatta. . . . This renders it somewhat difficult to challenge or control the Government as such." McAuslan, op. cit., p. 89.

The Government's use of patronage was at least as important as Kenyatta's influence in explaining why critical M.P.s generally followed the Government when it came to a vote. Most M.P.s are ambitious and for reasons of status, influence and material gain wish eventually to hold Ministerial or Assistant Ministerial positions. As Jay Hakes notes, "[p]romotion from a backbencher to a frontbencher . . . increases the prestige of an M.P. . . . makes him a party to more Government information . . . and if his position is seen as giving him more access to development funds, solidifies his position in his constituency."¹⁶⁷ Such a promotion also means an increase in pay. Backbenchers receive £ 1200 per annum, Assistant Ministers £ 2260, and Ministers £ 3500.¹⁶⁸ The difference in salary between ordinary M.P.s and a senior Minister is almost twice the former's yearly earnings.

Rewarding M.P.s with a promotion appears to have been one means used in an attempt to insure their loyalty from 1963 until 1966. During this period, the number of Ministerial posts increased by five and the number of Assistant Ministerial posts by eleven. As of mid-1966, fifty M.P.s had junior or senior ministerial positions, constituting over one third of the entire House.¹⁶⁹

¹⁶⁷Jay Hakes, "Patronage and Politics in Kenya: A Study of Backbencher Membership on Statuary Boards," Unpublished paper, p. 3. Most of the information which follows comes from this paper.

¹⁶⁸Stultz, op. cit., p. 107.

¹⁶⁹Ibid.

In addition to this rather obvious type of reward, the Government also appointed M.P.s to a variety of quasi-governmental bodies including agricultural statutory boards to gain their support. Membership on these boards had a variety of advantages, especially considerable salaries for Chairmen and Vice-Chairmen and lucrative sitting, mileage, and overnight allowances for ordinary members.¹⁷⁰ A study of the membership of the agricultural boards alone indicated that from 1963 until 1969 61 different M.P.s have served on these boards, some holding more than one position.¹⁷¹ All except two were backbenchers at the time of their appointments and all resigned from these positions once they were promoted to the frontbench.¹⁷² Statutory boards were used as and, in fact, were a means of coopting the support of ordinary M.P.s.

According to Jay Hakes, appointments to agricultural statutory boards had the effect of keeping M.P.s who were members of the boards from criticizing or voting against the Government on "matters concerning [their] boards."¹⁷³ He claims that although

¹⁷⁰ Hakes, op. cit., p. 4. "Membership on boards has other advantages. It increases an M.P.s access to specialized information. It may increase his ability to represent his constituents. It may produce fringe benefits such as trips to London to represent his board. Membership may also produce a 'spin off' effect by which members gain benefits indirectly by virtue of their positions on the board. For example membership on the Coffee Board has resulted in a directorship with the Kenya Planters' Co-operative Union Ltd., an agent of the Coffee Board." Ibid., p. 5.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid., p. 7.

a number of M.P.s were critical of a particular board prior to their appointment on it, afterwards they were in fact "bound every bit as much as a Minister or Assistant Minister."¹⁷⁴

There were a variety of other "boards, advisory councils and commissions . . . to which the Government has appointed backbenchers since 1963."¹⁷⁵ At least one-third of all backbenchers were at one time or another members of the above bodies, thus leaving only one-third of all members of the House who had no Government appointments.¹⁷⁶ How much effect this kind of patronage had in solidifying the loyalty of the backbenchers during the period under consideration is difficult to say. It appears, however, that it was not insignificant. For as Jay Hakes notes,

. . . [s]ince board members are picked from those with an interest in the subject and therefore from those who might otherwise be more likely to criticize the Government and since most backbenchers have friends who co-operate with them in debates, the support of these board members is not without consequence."¹⁷⁷

From 1964-1966, the Government also attempted to link radical criticism with Communism and subversion. Whether or not this contributed to cohesion within Parliament is impossible to say, however, the aim of the Government seems to have been to question the motives of the radical critics and to discourage others from joining them. Clearly the radical pronouncements

¹⁷⁴Ibid., pp. 6-7.

¹⁷⁵Ibid., p. 9.

¹⁷⁶Ibid., p. 10.

¹⁷⁷Ibid., p. 10.

of some M.P.s on land and other subjects¹⁷⁸ made a number of M.P.s feel genuinely threatened. Coupled with the allegations of Communism, this tended to isolate the former group.

During this period there appears to have been a full-scale effort to make all Kenyans and especially those who were M.P.s believe that Odinga and other radicals were dangerous, ruthless men. In Parliament, Odinga was accused on a number of occasions of fomenting plots to take over the Government. The implication was that Odinga wanted Kenyatta's position and that he was consolidating support among a group of radicals who were ready to join him. It was just one short step to taint radical critics as subversives and Communists. The reasoning behind this attack on the radicals was in part a rather premature attempt to undermine Odinga's strength so that he would be unable to run for President in the event of Kenyatta's death. At that time, Kenyatta was over seventy-five and the rumblings over the problem of succession which became more apparent in later years, had already started. The Kikuyu and Mboya factions within the Cabinet eventually divided over the issue of succession. In 1965, however, they united to brand Odinga whose presence then threatened them all. For the crucial issue during this period was not succession, but the more immediate question of who would lead KANU--Odinga and the radicals or Mboya and the conservatives. It is therefore not surprising that the issue of control extended to Parliament in addition to the branch level of KANU.

¹⁷⁸These will be discussed in the next chapter.

In November 1964, Odinga was accused of smuggling Communist arms into the country.¹⁷⁹ In February 1965, the day after the assassination of a pro-Odinga M.P., Pio Gamma Pinto, a Goan who had been active in Kenyan politics since the early years, an anonymous leaflet was circulated in Parliament implying that Pinto had been killed because he "had been getting in the way of the Chinese Communists."¹⁸⁰

On March 31, 1965, Thomas Malinda, a specially elected member, claimed in the House that "Communist arms and money were being smuggled into the country."¹⁸¹ The allegation was so serious that a debate was scheduled for the next day, however, Mr. Malinda never showed up and the discussion could not be held¹⁸² then nor was it after his return. On May 16, 1965, Kenya's security forces seized a group of lorries in Kisii which were found to be carrying arms. The insinuation was that Odinga had something to do with this, although he claims that they were reputedly destined for rebel forces in the Congo and were consigned to Uganda with the

¹⁷⁹Odinga, op. cit., p. 288. Odinga provides an alternative explanation for the accusation. Ibid.

¹⁸⁰The document is reprinted in Odinga's book. Ibid. For discussions of Pinto's murder and the trial which followed see, EAS, February 25, 1965, p. 1 (the year for the rest of the references given is also 1965). February 27, p. 5, March 1, p. 5, March 2, p. 5, March 10, p. 1, March 13, p. 1, March 16, p. 5, April 9, p. 17, April 13, p. 5, April 14, p. 7, April 15, p. 5, April 16, p. 17, July 6, p. 5, July 16, p. 1, and p. 19. Also see Pio Gamma Pinto. Independent Kenya's First Martyr Socialist and Freedom Fighter, Nairobi: Pan Africa Press, Ltd., February 1966 and Pan Africa, December 10, 1965, pp. 32-34. Pinto was thought to be the most articulate spokesman of the left.

¹⁸¹Odinga, op. cit., pp. 291-92. Also see Pan Africa, April 16, 1965, p. 4, and April 30, pp. 5-6.

¹⁸²Reporter, April 9, 1965, p. 9.

full knowledge of its Government. Apparently heavy rains had diverted the convoy to Kenya.¹⁸³ Soon afterwards, a Soviet ship which arrived in Mombasa with arms that had been ordered by the Kenya Government was told to take them back because they were obsolete.¹⁸⁴

At the same time many of the speeches given outside the House intensified feelings within it. On March 16, Odinga accused the colonialists of meddling in African affairs and attacked a speech given by G. Mennen Williams to the U. S. House Foreign Affairs Committee.¹⁸⁵ In his statement Odinga claimed,

During the Colonial days the imperialist powers enjoyed unrestrained exercise to fight and defend their ideological interests on Africa's soil. They still appear to retain that Colonial mentality and continue to assume that their activities cannot be checked. They are not even ashamed to declare their determination to continue this vile practice in Africa.¹⁸⁶

In April, Okelo-Odongo, the pro-Odinga Assistant Minister for Finance, gave a speech in which he asserted that the country was leaning too far to the West to be truly non-aligned and recommended increased nationalization and Africanization of trade and industry. Referring to the Europeans and Asians, he

¹⁸³Odinga, op. cit., p. 293. Odinga furthermore adds that "Kenya's Minister for Defense never had the courage to admit that he had given consent to Uganda for the movement of arms through Kenya." Ibid. See also for the exchange between Mungai and Uganda's Minister of Defense, Reporter, May 21, 1965, p. 13.

¹⁸⁴Odinga, op. cit., p. 293.

¹⁸⁵EAS, March 17, 1965, p. 1. For a summary of Williams' statement see Reporter, March 26, 1965, pp. 12-14.

¹⁸⁶Reporter, March 26, 1965, p. 13.

said,

They claim their right to their property and the right to continue acquiring more while the African population in the reserves is demanding that the Government should take immediate steps to give the first opportunity to the African community who were left in the background during the colonial days

Our Civil Service is still sustained by British and American citizens. Our 6 year Development Plan was compiled by an American professor. To achieve non-alignment in our economic policy we must bend a little more to the Eastern bloc at this moment. 187

During the same month, Kenyatta went down to Murang'a and "warned any budding revolutionaries that the Government [was] strong enough to deal with any subversive elements whether from internal or external sources."¹⁸⁸ Later that month, following the long awaited introduction of Tom Mboya's Sessional Paper Number 10, African Socialism and Its Application to Planning in Kenya, Odinga made a speech in which he was reputed to have said that "Communism was like food" to him.¹⁸⁹ Exactly what Odinga did say is still ambiguous. The Reporter claims that at one stage of his tour of the Western Province he did use the above phrase, but that at another meeting, he said that "communism was being used by greedy individuals to obstruct African efforts to achieve economic development."¹⁹⁰ Odinga's own interpretation

¹⁸⁷Reporter, April 23, 1965, pp. 9-10. For Mboya's reply see pp. 10-13.

¹⁸⁸EAS, April 12, 1965, p. 1.

¹⁸⁹Reporter, May 7, 1965, p. 11.

¹⁹⁰Ibid.

of the incident is as follows,

I understand that in Communist countries the emphasis was on food for all. If that was what Communism meant then there was nothing wrong with that objective.

The newspapers headlined the speech 'Communism is Food.' This is the speech that created a furore throughout Kenya and was a convenient occasion for an attack against me--though this attack had been mounting for some time and merely was a convenient pretext for its intensification. ¹⁹¹

After this speech and another in Kisumu in which he accused the Americans and the British of attempting to influence key politicians, including Ngala and Mboya, ¹⁹² there was a reaction of outrage in the House. Five M.P.s, Kiano, Gatuguta, Malu, and Okwanyo, demanded that Odinga resign from the Government, ¹⁹³ and following this, the massive effort at parliamentary reorganization discussed earlier took place. By the middle of 1965, it was becoming increasingly difficult for Odinga and other radical critics to dissent from Government policy within or outside the House without being accused of having more sinister motivations. ¹⁹⁴

¹⁹¹ Odinga, op. cit., p. 296.

¹⁹² Reporter, June 4, 1965, pp. 9-10.

¹⁹³ Reporter, June 4, 1965, p. 10. He did not resign then or later when Senator Kago requested that he do so. EAS, August 5, 1965, p. 7.

¹⁹⁴ These insinuations of subversion continued throughout the rest of 1965. In July 1965, a Chinese journalist was deported for giving money to groups opposing the Government and to the group of 27 people who attempted to take over the KANU Branch in Nairobi that month. Some of these people were students of the shortlived Lumumba Institute, whose purpose was to train party officials. The Institute which had been opened by Kenyatta in December 1964, was largely funded by the Russians and was managed by Odinga and

Conclusion

By 1966, KANU's organs at the national, local and parliamentary levels were not operating to facilitate the exercise of dissent within the party. This happened because of neglect, organizational chaos, financial poverty, the supremacy of the administration, the role of Kenyatta, factionalism and ambitions which led to the attempt to aggrandize power, as well as an ideology which encouraged the repression of dissent. During this period, dissidents within KANU were beginning to be treated as seditious agitators much as they had been in the colonial days. The machinery of repression (which will be discussed in much greater detail in the chapters below) was not new nor were the attitudes that encouraged its use. The reaction of the Kenya Government to dissent was much like the colonialists in the sense that political diversity was viewed as a threat

several other radicals until it was brought under the auspices of the Ministry of Education in late April 1965. The Institute will be discussed in greater detail in the next chapter. In September 1965, an anonymous booklet called The People's Front of East Africa appeared. The Government said, "The public itself cannot fail to detect the hand behind the . . . document The document contains the same language, slogans and clichés that have become identified with certain quarters who oppose Kenya's non-aligned stand and seem to be intent on propagating the policies and ideas of foreign countries. Such self-appointed spokesmen of foreign ideologies and countries must be condemned as traitors to Kenya's true nationalism." Reporter, September 24, 1965, p. 10. Onoko retorted, "I think the actual work has been done in Kenya by perhaps some Kenyans in collaboration with their masters to continue the battle of the fifth columnist." Ibid., p. 11. See Appendix II for the document itself. Also see Pan Africa, September 17, 1965, pp. 1-4. In December 1965, Mboya "told a South Nyanza meeting . . . that they should condemn people who roamed around the countryside serving the communists--whose aims were to bring confusion into Kenya. African leaders under Mr. Kenyatta would not tolerate such puppets." Reporter, December 3, 1965, p. 10.

which challenged the Government's authority and therefore was dangerous. Essentially, the Government's pronouncements and responses to dissent were a reaction to the whole idea that politics was a legitimate activity.

Finer's hypotheses, (1) "that the single party almost never provides machinery for the constitutional resolution of differences that are bound to arise; but on the contrary suppresses or punishes those expressing such differences,"¹⁹⁵ and (2) "that, on the whole two-way communication [between the center and the local levels of the party] is poor and in many cases non-existent"¹⁹⁶ appear to hold for the years under consideration for the reasons mentioned in the above paragraph.

Daalder's hypothesis that "[w]hen the new nationalists captured the citadels of power, they easily slid into similar patterns of behavior,"¹⁹⁷ also describes what happened in Kenya rather accurately. And Burke's observation that the political and bureaucratic roles into which Africans move following independence are "already possessed of an established and a highly routinized set of procedures,"¹⁹⁸ helps to explain why the

¹⁹⁵Finer, op. cit., p. 497.

¹⁹⁶Ibid., p. 502.

¹⁹⁷Hans Daalder, "Government and Opposition in the New States," Government and Opposition, Vol. 1, No. 2, January 1966, p. 222.

¹⁹⁸Burke, op. cit., p. 359.

persistence of institutions and roles "predicates the perpetuation of [a] system."¹⁹⁹

Dudley hypothesizes from his study of Northern Nigeria that if "models [of government] must be exported . . . then either the model should be tailored to suit the social structure . . . or the social structure must be sufficiently changed through for example education and rapid and planned economic development to create the minimum conditions necessary for the model exported." This is highly questionable as is his conclusion that "[t]he cost of doing neither is political instability."²⁰⁰ Although the colonial model of Government may not be suitable for achieving certain goals of new nations--although there is no way of knowing whether in fact this is so--these models appear to be highly appropriate for institutionalizing a set of procedures for dealing with dissent. Whether or not it is acknowledged as such, the repression of conflict and political diversity, may in fact be an important, but unspoken goal of new nations like Kenya. Instability may of course be an eventual consequence of repression, but this instability does not necessarily stem from a model which is insufficiently tailored to a social structure. For in many cases, this "social structure" is wrongly assumed to be traditional and/or antithetical to the colonial model.

¹⁹⁹ Ibid. This will be discussed in greater detail in the chapters below.

²⁰⁰ B. J. O. Dudley, "Traditionalism and politics: A case study of Northern Nigeria," Government and Opposition, Vol. 2, No. 4, July-October 1967, p. 524.

This question of tailoring and sufficiency leads directly into Dudley's second hypothesis, that "to attempt to graft the regulative rules of a game (e.g., of a parliamentary system of government) on to a different set of constitutive rules (e.g., an alien social structure) with which they are incompatible, would lead to the ensuing result being neither one nor the other, but a new game of its own rules."²⁰¹ This also seems dubious for Kenya. For, it automatically assumes incompatibility. It is admittedly rather difficult to generalize about the role of traditional institutions in present day politics, however at the national and parliamentary levels in Kenya, it is very naive to assume incongruence. Many politicians, after all, learned to play the game within the structures established by the British. At the local level, the issue of incompatibility may be more seriously considered. It is nevertheless salient to remember that in Kenya unlike Buganda in Uganda, tribal systems were rather loosely defined and there was not a highly institutionalized powerful and protobureaucratic structure which could effectively challenge the colonial system in most parts of the country. Even where the traditional system was stronger, as was the case in Central Nyanza,²⁰² for instance, it is difficult to conclude that after over sixty-three years of administrative, social, political, educational, and religious contact with the

²⁰¹ Ibid., p. 523.

²⁰² To be discussed in a later chapter.

colonial system, these structures can now be called "alien." The thesis of "a new game with its own rules" has also been called into question, and Burke suggests that,

Much of the writing on comparative administration as it relates to Africa seems to be overtly concerned with the influence of indigenous traditional culture and preexisting political behaviors and institutions. This reflects both in the impact of the cultural anthropologist on our thinking and the fact that many scholars in the forefront of comparative administration relate their techniques to the new states of South and East Asia and Latin America. With some important exceptions, the new states of Africa are not significantly inhibited by the power or tenacity of indigenous institutions in their nation-building attempts. On the contrary, a distinguishing characteristic of the new states is the rapidity and ease with which traditional institutions are modified, modernized or discarded . . . Contemporary Africa . . . is represented by inherited colonial rather than indigenous traditional institutions. 203

A few generalizations concerning the consequences of factionalism within one party can be reconsidered on the basis of material in this chapter. Because of a scarcity of information on factionalism throughout Kenya I view these reconsiderations simply as tentative, but interesting suggestions rather than conclusions which support or destroy a particular thesis.

One hypothesis suggests that the sheer amount of factionalism increases when there is only one party. The reasoning behind it is twofold. First, that an increase in scale, e.g., more people in one party, results in more factionalism.²⁰⁴ Second, that the pressure of an opposition party encourages unity within

²⁰³Burke, op. cit., pp. 356-57.

²⁰⁴See Thomas Rasmussen, "Political Competition and One-Party Dominance in Zambia," The Journal of Modern African Studies, Vol. 7, No. 3, October 1969, pp. 407-24.

a party, and the lack of it discourages cohesion.²⁰⁵ On the basis of information on Murang'a Nakuru, and Mombasa, this hypothesis does not seem to hold. For one thing, it assumes that the number of political actors increases when there is just one party to contain them all. In Murang'a, however, both before and after the emergence of the KPU in 1966 there were three identifiable factions: Kiano's, Kaggia's and Mwaura's. Both in 1965 and in 1966 after Kaggia joined the K.P.U. the Kiano and Mwaura factions existed as identifiable groups. Contrary to the above hypothesis one might in fact argue that after the emergence of an opposition party the differences between the Mwaura and Kiano factions increased and their saliency became more pronounced. Opposition to Kaggia when he was in KANU had, except for the 1965 election, kept the Mwaura and Kiano factions together. The fact that Kaggia was gone therefore did not decrease the amount of factionalism. Factionalism also appears not to have decreased in Nakuru in 1966 and in the case of Mombasa, speaking of the relationship between KANU and KADU, Stren notes,

It might be expected that, given the electoral competition between KANU and KADU in the period 1960-63, both parties would have emerged stronger, better organized and more unified. This is true only up to a point, as the parties had meager financial rewards, little in the way of immediate material rewards to offer faithful party workers, and were riven with personalities Apart from Akumu's defection, there were at least three identifiable factions in the Mombasa branch in mid-1963; one centering on Komo and two others supporting Odinga and Mboya nationally. 206

²⁰⁵ Key, *op. cit.*, p. 300

²⁰⁶ Stren, *op. cit.*, p. 15.

When Key and others have spoken of the effect of an opposition party, even a small one, tending to encourage a more organized and cohesive majority faction within the dominant party, they have generally been referring to bifactional dominant party arrangements. In cases such as those described above, where there was a multifactional arrangement within the dominant party plus a sizeable opposition party, the dominant party factions did not coalesce, nor did they become more organized and cohesive. One reason for this continued fluidity within the dominant party, in spite of the pressure of an opposition was the former's poverty and its leaders consequent difficulties in instilling discipline. Secondly, because of the importance of attaining political office at the local level, leaders of one faction were disinclined to coalesce with those of another.

Stren claims that "Zolberg's use of the American machine analogy would imply too much organization and distribution to be useful in Kenya."²⁰⁷ This is not so for at least two reasons. First, the American machine was not only a distributor of rewards, but was also an instrument of coercion, as were various machines within KANU. Second, the nature of the machine in America clearly varied enormously as Key has shown in his discussion of one-party systems in the American South. In most areas where there were multifactional arrangements within the party, the individual factions' machines were characterized precisely by the lack of organization and haphazard

²⁰⁷ Ibid., p. 17.

distribution of resources, which inclines Stren to throw away the machine model. Key's further notation that "over the long run the have-nots lose in a disorganized politics" because of the lack of consistency in leadership, issues, organization, and patronage, also seems relevant to the consequences of a multi-factional one party arrangement in certain parts of Kenya, particularly Murang'a.²⁰⁸ When there is little party organization, and when friends and enemies are not clearly distinguishable, the reward structure is disorganized and it is clear that the little people are the first to lose out. It is not surprising then that in Murang'a at least, rewards were distributed very narrowly and selectively.

Concerning the issues of the expression of dissent and the ability to exercise popular control over KANU in a factionalized party situation, there are several hypotheses worth considering. Wjatr and Przeworski, in a study of the politics of a

²⁰⁸Key, op. cit., p. 307. On this point Key has noted, "The lack of continuing groups of 'ins' and 'outs' profoundly influences the nature of political leadership. Free and easy movement from loose faction to loose faction results in there being in reality no group of 'outs' with any sort of corporate spirit to serve as critic of the 'ins' or as a rallying point around which can be organized all those discontented with the current conduct of public affairs. . . . Ibid., p. 304. . . . It follows that the grand objective of the haves is obstruction at least of the haves who take only a short-term view. Organization is not always necessary to obstruct; it is essential, however, for the promotion of a sustained program in behalf of the have-nots, although not all party or factional organization is dedicated to that purpose. It follows, . . . that over the long run the have-nots lose in a disorganized politics. They have no mechanism through which to act and their wishes find expression in fitful rebellions led by transient demagogues who gain their confidence but often have neither the technical competence nor the necessary stable base of political power to effectuate a program." Ibid., p. 307.

number of Eastern European countries, maintain that "[w]here factionalism exists and is officially accepted, it functions as a substitute for the multi-party system, although factions are less free to appeal for outside support."²⁰⁹ They also claim that one of the most important means of control is the electoral pressure inside the party which forces leaders to respond to the electorate and thereby influences the decision making process.²¹⁰ In Kenya, however, elections did not take place within the national organs of the party until 1966. Therefore dissenters had no electoral pressures they could put on national party leaders. On the local level, although party elections took place, in many cases they were not genuine, thereby also diminishing the electoral pressure from dissidents. Furthermore, the electoral pressure within KANU was likely to go only so far, and certainly not to the very top. Although it would be legally possible for someone to have challenged Kenyatta as President of the party in a KANU election, it was also highly improbable that this would happen. This, in turn, encouraged the perpetuation of one strong leader, which in the case of Kenya, gave Kenyatta the option of retaining the key members of his

²⁰⁹ Jerzy J. Wjatr and Adam Przeworski, "Control without Opposition," Government and Opposition, Vol. 1, No. 2, January 1966, p. 233. In almost no country are factions officially acknowledged either by being written into the law or normatively proclaimed as a good thing, whereas in practice, most countries accept the existence of factions. Clearly, the amount of official toleration may vary from country to country.

²¹⁰ Ibid., p. 234.

Cabinet. Therefore, the fact that electoral pressure in the party was never used to change Kenya's President, also meant that it was unlikely to be influential in changing the Government. On a somewhat related point, Key has maintained that

. . . [t]he raising of issues, the exploitation of differences, always starts a battle. It stirs up opposition and may bring an untimely end to a career in office. The chances are that a one-party or non-party system facilitates the combination of those satisfied with current arrangements and encourages as well the inclination of the politician to let sleeping dogs lie. 211

The fact that as Wjatr and Prsewski note, "factions are less free to appeal to outside support" is quite important in explaining the problem of control within one party.²¹² In Kenya because there are groups trying to capture positions of leadership at the center but unwilling to admit to it, and unable to do so more formally, the character of the political competition is different from what goes on in a two or multiparty system where vying for succession is at least openly acknowledged.²¹³ Where succession or leadership of a party is at issue as it was in Kenya

²¹¹Key, op. cit., p. 310.

²¹²Op. cit., p. 233; Key also claims that "[t]he great virtue of the two-party system is, not that there are two groups with conflicting policy tendencies, which the voters can choose, but that there are two groups of politicians." Key, op. cit., p. 310. In the South he claims that it is the "fluidity of the factional system [which] handicaps the formation of two such groups," whereas in Kenya the problem is compounded by the underlying but unspoken issue of succession.

²¹³Of course, in a situation in which more than one party is allowed to exist, but is not accepted, it may have no more of a chance of leading the Government than factions within one party.

during this period, it seems to increase the likelihood that dissent will be repressed. And when dissent is repressed, as Leonard Schapiro notes, the likelihood of organized opposition increases, even among those who would have been satisfied with dissention alone had they been given the freedom.²¹⁴

The formation of the opposition in Kenya is the subject of the next chapter.

²¹⁴Leonard Schapiro, op. cit., p. 190.

Chapter III

THE FORMATION OF AN OPPOSITION PARTYIntroduction

The formation of an opposition party in Kenya in March 1966 can be best understood as a reaction by the Odinga faction to the repression of dissent within KANU and to its isolation from positions of power within the party. In March 1966, KANU held its first delegates conference since 1960. A number of M.P.s objected to the unconstitutional manner in which the conference was called and unsuccessfully tried to halt it. At Limuru, the Odinga faction lost the few remaining formal party positions they had held up until that time. Following the conference, Odinga and his cohorts resigned from KANU. Ideological and policy differences also prompted the Odinga faction's exit from KANU, but frustration at their inability to have any say within the party or the Government was at the heart of the breakaway.

The discussion which follows is largely historical, focusing on the emergence of the Kenya People's Union (KPU), its ideology, its leaders, and KANU's initial response to the party.

Emergence

Although there was much dissatisfaction within KANU, there were no visible efforts by the Odinga faction to form an

alternative party until after the Limuru Conference. Throughout 1965, a number of Odinga's opponents had suggested that perhaps he and his friends should resign from the party if they found it so inhospitable. When in July 1965, a past personal secretary of Odinga's, Mr. Lukas Okuwa Oguok, announced that he was forming the Kenya Socialist Party, there was some talk that Odinga was associated with it. Oguok denied the association and also claimed that it had no connections with communist countries although it purported to believe in "scientific socialism" and rejected "African socialism."¹ In discussing Oguok, one of the pro-Odinga M.P.s who eventually left KANU, also claims that Oguok's 1965 breakaway was not part of any larger overall effort by the Odinga faction. He maintains that Oguok was simply an ambitious political opportunist who

believed that if he could hit it right he would go to the top. . . . He was one of those who started the Kenya Socialist Party in July 1965 and along with some others wanted to preempt KPU so that they would be the people in charge. But it was too early for the formation of another party. Those who later joined the KPU were still with Kenyatta and therefore they came out against the Kenya Socialist Party.²

Although Oguok later joined the KPU, the ease with which he moved back and forth from KANU to the KPU and vice versa tends to support the contention of opportunism.

¹Reporter, July 2, 1965, p. 11.

²Interview with Thomas Okelo-Odongo, Nairobi, October 3, 1969.

It is also true that although the Odinga faction was strongly opposed to Mboya's maneuverings within KANU, they were unwilling to believe that Kenyatta was a party to them until after the Limuru Conference. They assumed that Kenyatta was above party squabbling and that Mboya rather than the President was responsible for the repression of dissent within KANU. Simultaneously, they believed that Kenyatta would eventually abandon this aloofness by intervening to save the party and those who were being attacked by KANU's rightists.³ It appears that until Limuru the Odinga faction was not preparing to break from KANU. They genuinely felt that in the end they could depend on Kenyatta to reverse the trend to isolate the leftists within the party. At first glance this dependency on Kenyatta seems somewhat naive given the events of 1965 discussed in the previous chapter. However, Mboya's direction of party activities during this period rightly or wrongly made him a convenient scapegoat for the disaffected. Indeed, it is impossible to know how much of what occurred was sanctioned by Kenyatta. Kenyatta's aloofness obviously protected him and probably postponed the formation of the KPU. Furthermore, four of the major figures who later joined the KPU, Odinga, Oneko, Kali, and Kaggia had been detained with Kenyatta at Kapenguria during the Emergency. Given this historical association, they

³Ibid., an interview with Bildad Kaggia who left KANU to join the KPU also supports the view that there was no thought of starting another party until after Limuru. An interview with Bildad Kaggia by Geoffrey Lamb, Kandara, May 25, 1967.

were disinclined to break with KANU. They correctly realized that a break with KANU would be interpreted by Kenyatta as a break with him. Although in November 1965, Kenyatta announced in Parliament that he did "not intend to legislate for a one-party state,"⁴ the ideology of the country's top leaders hardly lent encouragement to the formation of an opposition party. In Kenya, the term opposition party also brought to mind the APP and KADU. Both connoted tribalism and KADU was best remembered as a mouthpiece of the colonial government. The decision to form an opposition party was not to be taken lightly. It seems reasonable to assume that the Odinga faction was not associated with the Kenya Socialist Party and had not planned to dissociate themselves from KANU prior to Limuru.

This assumption depends on how one chooses to weight the various explanations given for the emergence of the KPU. If one views the formation of the KPU primarily as a response to the repression of dissent within KANU, the Limuru Conference is probably decisive in explaining the formation and its timing. It appears less decisive if one believes that ideological differences, the issue of tribalism, or the question of leadership rather than the isolation of the Odinga faction was at the heart of the exit. An explanation resting on any of these factors alone does not account for the particular timing of the KPU's emergence, although each was important in creating a climate of disaffection from KANU.

⁴Reporter, November 5, 1965, p. 9.

Ideology

Ideologically, the Odinga faction differed from the Government on key issues concerning nationalization, the distribution of scarce resources including land health and educational services, and Kenya's foreign policy. Underlying these differences was the more general criticism that Kenya's African Socialism was "a cloak for the practice of total capitalism."⁵

The Odinga faction felt that certain key industries including public utilities, the Kenya Bus Service and the East African Power and Lighting Company should be nationalized.

They advanced three arguments in favour of such a policy. First, only nationalization would secure genuine economic independence of Kenya from other countries, and end 'the colonial tradition of exploiting Kenya to make money for outsiders'; second this would ensure the transfer of control of the economy to Africans; and third, such nationalism would provide additional free social services, especially free education.⁶

Although they claimed to be "committed to the expansion of the public sector,"⁷ they did not propose "total nationalization."⁸ Without being terribly specific they noted that there were

⁵K.P.U. Manifesto, Nairobi: Pan African Press Ltd., 1966, p. 10.

⁶Gertzel, The Politics of Independent Kenya, op. cit., p. 51.

⁷K.P.U. Manifesto, op. cit., p. 23.

⁸National Christian Council of Kenya, Who Controls Industry in Kenya?, Nairobi: East African Publishing House, 1968, p. 227.

areas "[w]here nationalization may not be used,"⁹ and for instance did not propose to nationalize land.¹⁰ Discussing Odinga's proposals on nationalization, one author notes that "[t]hese seem hardly the radical changes that one would expect of a confirmed Socialist."¹¹ The argument between the Odinga faction and the Government in fact was not over whether or not the economy should be "mixed," but over the nature and timing of the mix.¹²

The Government maintained that

Nationalization . . . [would] be considered if the need [was] urgent, if other less costly controls [were] ineffective, and if it [was] understood that most industries nationalized [would] not be operated at a loss. Nationalization would also be desirable regardless of cost where a service [was] vital to the people and must be provided by Government as part of its responsibility to the nation.¹³

In 1965, the Government was not prepared to begin a policy of nationalization. It argued that since from its point of view nationalization demanded full compensation, it would bring only a change in ownership and "no more productive assets

⁹K.P.U. Manifesto, *op. cit.*, p. 23.

¹⁰Who Controls Industry in Kenya, *op. cit.*, p. 227.

¹¹John Conner Vail, The Political Implications of Differential Rates of Growth in Central and Nyanza Provinces, Kenya, Senior Thesis, Department of Politics and the Woodrow Wilson School of Public and International Affairs, Princeton University, April 20, 1970, p. 71.

¹²Who Controls Industry in Kenya?, *op. cit.*, p. 227.

¹³Republic of Kenya, African Socialism and its Application to Planning in Kenya, Nairobi: Government Printer, 1965, p. 27.

than before." By nationalizing, the Government would use its limited resources to change ownership when it might otherwise have used them to build hospitals, roads, schools, etc. Thus they maintained nationalization was unproductive. Furthermore, nationalization would encourage skilled manpower to leave the country, discourage private investment, and make it impossible for Kenya to "match foreign aid funds." The overall effect they argued would be to reduce the growth rate of the economy.¹⁴

The issue of the distribution of scarce resources was more central to the Odinga faction's ideological differences with the Government. The Government's economic policy basically committed it to a policy of maximization of growth now and equitable distribution later. The justification for such a policy was that

As the prosperity of the nation increases, so its benefits will spread to everyone, however unevenly. Should not the stimulation of growth as efficiently as possible take priority over the distribution of its benefits? Policy should not be misled by egalitarian idealism from seeking the most profitable investment of resources. The sharing of prosperity is a premature issue until there is more to share. To give land to the landless to make work for the unemployed, to abolish school fees, to rehabilitate the barren lands only impoverishes the country as a whole, and leaves even the very people these policies were designed to help ultimately worse off. Instead of investing in unfertile regions, resources are to be concentrated in the fertile provinces, and the profits of this investment then used to rehabilitate the less fortunate by health and educational subsidies. Development first, redistribution later.¹⁵

¹⁴Ibid., pp. 26-27.

¹⁵Peter Marris, "Economics is not Enough," East Africa Journal, Vol. III, No. 11, February 1967, p. 15.

The "progressive nationalists," as the Odinga faction called themselves, challenged the assumption that such a policy would benefit the "havenots" without making the rich much richer and the poor at least relatively much poorer than they had been. Basically they argued that the Government's policy of growth first would institutionalize the nascent class structure presently existing in Kenya. The elite who were already "completely preoccupied in enjoying the pomp and splendor formerly reserved for the colonial master"¹⁶ would thus become firmly established and the country would get "a new class of Blundells, Delemares and Briggs deliberately created."¹⁷ While the Government dismissed as unlikely the possibility that class divisions would increase as a consequence of its policies, the Odinga faction saw it as inevitable. The latter challenged the assumption that the effects of economic growth would in fact "trickle down." Furthermore they challenged the morality of a policy which suggested that the poor and the landless should be the last groups in the society to receive its economic benefits. The progressive nationalists argued that "the government [should] use its power to improve the lot of the common man."¹⁸ The Government had not provided free primary school education as it had promised it would in 1963, health facilities were inadequate and expensive, and big rather than small farmers

¹⁶K.P.U. Manifesto, op. cit., p. 4.

¹⁷Ibid., p. 15.

¹⁸Ibid., p. 4.

received "a disproportionately large share of credit" from the Government.¹⁹ The Odinga faction essentially demanded that the Government reexamine the priorities it had set.²⁰

Within this context, the Odinga faction was most critical of the Government's policy on land. The Government, they argued, had continued to follow the policies of the colonialists, which had the effect of aiding the landed rather than the landless. In 1960, at the Lancaster House Conference, the colonialists had agreed to open up what was then known as the "White Highlands" to Africans. Settlers were allowed to sell their land to the colonial government at 1959 prices. "1959 was the last year of unchallenged settler rule and therefore of boom prices for land."²¹ At independence, the African Government agreed to a deal whereby they accepted the burden of compensation and in turn were provided with loans from the British Government which they agreed to pay back in time. The Odinga faction, particularly Bildad Kaggia, claimed that because of the policy of compensation

[t]he country is indebted to the tune of t 25 million
. . . . [M]ost of the money required to pay the settlers
off had to be borrowed. The country is in debt to get

¹⁹Ibid., p. 16.

²⁰For more detailed discussions of growth versus equitable distribution in Kenya see Marris, op. cit., pp. 13-18 and Donald Rothchild, "Kenya's Africanization Program: Priorities of Development and Equity," The American Political Science Review, Vol. LXIV, No. 3, September 1970, pp. 737-53.

²¹Odinga, op. cit., p. 257.

rid of people it never wanted. Further land for the wananchi [people: Swahili] can only be acquired if this policy of ridiculously high prices is abandoned. 22

The difference between the Government and its critics on this point as Cherry Gertzel notes, was that

Kaggia was arguing that social justice demanded the return of African land to the Africans without any cost to them or to the country. This was the argument of the 1930s, the 1940s, and the 1950s. Kenyatta was arguing that social justice demanded recognition of the individual's right to the enjoyment of certain things, including fair treatment and just compensation of his property had to be resumed. 23

The Odinga faction was not only critical of how the former settler land had been acquired, but the policies that now dictated who should own it and what system of tenure should apply to these areas. The colonial government's belated policy of making the Highlands multiracial, was part of an attempt to waylay African nationalism. Africans were settled in the Highlands under two schemes known as "low density" and "high density" programs. In the former, which began in 1960, only Africans who were experienced farmers and had a good deal of capital were allowed to purchase land. The program consequently benefited the prosperous as "African landlessness and unemployment increased."²⁴ The latter, the "high density" program, known

²²K.P.U. Manifesto, op. cit., p. 13.

²³Gertzel, The Politics . . ., op. cit., p. 46.

²⁴John W. Harbeson, "Land Resettlement and Development Strategy in Kenya," Discussion Paper No. 38, Nairobi: Institute for Development Studies, University College, January 1967, p. 2.

otherwise as the "million acre" program of land resettlement started in 1962. The land was sold to individual farmers and cooperative societies and was supposed to aid the less well off. For a variety of reasons, the "high density" program also "aided landed, not landless, Africans."²⁵ First of all, the really poor landless didn't even have the deposit necessary to get a piece of land in these schemes. Second, according to Bildad Kaggia,

[T]he first settlement schemes, were to remove the ex-Home Guards from these areas [pro-Mau Mau areas in Central Province like Fort Hall or Murang'a as it is known today], because they were getting very unpopular as independence drew near, and of course the British were packing up. They were going and they did not know what to do with their Home Guards their good boys. So the first batches of settlements were to remove the Home Guards from this area. And this class of people were the well-off people, who remained in their homes when we were in prison . . . , they were the people who had the powers in their hands, who confiscated many of our lands, goats and everything, vehicles and everything. So they had lands, here, they had wealth. You will find that the early people who went to the settlement schemes are people who had lands, who had lands in the reserves here, who had shops. That is the first group. The next batch were those few people who had a little money. Some I don't know, I can't argue, might have come from detention and so on. But the majority were people who remained here, who were employed, or whose land was not disturbed by the Emergency, and they were able to pay the initial deposit that new settlers are required to pay. But you will find very few indeed who are ex-detainees or ex-Mau Mau forest fighters who can have the deposit required. ²⁶

In addition to these two programs, the Odinga faction argued that the colonial government's policy of land registration

²⁵ Ibid.

²⁶ Interview, Bildad Kaggia with Geoffrey Lamb, Kandara, May 25, 1967.

and consolidation which was undertaken in Central Province during the Emergency also had the effect of producing a landless class of Kikuyu. A number of detainees had their land confiscated while they were in prison and found themselves landless after they were freed. The political purpose of land consolidation

was to complete the work of the Emergency; to stabilize a conservative middle class, based on the loyalists; and as confiscated land was to be thrown into the common land pool during consolidation it was also to confirm the landlessness of the rebels. 27

After independence, many of the policies on land initiated by the colonial government continued unchallenged²⁸ partly because so many people had a stake in the system.²⁹

²⁷Sorrenson, Land Reform . . ., op. cit., p. 117.

²⁸See Marris, op. cit., passim; Harbeson, op. cit., passim; J. W. Harbeson, "Land Resettlement and the Politics of Rural Development," Discussion paper No. 28, Nairobi: Institute for Development Studies, University College, August 1966, passim.

²⁹Sorrenson, op. cit., pp. 249-50; Colin Leys has argued that there is some doubt whether the colonial administrators were in fact successful in their attempt to create a "landed middle class" in Central Province. He has noted that many of the holdings which were consolidated and registered were actually quite small, that what often appeared as a single holding on the land register were in fact multiple holdings, that although the purpose of the land register was "to extinguish the previously existing rights," this appears not to have happened in practice, and that the policy of forbidding the sub-division of registered land was also not followed, thereby yielding a large number of subsistence holdings. According to Leys, what emerged in Kikuyuland, then, was not a middle class, but "a small landed gentry" because "the basis provided by consolidation for the emergence of capitalist farming was too narrow to restructure the social and economic system of the area In other words, a large number of the largest

An exception to this general trend was the "high density" land resettlement program, which was deemphasized.³⁰ The policy of compensation and loan repayment made the small resettlement schemes unprofitable from the standpoint of development or economic growth. The Kenyatta Government therefore decided that

[the present practice of spending a large proportion of the Government budget on the settlement and development of a limited acreage in former European areas should be phased out and future funds channelled to the development of the great potential of the African areas. What is now urgently needed is development, not merely land transfer. Consolidation and registration will make farm credit and modern methods of agriculture possible and should expand employment much more rapidly than settlement can by bringing more land into productive use. 31

As one author put it, the Government's argument seemed to be that,

holdings were really multiple small plots." Leys has also maintained that many of the larger farms that were created by the high and low density schemes in the Rift Valley, often supported either "landless relatives" or squatters. Leys agrees that such a system "lacks security of tenure, at least in law, and it may well be that the low wages paid for agricultural labour will be increasingly offset by the many social services--primary schools, housing and even dispensaries, etc.--which were provided by settlers for their workers in the past." Essentially, however, Leys concludes that "the facts are decisively against anyone who is tempted to see development in Kenya as implying the steady erosion of the peasantry, in favour of the formation of a bourgeoisie and a proletariat." Colin Leys, "Politics in Kenya: The Development of Peasant Society," unpublished paper, 1969, pp. 1-32.

³⁰For discussions of this see, Aaron Segal, "The Politics of Land in East Africa," Africa Report, Vol. 12, No. 4, April 1967, pp. 46-50; and J. Morris, "The Evaluation of Settlement Schemes Performance: A Sociological Appraisal," in Raymond Apthorpe, ed., Land Settlement and Rural Development in Eastern Africa, Nkanga Editions 3. Kampala, Uganda: Transition Books Limited, 1968 ?, pp. 79-92.

³¹African Socialism . . . , op. cit., p. 37.

development capital would be more wastefully used in rehabilitating the landless, than in enabling those who already have land to be more productive. 32

The Odinga faction criticized the Government's policy on the grounds that it was geared to the "haves" rather than to the "have nots." They claimed that the people who had struggled for independence were now being forgotten. As they put it, "[u]ntil the land problem is solved Uhuru [freedom: Swahili] has no meaning. To millions of people, the end of colonialism meant the return of the stolen lands. They have so far waited without satisfaction."³³ They argued that the Government's land policy largely involved substituting black faces for white rather than questioning which Africans were getting the land. The abandonment of further settlement schemes they felt displayed a rather callous attitude toward the landless whom the critics believed had been completely forsaken by the Government.

They also challenged the Government for continuing to support a policy of land consolidation at the expense of co-operative farming.³⁴ They objected to the Government's emphasis on individual ownership implied by its total endorsement of the former policy, and argued that it would "create a privileged class in many districts."³⁵ Secondly, they maintained

³²Marris, op. cit., p. 14.

³³K.P.U. Manifesto, op. cit., p. 12.

³⁴For a detailed discussion of land consolidation see, Republic of Kenya, Report of the Mission on Land Consolidation and Registration in Kenya, 1965-1966, Nairobi: Government Printer, March 25, 1966, passim.

³⁵K.P.U. Manifesto, op. cit., p. 14.

that the landless would again lose because they were too poor to buy land for themselves. Foreseeing the allegation of a "privileged class," the Government had suggested the possibility of "establishing ceilings on individual ownership of land" in its Sessional Paper No. 10.³⁶ No committee was ever set up to investigate this, however, and the Odinga faction felt that the Government's laxity was simply another example of its inability "to take drastic action over land." The underlying reason for this laxity, the critics claimed, was that the Government's

ideological commitment to capitalism [was] reinforced by the ownership by many individual members of the Government of hundreds and even thousands of acres of land. Most of the ministers own big estates some of them more than one³⁷

The criticism was true in the sense that words such as "cooperatives" and "land ceilings" raised a fear in the minds of individual M.P.s about what would happen to their property. The Odinga faction did not suggest that land should be completely nationalized and agreed that owners of land which had already been consolidated should be left "undisturbed."³⁸ Nevertheless, as David Koff notes, individuals who either had or perceived themselves able to benefit from the existing system felt threatened by many of the critics' ideas on reform.³⁹ Furthermore,

³⁶African Socialism . . . , op. cit., p. 38.

³⁷K.P.U. Manifesto, op. cit., p. 14.

³⁸Ibid., p. 15.

³⁹David Koff, "The Contradiction of Opposition," East Africa Journal, Vol. III, No. 5, August 1966, pp. 28-29.

in 1965, as Cherry Gertzel has observed,

. . . a large proportion of the lower-potential lands in the former European areas [still] remained in European hands. A large belt of farming land stretching from Nairobi to Mt. Elgon thus remained to be taken over. The question at issue thus became the manner in which this land should be resumed. Whether or not it should be on the basis of individual ownership already laid down and which Africans should have the right of access. Interest in this question of land ownership was by no means restricted to the Kikuyu; it concerned all Africans, especially those Kalenjin whose tribal lands bordered on the former Highlands and who wished to take them over. Attitudes towards land were still therefore largely determined by tribal considerations. Attitudes concerning right of access and the basis of ownership, however, cut across tribe, and divided leaders as well as people according to whether or not they accepted the established system of transfer which emphasized free access to individuals and individual ownership. 40

Central to the Odinga faction's understanding of why no nationalization had taken place and why social services and land were so inequitably distributed was its belief that Kenya was overly committed to the West and was not in fact as non-aligned as it claimed to be. On a number of occasions during 1965, Odinga criticized the Government for being too intertwined with the West to enable it to seek an independent answer to some of its domestic and foreign policy problems. He claimed that,

[i]f our aid and investment come from one source only we can banish the prospect of pursuing an independent policy, for we will be brought under control by the withholding of aid or by some other economic pressure. 41

⁴⁰Gertzel, The Politics . . ., op. cit., p. 47.

⁴¹Odinga, op. cit., p. 285.

The suggestion by some members of the Odinga faction that the Government lean a little to the East to keep Kenya from having a onesided affair with the West was attacked by the Government. In answering Okelo-Odongo on this point in April 1965, Tom Mboya claimed that Kenya had favorable trading relations, economic assistance and loan agreement programs with a number of Eastern countries.⁴² A month later, Kenyatta also attempted to deal with his critics when during his Madaraka Day speech he said,

. . . let me say quite plainly today that Kenya shall not exchange one master for a new master. We intend to remain our own master forever

I must warn those in our country who seek to create confusion It is natural that we should detest Western colonialism, and associate the word imperialism with the West. But if we are truly non-aligned, we must not shrink from making friends with those Western countries which extend an honest hand

It is naive to think that there is no danger of imperialism from the East To us, Communism is as bad as imperialism. . . . It is a sad mistake to think that you can get more food, more hospitals or schools, simply by crying Communism⁴³

Odinga reacted strongly to the Government's refusal to take the problem of neo-colonialism seriously and to its attempts to stigmatize him as a Communist. He claimed,

The fiercer the attacks on the socialist countries-- and on me for visiting them--the more convinced I became that we in the colonial countries struggling for full freedom can find much in common with socialist policies and economic planning, and that if the colonial powers that have tried for so long to keep us inferior

⁴²Reporter, April 23, 1965, p. 11.

⁴³Jomo Kenyatta, Suffering . . . , op. cit., p. 276.

are so alarmed at our efforts to seek friendly relations with the socialist work, this must be the true path of non-alignment. 44

At the same time, Odinga claimed that because of Kenya's "rather special relationship" with Britain, "it was in the best interest of Kenya to maintain friendly relations with [the U.K.]."45 His main point seemed to be that it was "necessary to loosen some of the knots which currently tie[d] Kenya so tightly to western nations so as to enable Kenya a to take an upright position consistent with its independent status."46 Throughout 1965, however, discussions over foreign policy did not reach a very high level as both Odinga and Mboya each continued to claim that the other was in the pay of a foreign master.47

The allegation of Communism against Odinga was part of a more general effort to brand Odinga as subversive and thereby discredit his faction within KANU. As one author has

44 Odinga, op. cit., pp. 285-86.

45 K.P.U. Manifesto, op. cit., p. 35.

46 Ibid.

47 Similar allegations were made about both men during the colonial period. Although a great deal has been it is impossible to substantiate them for either man during either period. See especially, William Attwood, The Reds and The Blacks, New York: Harper and Row, Publishers, 1967, pp. 237-70, 321; Dan Schechter, Michael Ansara and David Kolodney, "The CIA as an Equal Opportunity Employer," Ramparts, June 1969, pp. 29-33; Maina Kagombe, "The Impact of Foreign Governments on Kenya's Domestic Policies," Pan-African Journal, Vol. III, No. 2, Spring 1970, pp. 50-65.

probably noted correctly,

. . . it is difficult to believe that anyone was really afraid of Odinga because of his socialism or "communism." . . . What seems likely to have caused concern in Mboya's group was that Odinga might successfully capitalize on demands of landless Kikuyu and on dissatisfaction with the progress of post-independence development in those areas of the country which were being neglected--that he might challenge the bases of support which the "moderate" leaders had built up during the colonial period. And so they attempted to isolate Odinga within the party. 48

Ideological differences between the Odinga faction and the Government mounted throughout 1965. These differences laid the groundwork for the rise of an opposition party, as did the underlying issue of tribalism and the question of leadership within the party.

Tribalism

The issue of tribalism was intimately connected with the KANU Government's policy of economic growth and the distribution of scarce resources. Because of the differential impact of colonialism and other factors having to do with good land, a temperate climate, and abundant rainfall, Central Province, inhabited by the Kikuyu tribe, became the most prosperous area of the country. Central Province had a higher growth rate than the rest of the country, better educational and health facilities,

⁴⁸Vail, op. cit., p. 68. Cherry Gertzel takes the point of view that although the use of the Communist label was a tactic to discredit the Odinga faction, there was some genuine fear of Communism. This, she argues, was related to fears over loss of property, subversion, and violence. Gertzel, The Politics . . ., op. cit., pp. 63-69.

and more individuals in the Government and the civil service. The effects of early prosperity were cumulative. Individuals within Central Province tended to have an edge over people from other regions. Having more skills they had an easier time getting jobs and easily obtained more of the most coveted positions. As one study has noted,

The singularly most striking feature of the Kenya elite data is the pre-eminence of the Kikuyu. In terms of both number and percentage they are disproportionately represented; have more inhabitants in Nairobi; are better educated; possess more individuals educated outside East Africa; are more frequently employed by government or in the professions, private business and teaching; have more members in voluntary associations; and are more widely represented in local and national government than all other Africans and most non-Africans in this survey. 49

Regionally when it came to decisions about where and to whom development funds should go, where agricultural staff should be placed, and where schools and hospitals should be built Central Province and the Kikuyus were also favored.⁵⁰

The Government's decision to continue the policy of regional favoritism in the distribution of scarce resources was based on the argument that this would produce the highest growth rate and would eventually provide more funds for the less

⁴⁹Michael Chaput and Ladislav Venys, A Survey of the Kenya Elite, Syracuse: Program of Eastern African Studies, May 1967, p. 9.

⁵⁰For a more detailed discussion of this point see John Vail's thesis which examines the differential rates of growth in Central and Nyanza Provinces, Vail, op. cit., passim; also for a more general treatment of the problem of ethnic and regional disparities see Donald Rothchild, "Ethnic Inequalities in Kenya," The Journal of Modern African Studies, Vol. 7, No. 4, December 1969, pp. 689-711.

developed areas of the country. The Government maintained,

One of our problems is to decide how much priority we should give in investing in less developed provinces. To make the economy as a whole grow as fast as possible, development money should be invested where it will yield the largest increase in net output. This approach will clearly favour the development of areas having abundant natural resources, good land and rainfall, transport and power facilities, and people receptive to and active in development. A million pounds invested in one area may raise net output by £ 20,000 while its use in another may yield an increase of £ 100,000. This is a clear case in which investment in the second area is the wise decision because the country is £ 80,000 per annum better off by so doing and is therefore in a position to aid the first area by making grants or subsidized loans. 51

The Government's policy of regional favoritism was quickly interpreted by individuals and M.P.s outside of Central Province as tribalism. Since the less developed tribes were also the non-Kikuyu tribes it could hardly have been otherwise. The Government's policy of "Africanization," a number of M.P.s argued, was really a policy of "Kikuyuization" in disguise. The traditional alliance between the Kikuyu and the Luo, the mainstay of KANU in pre-independence days, became increasingly strained. The Luos felt that their share of the economic pie was unjustifiably small. In addition, they resented the way in which Odinga was being treated within KANU and the Government. Throughout 1965, the Odinga faction accused the Government of fomenting tribalism by its economic policies, while the Government in turn implied that the Odinga faction was a group of dissidents appealing to the baser ethnic sentiments of individuals. Other tribes felt

⁵¹ African Socialism . . . , op. cit., pp. 46-47.

discriminated against by the Government's economic policies including Kikuyu from what became known as the "marginal Districts" of Central Province. Their M.P.s, especially Bildad Kaggia from Murang'a, became prominent spokesman within the Odinga faction. Nevertheless, as Cherry Gertzel has noted,

[t]he Kikuyu backbenchers tended . . . to see the problems in somewhat different terms from their non-Kikuyu colleagues since they did not wish to see development slowed down in their own areas. They were more inclined to argue the case for a national policy that ensured a fair redistribution of the returns of development rather than one which held the richer districts back while the poorer caught up. 52

The multi-ethnic character of the anti-Kikuyu feeling that was building up during 1965 suggests that the nascent opposition's arguments of economic discrimination had a transtribal appeal. The argument of political discrimination, however, appealed primarily to the Luo in Central Nyanza, since it was Odinga, their leader, who was being squeezed out of power. Odinga was a man whose "life and activity had been associated with the identity of the Luo."⁵³ Odinga appealed not only to the young radical Luo because of his ideology, but also to the "Jodong Gweng," the traditional elders, because of his resistance to the colonial policies of land consolidation in the 1950s. Furthermore, Odinga was not only the recognized boss of KANU's Central Nyanza Branch, but also President of "Ker" of the Luo

⁵²Gertzel, The Politics . . ., op. cit., pp. 43-44.

⁵³John Joseph Okumu, "The By-Election in Gem: An Assessment," East Africa Journal, Vol. VI, No. 6, June 1969, p. 9.

Union, an East African tribal organization designed to promote the welfare of the Luo in the three member countries, and the founder of the Luo Thrift and Trading Corporation.⁵⁴ A number of Luo translated what was happening to Odinga into ethnic terms and began to feel very threatened as a tribe. The fact that the architect of Odinga's removal from power was Tom Mboya, another Luo, did nothing to assuage the feeling of threat that many people had. First, Mboya's political allies in Nyanza Province were not Odinga's. Mboya's supporters came mainly from South Nyanza, whereas Odinga's base was Central Nyanza. Second, for all Mboya's eloquence, brilliance, and refusals to appeal to ethnic sentiments, many Luos viewed him as a sellout to the Kikuyu establishment. His parliamentary constituency was within Central Province just outside of Nairobi. Ironically, although certain Kikuyu Ministers within the Cabinet felt very threatened by Mboya's presence and the possibility that he might ease them out in the battle for succession, to many pro-Odinga Luo from Nyanza, Mboya was an "Uncle Tom."

In Central Nyanza, feelings of economic and political discrimination were more cumulative than in other parts of the country because Odinga was the acknowledged leader of the District. No other tribe felt that their leader had been ousted at the national level. This was in part because in some areas of the country where there were feelings of economic discrimination

⁵⁴Ibid., pp. 9-11.

or where a leader had been humiliated nationally or ousted on the branch level locally, there was not one acknowledged leader of the area. Thus when Paul Ngei, leader of a certain faction of the Kamba, lost his ministerial position in the wake of his involvement in the maize scandal, the majority of the Kamba did not feel threatened because traditionally the tribe had divided its support between Ngei and Malu. Similarly, when Kaggia lost his seat on the Cabinet in 1964, the Kikuyu did not feel threatened first, because ethnicity was not the issue, and second, because factionalism kept Murang'a and Kandara from viewing him as their only leader.

The economic and political aspects of tribalism provided a potential base for the rise of an opposition party in many parts of the country. However, not even in the least developed parts of the least developed provinces did the issue of tribal discrimination appear as threatening as it did in Central Nyanza.

In addition to ideology and tribalism, a third factor important in creating a climate of dissatisfaction from KANU was the question of leadership.

Leadership

The point that the question of leadership was at the heart of much of the factional disagreement that split KANU was discussed in some detail in the previous chapter. How related the Odinga faction's exit from KANU was to the question of

leadership is an associated but nevertheless slightly different consideration. Throughout 1965 the Government suggested that the Odinga faction's motivation in criticizing KANU was not genuine. They maintained that Odinga and his cohorts did not simply want a voice in KANU, but rather were working to undermine the Government. The reason behind all this dissident activity, they claimed, was that Odinga wanted to oust Kenyatta from power and to become President himself. Odinga responded to this allegation by saying,

If I wanted Kenyatta's place why did I remain out of the Madaraka Government when Mr. Kenyatta was at Lodwar. 55

On the basis of available information, it is impossible to interpret conclusively the motivations of either the Government or the nascent opposition. Although Odinga himself asserted that his dissent within KANU had no baser motivations, he nevertheless believed that Kenyatta genuinely feared his intentions. He argued that

[Kenyatta] seemed not to recover from the shock of the army mutiny and he seemed to be plagued by a fear that the government was not safe from internal revolution. Those whose plan it was to surround the Prime Minister and find favour with him took advantage of his suspicions and there was competition within a little group to appear the man most concerned with bringing the head of state the most impressive proof of his loyalty even if the reports were inventions from beginning to end. 56

⁵⁵ Reporter, December 3, 1965, p. 9.

⁵⁶ Odinga, op. cit., p. 281.

It seems unlikely that Odinga was working to wrest the position of President from Kenyatta as the Government alleged. Nevertheless, the allegation provided a sufficient pretext for the Government to curtail all the political activities of the Odinga faction. By increasing the likelihood of the repression of dissent, the question of leadership was therefore an important factor in intensifying the Odinga faction's disaffection from KANU.

The Government's views of the Odinga faction's intention with respect to the question of leadership was in part what led to the closing of the Lumumba Institute in 1965. In December 1964, Kenyatta presided over the opening of the school which had been built with Russian funds and whose purpose was to train KANU party officials and teach them the principles of African Socialism. Odinga and Kenyatta, who were the joint trustees of the school, appointed a board of management responsible for the running of the school. The Board consisted of Kaggia as the Chairman, Oneko, Ngei, Kukai, Karumba, and Pio Pinto, all former Mau Mau or Emergency detainees, plus Murumbi, Othigo Otieno, and Oluande K'Odoul, three party activists.⁵⁷ KANU's leftists predominated and Tom Mboya was conspicuously absent from the list. The Institute's faculty consisted of two Russian, one Indian, and nine African lecturers.⁵⁸ The first course of instruction ran from March until June 1965.

⁵⁷ "The Lumumba Institute," Pan Africa, December 25, 25, 1964, pp. 15-19.

⁵⁸ A Special Correspondent, "Realignment in Kenya Politics, 1965-66," Africa Today, Vol. XIII, No. 3, March 1966, p. 13.

The Institute was largely ignored until April 1965, when some of its students became increasingly outspoken in their criticisms of the party and its views on African Socialism. The Government responded by attacking the Institute's leftist stance, its independence from the Government, and the undue influence of its Communist staff members. There were only two Russians on the staff "compared to 120 American Peace Corps volunteers" working in the National Youth Service and nine American lecturers at the American financed Kenya Institute of Administration.⁵⁹ As one author has noted, "to view the Institute as a hotbed for Communism would be to misinterpret the situation."⁶⁰ Nevertheless, the presence of Russian faculty members combined with radical student criticism irritated the Government considerably.

In late April, the Honorable J. Tipis introduced a motion in the House requesting the Government to take over the Institute, put it under the Ministry of Education, and appoint a new Board of Management consisting of "persons who have no political commitments."⁶¹ The Minister for Education, Mr. Koinange, amended the motion to one which simply urged the Government "to put the Lumumba Institute under the general management and control of the Ministry of Education."⁶² The latter motion which

⁵⁹ Godfrey Muriuki, "The Green Fruits of Uhuru," Africa Today, Vol. XII, No. 7, August/September 1965, p. 7.

⁶⁰ Ibid.

⁶¹ East African Standard, May 1, 1965, p. 1.

⁶² Ibid.

passed had the virtue of leaving the issue of the reconstitution of the Board ambiguous. Diplomas for those who had completed the first course were awarded in June and the Institute never became operative again. To come under the auspices of the Ministry of Education, the school was told that it had to be registered and that its teachers had to be licensed. The Ministry then apparently refused to register the institute until it had appointed a new Board of Management. Kaggia, however, would not comply. In July, several former students and a lecturer from the Institute were involved in an abortive effort to take over KANU's Nairobi headquarters.⁶³ Nothing was heard concerning the Institute until January 1966, when there was some talk of reopening it.⁶⁴ It remained closed, however, as it effectively had been since June 1965.

The Government responded to the potential threat that an independent institution like the Lumumba Institute posed regardless of how unlikely the chances were that Odinga was seriously considering attempting to unseat Kenyatta. The question of leadership seems only to have been a serious factor in promoting the formation of an opposition in the sense that the more the Government restricted the political mobility of the Odinga faction, the more this increased the likelihood that the critics would feel forced to form an opposition party.

⁶³EAS, July 8, 1965, p. .

⁶⁴EAS, January 11, 1965, p. 5.

Cherry Gertzel feels that by the end of 1965, "a decision had been made to force the radicals to retreat or withdraw from the party."⁶⁵ On February 14, 1966, Tom Mboya put a motion to the House which expressed confidence in the President and his Government, condemned dissident groups, and declared that those who did not support the Government should feel free from any responsibility in its actions, but should also "declare their intentions." A bitter feud followed the presentation, the issue being whether or not it was a Government motion. Mboya claimed that it was, implying that it had the support of Kenyatta, whereas Odinga said that since he had no knowledge of it and as Vice-President was the unofficial leader of Government business, it was not. Odinga stomped out of the House when the Speaker allowed the debate to proceed in spite of his objections. The motion subsequently passed after seven and one-half hours of angry discussion, thereby temporarily postponing the issue of what would happen to KANU's dissidents.⁶⁶

The Limuru Conference

On February 27, 1966, Mboya made an announcement through the press that KANU would be holding its first delegates conference since 1960 on March 12th and March 13th. Although the party was sorely in need of an overhaul and party officials had been requesting a delegates meeting for some time, there had been

⁶⁵Gertzel, The Politics . . ., op. cit., p. 70.

⁶⁶EAS, February 16, 1966, p. 1.

no prior discussion of or preparation for the conference and the announcement came as a surprise. Geoffrey Lamb has suggested that

[t]he decision to hold the conference, then, seems to have been made on the grounds that nothing further could be done against Odinga within Parliament and Government, and that the conference would both demonstrate his lack of support in the party and prepare KANU, in its reorganized form for political battle.⁶⁷

Certainly this is how the Odinga faction received the announcement. On March 3, the Odinga faction issued a statement objecting to the holding of the conference on the grounds that it was unconstitutional. They made the following points. First, the Secretary General called the Conference without first calling a meeting of the National Executive contrary to Section 7(c) of The KANU Constitution which states that "all Annual Delegates Conferences shall be held . . . at a place and date which shall be decided by the National Executive."⁶⁸ Second, the Secretary General did not give 21 days written notice of the conference as required by the constitution. The KANU Constitution specified that,

Notice in writing of such Annual Delegates Conference accompanied by the Annual Statement of Accounts and the Agenda for the meeting, shall be sent by the Secretary General to all branches and persons entitled to attend the Conference not later than 21 days before the date of the Conference and where practicable by

⁶⁷Lamb, *op. cit.*, p. 35.

⁶⁸Ouland K' Oduol, ex-Registrar, Lumumba Institute, Nairobi, "Reject Unconstitutional KANU Delegates Conference," mimeo., p. 1.

press advertisement not less than 14 days before the date of the conference. 69

The Odinga faction claimed that 21 days written notice was mandatory, since paragraph 7(d) of the constitution also specified that branches which wished to have matters included in the agenda of the conference were required to give notice in writing "at least two weeks before the date of the conference."⁷⁰ If branches had only 14 days press notice, as was not even the case in 1966, it would be impossible for them to participate in the preparation of the agenda.

For these reasons they argued that the calling of the conference was not only unconstitutional, but also undemocratic. Third, contrary to the party's constitution neither the Annual Statement of Accounts nor the Agenda for the meeting were supplied. Summarizing what they maintained would be the "Bad Effects of This Unconstitutionality," the Odinga faction concluded,

Instead of Kenyans concentrating on preparation for the Delegates Conference disunity is increasingly generated by challenging and supporting the constitutionality of the meeting. Again by not first summoning a meeting of the National Executive Committee the National officials knew nothing and prepared nothing. Also the Branches are denied their 21 days during which to prepare in detailed consultation with the rank and file before embarking on a momentous conference after waiting several years.⁷¹

⁶⁹KANU Constitution, 7(c), p. 8.

⁷⁰Ibid., 7(d).

⁷¹K'Oduol, op. cit., p. 2.

On March 8th, forty-nine M.P.s sent a petition to Kenyatta urging a postponement of the conference on the grounds that it had been convened unconstitutionally and that it was improper to elect national party officials at the conference until "fair elections [had been held] in all branches."⁷² A number of M.P.s objected to viewing the branch "coups" which had occurred in 1965 as fair elections and more specifically to the fact that the officials who had been elected at them would be the recognized delegates at the proposed national conference. Furthermore, they argued that in at least five branches, specifically Machakos, Kitui, Kisii, South Nyanza, and Murang'a there were two KANU branches, each claiming that it was the legitimate one. The petition proceeded to request that the conference be postponed and that "at least one month should be allotted for branch elections."⁷³ The next day, ninety-nine M.P.s presented another petition to Kenyatta in which they pledged "full support" for the conference and the holding of national party officers.⁷⁴ Odinga issued a statement of his own at the same time detailing the "unfair treatment" he claimed he had received from his "colleagues."⁷⁵ Furthermore, he added that although he was the Vice-President

⁷²EAS, March 9, 1966, p. 7.

⁷³Ibid.

⁷⁴EAS, March 10, 1969, p. 1.

⁷⁵EAS, March 10, 1966, p. 1.

of the party the plans to hold the delegates conference were made without his "slightest knowledge."⁷⁶ Kenyatta responded to the two petitions by calling a meeting of the KANU Parliamentary Group where it was decided that the conference would be held as originally scheduled. The KANU Government claimed that

[i]n the end only 30 members of Parliament supported the postponement of the conference out of a total of 171 members. The decision in this case was not the President's but was taken by a democratic process
. . . .⁷⁷

At the same meeting, Mboya circulated the draft of a proposed new constitution which was to be submitted for approval at the delegates conference.⁷⁸ On March 10th, the constitutional changes were discussed in Parliament and on March 11th, KANU M.P.s voted 85 to 30 to endorse the proposal to abolish the post of deputy president of the party which was held by Odinga and substitute eight provincial vice-presidents and one for the Nairobi area in its place.⁷⁹ The Odinga faction objected to this change in the constitution and all others on the grounds that they had been drafted by one man, Tom Mboya, contrary to article 16 of the KANU Constitution, which stipulated that "only

⁷⁶Ibid.

⁷⁷Office of the Attorney General, File No. 24/35/26 II, 1966 Bye-Elections, "Where the Truth Lies--The Dissidents have no Mandate of the Voters."

⁷⁸EAS, March 10, 1966, p. 1.

⁷⁹EAS, March 12, 1966, p. 1.

Union Branches and the National Executive Committee may send resolutions affecting amendments to the Constitution and Rules for consideration by a Delegates Conference."⁸⁰ The other changes consisted of some minor matters of administrative reorganization, a new preamble, a deletion of the clause that national office bearers had to be full time officials (a stipulation which had rarely been observed in any case), and an increase in the power of the Secretary General from being responsible for "all Union correspondence" to "all Union affairs."⁸¹ With Tom Mboya as the architect of the constitutional changes and Oginga Odinga the target of the major amendment, it seemed to a number of M.P.s that the KANU Constitution simply was a tool in the attempt to pull off the biggest party coup to date.

Following the meeting with the KANU Parliamentary Group on March 11th, Kenyatta met with the official delegates from the forty-one districts on March 12th. That day delegates from each Province also met separately to elect the Vice-President for their Region as specified in paragraph 4(d)(ii) of the revised constitution which said

Vice Presidents will be elected at the Annual Delegates Conference on the nomination of the respective Provinces. Delegates from each Province attending the Annual Delegates Conference shall nominate one member from their Provinces for the post of Vice-President of that particular Province.⁸²

⁸⁰ KANU Constitution, op. cit.

⁸¹ 1966 KANU Constitution, par. 4(d) (iii), p. 3, mimeo.

⁸² Ibid.

In the case of Central Province it was agreed that the Murang'a delegation would not vote since there was no agreement between the Kaggia and the Kiano factions on whose delegation was legitimate. What followed according to Kaggia was that,

When the time came to choose a Vice President, my delegation was asked to go out, and so was Kiano's. So voting for Central Province took place without Murang'a delegates. I came [out on] top of the candidates. I had 20 votes, second was Gichuru who had 12 votes, Kiano had three, and another man Wamuthenya, had one. This was the end of the provincial election as far as Central Province was concerned, because according to the Constitution a province sits and elects their Vice-President. 83

The results of the provincial elections were supposed to be announced the next day on March 13th, at Limuru where the full delegates conference was finally convened following disputes over the site earlier in the month. Events did not proceed as planned, however, and Kaggia claims that

during the night there were a lot of conspiracies going around, and at last it was decided that Kaggia must be out. There was no other way open to them, except one which was very shameful: they decided to change the delegates, to put new people in various districts and to have new badges for them. The police were instructed that in such-and such districts, only those you are going to allow and nobody else, even if they come with badges, and so many proper delegates were locked out. So when we went to Limuru, of course, then I was defeated. 84

They decided that, although the usual procedure was for the province to announce their nominee, they said the votes must be done again, and . . . with their picked delegates I was defeated. 85

83 Interview, G. B. Lamb with Bildad Kaggia, Kandara, 24 June 1967.

84 Ibid.

85 Ibid., May 25, 1967.

Kaggia and several other participants at the conference maintain that a number of other provincial delegations were also packed.⁸⁶ The results in any case were a clear victory for the conservative forces within KANU and an overwhelming defeat for the radicals. In the elections for national officers, Tom Mboya retained his position as Secretary General. Oginda Odinga did not even run for Vice-President of Nyanza Province and consequently Lawrence Sagini from South Nyanza was unopposed in his successful bid for the post.⁸⁷

Throughout the Limuru Conference, the question of foreign finance was very much at issue, with both the Odinga faction and the Government accusing each other of being in the pay of the East or the West. William Attwood, the former U. S. Ambassador to Kenya, maintains that one of the reasons that Mboya called the conference so suddenly was that

[s]urprise was essential; Odinga had the money to buy the votes if given time. As it was, he tried hard. His political slush fund for the Conference was estimated by Njonjo [the Attorney General] to be more than \$150,000, much of it in green dollars provided by the Chinese Embassy in Dar, and converted to shillings in Mombasa. 88

⁸⁶It is not possible to verify this because of lack of evidence.

⁸⁷The other results were, President--Kenyatta; Vice-Presidents: Nairobi--M. Kibaki, Western--E. E. Khasakhala, Nyanza--L. Sagini, North-East--M. Jubat, Central--J. Gichuru, Rift--D. Moi, Eastern--J. Nyagah, Coast--R. Ngala, Assistant Secretary General--Matano, National Treasurer--Malu, National Organizing Secretary--N. W. Munoko, Assistant Organizing Secretary--J. Gachago.

⁸⁸Attwood, op. cit., p. 266.

Kenyatta said that he "would not allow a few individuals who were on the 'pay-rolls of foreign powers' to confuse the people"⁸⁹ and immediately prior to and following the conference, the Government expelled eleven members of the diplomatic and correspondence staff from several Communist countries. Odinga claims that the expulsions were simply part of a calculated plan to "lend weight to the rumours and whispered allegations that [he] was a stooge of the 'communists.'"⁹⁰ On the other hand he and his cohorts were also convinced of foreign meddling and alleged that the conference had been financed by outsiders, most likely by the Americans. By all accounts the Conference was extraordinarily lavish. Attwood's activities at the time, they claimed, created an impression of interference and furthermore they felt

quite sure that someone did finance the Limuru Conference . . . because at that time KANU was completely broke and in debt. Yet KANU was able to transport thousands of delegates to Limuru, house them in first class hotels, and feed them while they were there. They even allowed some people to take little flying excursions so that they could view Nairobi from the air. So this money must have come from somewhere. 91

The overwhelming impact of the Limuru Conference from the Odinga faction's point of view was that Kenyatta's position vis-à-vis the two major factions in the party was no longer

⁸⁹ EAS, March 14, 1966, p. 1.

⁹⁰ Odinga, op. cit., p. 300.

⁹¹ Interview with Thomas Okelo-Odnogo, Nairobi, October 9, 1969; also see Odinga, op. cit., p. 299.

ambiguous. His decision to hold the conference, to support the new constitution, to endorse the elections held there, and perhaps even to accept foreign aid for it, made it impossible for the Odinga faction to dissociate the President from what was happening to them. They later claimed that,

Until now, the progressive nationalists had borne all the insults hurled at them. They had tolerated the most vicious and dirty right-wing manoeuvres in the interests of maintaining unity. They had believed that Kenyatta was not entirely a prisoner of the anti-national forces. However, the Limuru conference proved the contrary. Kenyatta clearly showed that he stood with the right-wingers. 92

The Limuru Conference appears to have been decisive in turning general disaffection from KANU into a definite decision to leave KANU. As two members of the Odinga faction have noted,

myself, I had been very badly treated, first I lost my job for voicing genuine grievances, and secondly I was assailed by the President himself here in Murang'a, and I was always taking these things easily. But when it came to the Limuru coup, we decided that that was too much, and we couldn't go on any further. We decided that now these people are determined to crush the proper public opinion, and we thought it was our duty now to take up a stand. There was no other way except to form a new party. 93

The K.P.U. was not ready for this victimization, since they expected that Kenyatta would side with them and when at the Limuru Conference it was evident that he wouldn't, the only alternative was to form a new party. 94

⁹²K.P.U. Manifesto, op. cit., p. 7.

⁹³Interview, G. B. Lamb with Bildad Kaggia, Kandara, 25 May 1967.

⁹⁴Interview with Thomas Okelo-Odongo, Nairobi, October 3, 1969.

The Formation of an Opposition Party

Initially, however, there was a great deal of ambiguity surrounding the formation of the opposition party. On the evening of March 13th, following the dissolution of the conference at Limuru, a number of dissatisfied KANU members met in the Parliament buildings. The next morning the press announced that a new party, the Kenya African Union, had been formed. The interim officers of the party, local figures without any national standing, claimed that they had the support of two Assistant Ministers who had attended the meeting, and that they "were prepared to stand down any time for Mr. Odinga or any national leader who wanted to lead the party."⁹⁵ Two days later, the press issued another statement concerning the party in which it all but refuted the earlier one. First, the party which applied for registration was not called the Kenya African Union but the Kenya People's Union. Second, the interim officials disclaimed any support from either Odinga or Paul Ngei, the Minister for Housing. No word had come from Odinga about his relationship to the new party and Ngei had already let it be known that his presence at Parliament on the night of the 13th was strictly coincidental. Finally, Senator G. Poghiso, who had acted as the spokesman for the group of thirty after their meeting in Parliament,

⁹⁵ EAS, March 14, 1966, p. 1.

said that those who attended the meeting "had met in a moment of bitterness about what had occurred at the KANU Reorganization Conference" and that "no joint decision was taken to join any new party The group meeting did not even know who was forming the party and it was finally decided that anyone could make his own individual decision."⁹⁶

The ambiguity continued and on March 17, the press noted that the application submitted by the party to the Registrar of Societies contained no names of any M.P.s among its list of sponsors and interim officials, although the party claimed that it had support in writing from 30 M.P.s and Senators whom they expected would make a "public declaration" soon.⁹⁷ At the same time, a group of 50 people which called itself the Nairobi People's Party sprang up to announce that it would work "side by side with the new K.P.U."⁹⁸ The same day, Kenyatta issued a stern warning that any M.P. who went into opposition "would be expelled automatically from the ruling party and from the Government."⁹⁹ From the middle of March until almost a month later, very little was heard of the new party. Then on April 14th, Odinga announced that he was resigning from the party and from the Government. He had

⁹⁶ EAS, March 16, 1966, p. 5; also see EAS, March 14, 1966, p. 1, March 15, 1966, p. 1.

⁹⁷ EAS, March 17, 1966, p. 5.

⁹⁸ Ibid.

⁹⁹ Ibid.

reached his decision he said because he felt that the Government was the prisoner of an "invisible government" purely concerned with "ideological colonisation of the country," because of the manner in which the Limuru conference was held, and because the "guiding star" of the people in power at present was "personal gain."¹⁰⁰ He claimed that although there was obviously pressure for him to leave the Government, this would not worry him as it had not for the last year if he thought "there was the slightest chance of putting things right from within." However, he said that he thought the present government had "reached a point of no return."¹⁰¹ Two days later, the Assistant Minister for Finance, Thomas Okelo-Odongo and F. L. M. Waiyaki, the Assistant Minister in the Office of the Vice-President, resigned from the Government.¹⁰² At the same time thirteen trade union officials including Dennis Akumu, the Secretary General of the Central Organization of Trade Unions, and O. Mak' Anyengo, the Secretary General of the Kenya Petroleum and Oil Workers Union, also resigned from the party.¹⁰³ On April 19th, twenty-eight M.P.s, among them Odinga, Okelo-Odongo and a specially elected member of the

¹⁰⁰EAS, April 15, 1966, p. 7.

¹⁰¹Ibid.

¹⁰²EAS, April 18, 1966, p. 1. Okelo-Odongo also resigned from KANU, whereas Waiyaki just left the Government, a distinction which was to become important later on.

¹⁰³Ibid.

House "crossed the floor."¹⁰⁴ Soon afterwards, on April 25th, Achieng Oneko, the Minister of Information and Broadcasting, held a press conference to announce his resignation from the Government and KANU.¹⁰⁵ The former ex-Emergency detainee and leader of K.A.U. expressed his "feeling of sadness at this parting with [his] old friend and comrade Mzee Kenyatta" but claimed that he found it "intolerable . . . to continue working in an atmosphere polluted with political 'ganging up' and 'intrigue' by certain leaders."¹⁰⁶ Furthermore, he maintained that he had come to disagree with Kenyatta's and the Government's policies on "foreign affairs, land, agriculture, the federation of East Africa, foreign loans" and their failure "to implement promises made to the public in the KANU Manifesto"¹⁰⁷ In the interim, Odinga was asked to lead the K.P.U.¹⁰⁸ On April 26th he announced the names of the office bearers of the party and called on the Government to register the K.P.U. "now that it knew who its leaders were."¹⁰⁹

As late as March 1966, Kenyatta had reiterated in his speech at the Limuru Conference that there was "nothing in

¹⁰⁴EAS, April 20, 1966, p. 1. Also see Appendix III for biographical information on these M.P.s.

¹⁰⁵EAS, April 25, 1966, p. 1.

¹⁰⁶R. Achieng Oneko, "The Parting of the Ways," Africa and the World, June 1966, pp. 21-23.

¹⁰⁷Ibid.

¹⁰⁸EAS, April 23, 1966, p. 1, April 24, 1966, p. 3.

¹⁰⁹EAS, April 27, 1966, p. 1.

the law of the land to prevent new parties being formed.¹¹⁰
Nevertheless, in an address to the nation following Odinga's
resignation on April 26th, Kenyatta advised his audience

Make no mistake, this has not been the orderly
formation of a valid opposition party. There has
been no cleavage based on an honourable division
in terms of high political principle. Here we
have met an endeavor which hoped to make such an
impact as to destroy national stability and deprive
the people of their constitutional rights.¹¹¹

Both Kenyatta and the "KANU spokesman," alleged to be Tom Mboya,
attacked the formation of an opposition party as an "ill-
considered [activity]" which had occurred in the heat of "ill-
advised passion." The men who were responsible for the K.P.U.
were branded as "dissident members" of the society, "frustrated
individuals," victims of "bitter vanity" and "tiny arrogance."
Furthermore, they were accused of disloyalty to Kenya as a
nation, KANU as a party, and Kenyatta as an individual. Their
ideology was viewed as a sham and the people of Kenya were
warned that the K.P.U. had "nothing to offer our staunch, hard-
working men and women except false and disruptive propaganda."¹¹²
The men who had left KANU for the K.P.U., the Government argued,
had been brought together "through some mysterious underground
force," rather than ideology and were united not by ideology,
but "only in their opposition to the leaders of KANU."¹¹³

¹¹⁰Kenyatta, Suffering . . . , op. cit., p. 301.

¹¹¹Ibid., p. 307.

¹¹²Ibid.

¹¹³Office of the Attorney General, "Where the Truth
Lies," op. cit., p. 25.

Finally, as if to sound the death knell for the opposition before it had even been registered, D. arap Moi, the Minister for Home Affairs, said,

[t]he opposition will be dealt with in the same way the former KADU opposition was dealt with. In fact, the former KADU opposition had some sort of protection in legal terms, but the opposition of today is absolutely naked. [Mr. Odinga] himself knows the way in which he dealt with opposition and should not be surprised if he and his followers are dealt with in the same manner. ¹¹⁴

On April 18th, the KANU spokesman challenged the M.P.s who had crossed the floor "to have the courage of their convictions and resign their seats and seek a fresh mandate."¹¹⁵ The challenge was confirmed in the press on April 27th when it was announced that Kenya's parliament would be recalled the next day to consider a constitutional amendment requiring M.P.s who had resigned from KANU to seek a new mandate from their constituents.¹¹⁶ Prior to the decision to treat the Odinga faction's breakaway as a constitutional issue, the K.P.U. had already begun to feel harassed. After the Limuru Conference, Odinga had been unable to hold political meetings in Central Nyanza ostensibly because of an outbreak of smallpox. Within the two weeks surrounding the 28th, four trade union officials who had joined the K.P.U. were suspended from their posts,¹¹⁷

¹¹⁴EAS, April 19, 1966, p. 1.

¹¹⁵EAS, April 19, 1966, p. 1.

¹¹⁶EAS, April 27, 1966, p. 1.

¹¹⁷EAS, April 20, 1966, p. 1.

the passports of several K.P.U. M.P.s were taken,¹¹⁸ Odinga was accused of having met secretly with officials from Tanzania and of having passed out £ 150,000 to freedom fighters who would support him,¹¹⁹ K.P.U. M.P.s were relieved from their positions on statutory boards,¹²⁰ and the chairman of the party's youth movement, Mr. J. M. Onyangi, was detained.¹²¹

Upon hearing of the proposed constitutional amendment, thirteen of those who had "crossed the floor" announced they had decided to rejoin KANU, and Kenyatta welcomed some of them back personally.¹²² Following this sudden change of mind concerning party affiliation, the House met on April 28th to discuss the amendment which "laid down that any Member of Parliament who resigned from the party that had supported him at his election, but which had not subsequently been dissolved must also resign his parliamentary seat and (if he wished to retain it) fight a by-election."¹²³ The Government argued that when the people had elected their M.P.s they had elected representatives rather than delegates and that they had voted for them on the assumption that these M.P.s would "promote certain

¹¹⁸ EAS, April 23, 1966, p. 1.

¹¹⁹ EAS, May 2, 1966, p. 1.

¹²⁰ EAS, April 30, 1966, p. 3.

¹²¹ EAS, May 2, 1966, p. 1.

¹²² EAS, April 28, 1966, p. 1.

¹²³ Gertzel, The Politics . . ., op. cit., p. 76.

policies and that they would work under certain leadership."¹²⁴ The people, the argument continued, should now have the right to decide whether or not they approved of the action taken by their representative. "If in fact his actions are supported by the voters, [the Government said] then let the voters decide."¹²⁵ An amendment such as the one proposed had not been necessary when KADU merged with KANU, the Government maintained, because "when the KADU leaders agreed to merge with KANU, their decision followed months of discussions and consultations with their supporters throughout the country."¹²⁶

Those who still remained with the opposition on the 28th objected to the amendment on a number of grounds. The nature of the amendment and the attempt to rush it through in one day showed, they claimed, that it was simply a measure "introduced by a coward government . . . to intimidate the opposition."¹²⁷ It had been designed to keep people from joining the opposition and was therefore a reprehensible act.¹²⁸ Furthermore, they insisted the mandate they had from the electors "was not given to KANU as such but to the elected members," as individuals.¹²⁹ If the Government was going to

¹²⁴Official Report, 28 April 1966, col. 2023.

¹²⁵Ibid., col. 2024.

¹²⁶EAS, April 25, 1966, p. 3.

¹²⁷Official Report, 28 April 1966, col. 2001.

¹²⁸Ibid., col. 2041.

¹²⁹Ibid., col. 2055.

argue that "this mandate was in terms of certain pledges and principles" then the opposition claimed that it was up to the Government rather than the opposition to resign since the former rather than the latter had deviated from these principles.¹³⁰

The opposition also challenged the Government's motives in introducing the amendment, since nothing like this had happened when KADU had decided to cross the floor and since there was no intention to make the amendment retroactive.¹³¹ All three readings of the amendment were completed in the House on the 28th and it passed that day on a 95 to 8 vote.¹³² Following the passage of the amendment, there was some ambiguity as to whether the thirteen recanters--those who had originally crossed the floor and then rejoined KANU--would also have to give up their seats and run again. Almost immediately, however, KANU Headquarters made an announcement that these M.P.s would have to resign their seats and fight a by-election under the new constitutional amendment, although they would "have the chance to be considered as KANU candidates."¹³³ The opposition's reaction

¹³⁰ Ibid., col. 2057.

¹³¹ Martin Shikuku, an M.P. who spoke in favor of the amendment, actually suggested that the amendment be made retroactive. Ibid., col. 2047. Actually, the suggested amendment had been suggested previously by Mr. Shikuku in 1964 when KADU members "crossed the floor." The suggestion was not heeded and of all the KADU members, Shikuku was the only one not to join KANU and to remain an independent. EAS, February 25, 1964, p. 5.

¹³² EAS, April 29, 1966, p. 1. The next day it passed in the Senate 33-2. EAS, April 30, 1966, p. 1.

¹³³ EAS, April 30, 1966, p. 1.

to the passage of the amendment was that it was indicative of "dangerous and far-reaching consequences" because it was now evident to them that the Constitution had "become a football in the political arena."¹³⁴ They claimed

[t]here are strong indications that the KANU government has embarked on a course of meddling with the Constitution. Its recent amendment . . . is probably only the first chance to suit the immediate objectives of the clique of power-seekers who now control the government. It is an action of desperate and frightened men who have no scruples over tampering with the Constitution in order to achieve temporary political gains.¹³⁵

Following the issue of the constitutional amendment, there was still some question as to whether the K.P.U. would be registered.¹³⁶ Finally on May 21st, a few hours before nomination papers for the "Little General Election" were due, the administrative secretary of the party, Dennis Akumu, produced a certificate of registration for the party.¹³⁷ Although campaigning for the elections had begun in some cases almost immediately after the amendment passed, the elections themselves did not take place until over a month later and spanned a period of from the 11th until the 26th of June.¹³⁸

¹³⁴ K.P.U. Manifesto, op. cit., p. 8.

¹³⁵ Ibid., p. 9.

¹³⁶ EAS, May 14, 1966, p. 3.

¹³⁷ EAS, May 24, 1966, p. 3.

¹³⁸ Gertzel, The Politics . . ., op. cit., p. 79.

The Little General Election--The Opposition Candidates,
the Campaign, and the Results

Twenty-eight opposition candidates contested what became known as the "Little General Election."¹³⁹ Of these M.P.s, six including Odinga, Chillo, Okuta Bala, Obok, Odero-Sar, and Okelo-Odongo were from Central Nyanza and except for Okelo-Odongo, none of the others had an independent following apart from Odinga. Odinga and Okelo-Odongo, who had been the Assistant Minister in the Ministry of Finance were the only two who had held positions in the Government. Chillo was a newcomer who had just been elected to fill a vacancy in the Senate in April 1965. Obok, Odinga, and Okelo-Odongo had been outspoken critics of the Government, whereas Okuta Bala and Odero-Sar were hardly known. Looking at the divisions within Parliament from 1963-April 1966, the group from Central Nyanza appears to have voted fairly cohesively, apart from several key instances in which the two M.P.s with ministerial positions voted with the Government. Of the five who stood with Odinga, all were Luo M.P.s "who for personal and ethnic considerations had to move with Odinga as the dominant leader in Nyanza."¹⁴⁰

¹³⁹At one time 30 M.P.s actually "crossed the Floor," however, one Sadalla was a "specially elected member" and therefore he did not contest the election. The other, Waiyaki, who was originally included on the list, only left the Government and not KANU, and therefore was also not forced to run. See Appendix III for biographical data on the 28.

¹⁴⁰Gertzel, The Politics . . ., op. cit., p. 75.

A second group within the twenty-eight included twelve M.P.s who quickly became known as "the waiverers" because of their attempt to rejoin KANU prior to the passage of the constitutional amendment.¹⁴¹ They were Ali, Daliti, Jilo, Poghisiyo, Robaro, and Rotich in the Senate, and Bonaya, Choge, Khalif, Lorema, Tanui, and Godana in the House. Two came from the Coast Province, seven from the Rift Valley, two from the Eastern and one from the Northeastern Province. In most cases, the provinces or the districts in which these M.P.s constituencies were based were underdeveloped both politically and economically. Khalif, Godana and Bonaya each issued statements upon joining the K.P.U. which claimed that they were tired of the "government's empty promises and hollow assurances" when nothing was being done for their "backward areas."¹⁴² Most of these men were not well known nor except for Tanui, who was the Assistant Chief Whip of the House until 1965, did they hold prominent positions at the national level. At the local level, at least three M.P.s from the Rift Valley, Poghisiyo, Robaro and Rotich, had lost their positions within KANU. Politically speaking, it is possible to suggest that there was a certain amount of opportunism on the part of some of these M.P.s both in the decision to join the K.P.U. and to rejoin KANU. For those who had lost out at the local

¹⁴¹ Actually the group was thirteen strong if one counts Sadalla who waived but did not run.

¹⁴² EAS, April 25, 1966, p. 3; also see EAS, April 19, 1965, p. 1.

level and for those who were more ambitious nationally, the idea of leaving KANU and becoming or at least having the possibility of becoming "big men" in another party must have seemed attractive. These ideas were not so far-fetched, for on April 27, 1966, four of the waiverers, Choge, Godana, Khalif, and Rotich—none of whom had held a position within the party or the Government at the national level--were listed as officers of the K.P.U.¹⁴³ Once there were hints that those who had "crossed the floor" might have to contest an election, these M.P.s returned to KANU, rightly fearing that they would lose if they had to run for their seats. Because of certain priorities of development these M.P.s had not been able to bring much back to their constituents since independence. Secondly, "many of them had not paid much attention to their constituencies. They lived in Nairobi, collected their allowances, spent a lot of money and by and large didn't go home."¹⁴⁴ Although some of these M.P.s "had K.P.U. ideological orientations, . . . were close to Odinga and had been aided by him financially,"¹⁴⁵ these factors alone were not decisive in prompting the "waiverers" to join the K.P.U. and therefore were unable to hold the waiverers in the face of adversity.

The third group within the twenty-eight consisted of ten radical critics who had consistently opposed the Government's

¹⁴³EAS, April 27, 1966, p. __.

¹⁴⁴Interview with Thomas Okelo-Odongo, Nairobi, October 3, 1969.

¹⁴⁵Ibid.

policies. Correctly speaking, Okelo-Odongo and Odinga also belong to this group of ten consisting of Nthula, Oneko, Anyieni, Gichoya, Kaggia, Kali, Sijeyo, Kioko, Makokha, and Oduya. Three came from Central Province and two each from Western Province, the Machakos District of Eastern Province, the Nakuru District of the Rift Valley, and the Kisii District of Nyanza Province. All were well-known nationally and locally. Oneko had been the Minister for Information and Broadcasting, Kaggia, the Assistant Minister of Education, Kali had been the parliamentary whip, and Anyieni had been the Vice-Chairman of the Backbenchers group. Except for Oneko, all of these men had lost these positions by 1965. At the local level some of these men had also been prominent, however, by the time of the Limuru Conference at least Sijeyo, Oneko, Kali and Kaggia had lost whatever positions they had held at the KANU Branch within their particular district.¹⁴⁶ Prior to the passage of the constitutional amendment, none of the ten men in this group attempted to return to KANU.

In terms of results, the six M.P.s from Nyanza won, all twelve waiverers lost, and only three of the radical critics retained their seats--Kioko and Nthula from Machakos and Oduya from the Busia District of Western Province. Although the K.P.U. won only two seats in the Senate and seven seats in the House out of the twenty-eight contested, it won a majority of the

¹⁴⁶Lamb, op. cit.; Harbason, "The Kenya Little General Election . . . , " op. cit.

votes in both the House and the Senate.¹⁴⁷

The K.P.U.s victories in Central Nyanza were an endorsement of Odinga's quest for leadership at the national level, a reaffirmation of his control at the local level, and a response to the feeling of ethnic and regional discrimination that underlay many of the ideological differences which had divided the Odinga faction from the Government for some time.¹⁴⁸ In addition, Odinga was the district boss of Central Nyanza and when the K.P.U. was formed KANU branches and sub-branches in the district simply changed their name. KANU consequently was without an organization in Central Nyanza and had to build one from scratch for the purposes of the election. Odinga had the support of the "Jodong Gweng," the traditional elders of Central Nyanza because of his opposition to the colonial policies of land consolidation in the fifties and because of his traditional position as the "Ker" of the Luo Union. The

¹⁴⁷"K.P.U.'s victories in [Central Nyanza] accounted for 68 percent of its votes and for its overall majority of 30,340." David Koff, "Kenya's Little General Election," Africa Report, Vol. 11, No. 7, October 1966, p. 59. The Laikipia by-election in which Ndegwa opposed an independent is not included in the preceding or forthcoming analysis.

¹⁴⁸There have been several discussions of the Little General Election. The most detailed of these are in Cherry Gertzel's book. One chapter examines the LGE as a whole and a second, written with John Okumu, specifically looks at the LGE in Central Nyanza. Gertzel, The Politics . . ., op. cit., pp. 73-124. Other studies of the LGE include Koff, op. cit.; Harbeson, "The Kenya Little General Election," op. cit.; George Bennett, "Kenya's 'little general election,'" The World Today, Vol. 22, No. 8, August 1966, pp. 336-43; and Douglas Rogers, "Election Rebuff for Kenya Government," Africa and the World, Vol. 2, No. 23, August 1966, pp. 4-5.

Results of the 1966 Little General Election

	Total Votes	%	Total Seats	%	Total Votes	%	Central Nyanza Seats	%	Total Votes	%	Central Nyanza Seats	%
<u>HOUSE</u>												
KANU	72,584	45.7	12	63.2	7,219	11.2	0	0	65,365	69	12	85.7
K.P.U.	86,334	54.3	7	36.8	56,987	88.8	5	100	29,347	31	2	14.3
Total	158,918		19		64,206		5		94,712		14	
<u>SENATE</u>												
KANU	57,816	42.5	7	77.8	5,673	9.3	0	0	52,143	69.1	7	87.5
K.P.U.	78,287	57.5	2	22.2	55,014	90.7	1	100	23,273	30.9	1	12.5
Total	136,103		9		60,687		1		75,416		8	

Source: Marco Surveys, Kanva's Little General Election K.P.U. vs. KANU, 1966-67, Public Opinion Poll, No. 15, Nairobi: Marco Publishers (Africa) Ltd., 1967, pp. ii-iii.

K.P.U. was therefore able to use the highly sophisticated organizational network that had been built up by the elders, an advantage that KANU was denied. Furthermore, the K.P.U. also had the support of the radical youth of the district who both agreed with the party's economic policies and resented what they interpreted as "Kikuyuization" of the country. Finally, Odinga was backed by the women of the district who remembered his opposition to communal labour in the pre-independence days and by a religious movement, Legio Maria, which at one time had made Odinga their Patron Saint.¹⁴⁹ Although there was a group of younger men within Central Nyanza who opposed Odinga because "they were disturbed by the dominant influence of the traditional and conservative elements in the community and the tactics that this imposed upon Odinga,"¹⁵⁰ their association with Mboya, who was in a certain sense an outsider in the district, and their comparative lack of organizational strength, made it impossible for them to successfully challenge K.P.U.'s candidates in the district. KANU [also] had a formidable task in finding candidates, since in the face of the overwhelming expressions of popular support for Odinga there was considerable hesitation among his opponents about standing."¹⁵¹

¹⁴⁹Gertzel with John Okumu in Gertzel, The Politics . . . , op. cit., p. 107.

¹⁵⁰Ibid., p. 103.

¹⁵¹Ibid., p. 109.

KANU's candidates "were better educated than their opponents,"¹⁵² however, in a number of cases they "had no recent close attachment to [their] home area" and "could be characterized as outsiders in their own community."¹⁵³ During the campaign, the Government sent two Luo Ministers from South Nyanza, Mboya and Ayodo into Central Nyanza. They attempted to appeal to Odinga's constituents on the grounds that by voting for the K.P.U. they would be isolating themselves not only from Kenya but from possible development projects, insisting that "unless the people were prepared to work with the Government, 'the Government would not listen to their demands.'"¹⁵⁴ The nature of the Government's appeal plus the fact that there was considerable restriction of the opposition's ability to hold public meetings was nevertheless not sufficient to win the people of Central Nyanza over to the Government's side.¹⁵⁵ By this time, however, the people of Central Nyanza already felt excluded from the Government because of the way in which Odinga had been treated for the past year and they were also impatient with and skeptical of the Government's promises. They were therefore prepared to trust Odinga and accept the interim

¹⁵²Ibid., p. 110.

¹⁵³Ibid., p. 111.

¹⁵⁴Bennett, "Kenya's 'little general election,'" op. cit., p. 342.

¹⁵⁵The use of "the carrot and the stick" as a political tactic on the part of the Government is the subject of the next two chapters and will be discussed in detail there.

uncertainty of being represented by a small opposition which at the very least assured them of spokesmen for their grievances.

Central Nyanza was the only part of the country except for Machakos where the opposition's organizational network was superior to the Government's. Where the K.P.U. had branches and sub-branches they were rudimentary at best. Part of the reason that the "waiverers" failed to hold any of the seats that they contested had to do with their lack of organizational strength. Except for Daliti's district, Uasin Gishu, the other districts from which the waiverers came had considerably fewer registered political organizations and had not established a KANU branch until significantly later than other parts of the country. According to all accounts, the incumbents in these districts "had done little to create personal or organizational links with their constituents before they broke with the governing party."¹⁵⁶ The Government definitely had the advantage. The people in these districts were not particularly attached to the incumbents, and the incumbents had only a marginal organization which the Government was able to counteract and outdo by making ministerial tours, monopolizing the radio, and holding public meetings. The opposition's disadvantages in these districts were that it was backing marginal and sometimes unpopular candidates and that it was unable to match the Government's

¹⁵⁶Koff, "Kenya's Little General Election," *op. cit.*, p. 57.

VOLUNTARY ASSOCIATIONS AND
THE GROWTH OF KANU

<u>District</u>	<u>No. of Registered Political Orgs.</u>	<u>Growth of KANU</u>
1. Nairobi	1221	Nov. 6, 1960*
2. Mombasa	493	217 (7)
3. Central Nyanza	322	380 (18)
4. Nakuru	201	167 (2)
5. Kiambu	182	209 (6)
6. North Nyanza	148	332 (16)
7. Thika	109	254 (11)
8. Uasin Gishu	91	261 (13)
9. Kisii	78	475 (20)
10. Kericho	77	547 (23)
11. Nyeri	74	204 (5)
12. Machakos	70	255 (12)
13. South Nyanza	62	399 (19)
14. Trans-Nzoia	56	581 (24)
15. Kitui	48	187 (3)
16. Elgon Nyanza	44	194 (4)
17. Kilifi	43	716 (29)
18. Nanyuki	40	758 (28)
19. Meru	32	251 (10)
20. Embu	30	287 (15)
21. Fort Hall	29	232 (9)
22. Naivasha	26	218 (8)
23. Laikipia	23	266 (14)
24. Taita	20	357 (17)
25. Kwale	19	763 (26)
26. Kajiado	17	546 (22)
27. Nandi	16	504 (21)
28. Lamu	9	1675 (35)
29. Northern Frontier	7	1385 (34)
30. Tana River	6	1380 (33)
31. Samburu	4	848 (30)
32. Narok	4	698 (25)
33. West Pokot	3	718 (27)
34. Elgeyo-Marakwet	2	1680 (36)
35. Baringo	2	951 (31)
36. Turkana	1	1316 (32)

*Date of official registration of KANU as a political party. All other figures in this column represent the number days after this date that a branch office was established and registered for the given district. Rank order is shown in parentheses.

Source: Registrar's Office, Government of Kenya.

Source: Soja, *op. cit.*, p. 67. Copyright (c) 1968 by Syracuse University Press. Reprinted by permission of the publisher.

resources. In the case of one candidate, Mr. A. S. Khalif, the M.P. from Wajir North, both his father and his brother denounced his stand publicly.¹⁵⁷ The opposition candidates had a difficult time obtaining licenses for public meetings. In certain cases K.P.U. leaders who lived outside the district were unable to obtain passes to enter some of these "outlying areas" where non-residents were required to have a permit to visit a district regardless of whether or not they had any intention of holding a public meeting.¹⁵⁸ Finally, the opposition also had a great deal of difficulty making headway in these areas because as one author has noted,

Many of these areas depend upon the government for famine relief, the initiation of economic change and development or protection against 'shifita' raiders. In some outlying constituencies, local civil servants provide a more effective link between the people and the government than can a few M.P.s and an ineffective party organization. Thus in an election offering a choice between a man supporting the government and its servants, and a man opposing them, a majority of the voters in the bush chose the government candidates.¹⁵⁹

The ten radical critics did not fare very well. Nthula's and Kioko's K.P.U. victories in Machakos were an irritating surprise to the Government, and a departure from this general trend. Part of the reason for the victories here was that upon formation, the KPU had taken over the

¹⁵⁷ EAS, April 21, 1966, p. 3.

¹⁵⁸ Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

¹⁵⁹ Koff, "Kenya's Little General Election," op. cit., p. 59.

Machakos branch, one of the few places where KANU had a "well-established district machine," and "experienced district campaigners."¹⁶⁰ Another reason sometimes given for the results was Ngei's aloofness during the campaign. Both Nthula and Kioko had formerly been supporters of the A.P.P. before it had folded in 1963. Both were aligned with its former President Paul Ngei against the other major faction in the district which was led by William Malu and supported at the national level by Tom Mboya. Following an investigation into maize scandal earlier in the year, Kenyatta had suspended Ngei from his ministerial post. In April, when the KANU dissidents crossed the floor, there was some speculation that Ngei would join them. According to one K.P.U. M.P.

[Ngei] said he was going to go with us, but just wanted to wait and come later after the others had crossed and signed. Ngei said he was just waiting for one thing and wanted to discuss something with Kenyatta. The next morning he told Oginga Odinga that Kenyatta had sent Njonjo [the Attorney General] to his house. Njonjo told Ngei that Mzee had heard that Ngei was going to cross and was very disturbed because he expected that Ngei would join him in the Cabinet. He had left a place for him in the Ministry of Housing and was just waiting for the Maize Commission Inquiry to be sorted out. . . . That was that and that's how Ngei became a minister [again].¹⁶¹

Although Ngei did not join the K.P.U. "[s]ome noted that he did not campaign for KANU" during the little General Election.¹⁶²

¹⁶⁰Gertzel, The Politics . . ., op. cit., p. 81.

¹⁶¹Interview with Thomas Okelo-Odongo, Nairobi, October 21, 1969. Prior to the election Kenyatta appointed a new cabinet which included 46 ministers and assistant ministers.

¹⁶²Bennett, "Kenya's 'little general election,'" op. cit., p. 343.

Following the victories in Kitui and Machakos, Kamba leaders "called upon the Minister for Housing, Mr. Ngei . . . to state his stand in relation to the K.P.U."¹⁶³

Among the radicals, there was one other victory, that of Oduya in Western Province. Unfortunately there is not enough information available to speculate on the reasons for his victory or the defeat of Makokha, the other M.P. from Western Province. All three M.P.s in Central Province, Gichoya, Kaggia and Kali, lost. Except for Kandara, Kaggia's seat, the turnout was very low for Central Province as it had been for the other parts of the country as well. Despite the relatively high turnout in Kandara, Kaggia received only 2,170 votes to his opponent's 20,230. The Kandara campaign was the most violent and bitter of the election. "At least seven people were killed in the course of the campaign . . . a number of houses were burnt or demolished, and two K.P.U. campaign cars were stoned by KANU supporters."¹⁶⁴ Kaggia claimed that once the Government realized that Kaggia had considerable support in Kandara they adopted a policy of intimidation.

They would go at night and demolish . . . a leader's house, they'd take him out, they'd beat him and so on. So this was organized and we did not know that it was somehow organized, we did not know that it [had] the consent of the Government, so we kept on reporting to the police and so on, but to our surprise no action was ever taken. ¹⁶⁵

¹⁶³EAS, June 29, 1966, p. 7.

¹⁶⁴Lamb, op. cit., p. 58.

¹⁶⁵Interview, Bildad Kaggia with Geoffrey Lamb, Kandara, May 25, 1967.

In addition to the alleged intimidation, the Government also worked to defeat Kaggia by urging the people that "the fight was not between Mr. Kaggia and a KANU candidate, but it was President Kenyatta versus the President of the K.P.U., Mr. Odinga."¹⁶⁶ The further insinuation behind this remark and a number of others that were made was that by allying himself with a Luo and by challenging Kenyatta in his home province, Kaggia was forsaking and renouncing his own tribe, the Kikuyu. During the campaign, the Government had brought Moi and Gichuru to Kandara to speak against Kaggia. Finally right before the election Kenyatta himself came down to address a meeting of Kaggia's constituents. The President said that he had come to Kandara to "finish Mr. Kaggia."¹⁶⁷ Kenyatta claimed that Kaggia's promise to improve the economic situation in Kandara as well as Murang'a District which had lagged behind other parts of Central Province were lies and that "KANU was the only party that could develop the country."¹⁶⁸ At the height of the meeting, Kenyatta began waving pictures of what he claimed was an "18 room mansion" being built for Kaggia with foreign funds.¹⁶⁹ He proceeded in addition to warn the crowd against supporting the K.P.U. by saying, "I have heard that

¹⁶⁶EAS, May 16, 1966, p. 5.

¹⁶⁷EAS, June 11, 1966, p. 1.

¹⁶⁸Ibid.

¹⁶⁹Ibid. Geoffrey Lamb claims that "Kaggia's house in Kandara is a plainly furnished dwelling of four rooms. Lamb, op. cit., p. 59.

there is a jigger who wants to enter our foot. We KANU shall trample on it like flour." 170

In spite of the intimidation, the anti-Luo propaganda and the forceful appearance of Kenyatta, Kaggia believed that he had won the election and that the results were rigged. The counting of the votes was postponed for two weeks. During the counting, Kaggia claimed

he had caught two counters seeking to conceal KPU votes inside bundles of KANU votes, and then tying them in bundles of 50 which would each be counted as fifty for KANU. Secondly, and most importantly, even after two recounts--which had been demanded as a result of discovering these malpractices, he said--the number of votes counted exceeded the Administration's figures of the number of votes cast. At this stage, Kaggia said, he and his supporters had decided that there was no point in arguing further with the District Commissioner about counting, since "it was obvious that the whole thing had been arranged." He . . . left Administrative Headquarters, and after he . . . left the result was announced. 171

Kaggia maintained in addition that "if I was to be defeated by somebody, by anybody else, just because Mzee has spoken, or I have left KANU, nobody could have defeated me with that majority." 172

Aside from Kaggia's interpretation of the election, there are two others. One suggests that the combined pressure of "the omnipotence of the Government" plus the presence of

170 Ibid.

171 Lamb, op. cit., p. 59.

172 Interview, Bildad Kaggia with Geoffrey Lamb, Kandara, May 25, 1967.

Kenyatta simply overpowered any appeal the opposition might have made to the freedom fighters or the economically disadvantaged.¹⁷³ The other suggests that "the effect of the challenge posed by K.P.U. was to unite the bulk of the smallholders behind the relatively wealthy in defence of new-won security and perceived economic opportunities."¹⁷⁴ The assumption behind the second interpretation is that although Kaggia was able to appeal to the landless freedom fighters "who had not managed to reap any fruits from independence,"¹⁷⁵ the majority of the people in Kaggia's constituency had a lot more to lose than their chains and therefore genuinely felt threatened by some of the opposition's policies. David Koff, also feels that the second interpretation is an important consideration in understanding the election results not only in Kandara but elsewhere. He argues,

. . . the appeal to "class" consciousness, which has been seen elsewhere to be a powerful means to the polarization of a society, was turned against its advocates. K.P.U.'s challenge to the existing system could be interpreted as a challenge to all those who had benefited from it. By extrapolation, all those who owned any property at all, and all those who felt that Africanization of the economy offered them something, could feel themselves threatened by a policy which appeared to take from the rich to give it to the poor. And in a society where it is not hard to see others who are worse off than yourself, such

¹⁷³ Gertz, The Politics . . ., op. cit., p. 91.

¹⁷⁴ This interpretation was offered by Lionel Cliffe in an unpublished study of the election. See Lamb, op. cit., p. 36.

¹⁷⁵ Ibid.

apparent threats may be felt by a great number of people. If there was a group which felt it was at the bottom, that it had "nothing at all to lose, it was not prominent in supporting K.P.U. K.P.U.'s challenge to the economic system was thus not only a challenge to the ideology of nation building, it was also an exploitable threat to many citizens. 176

It is difficult to make a definite statement concerning the results in Kandara.

Both Gertzel's and Koff's interpretations were probably factors in explaining Gichoya's loss in Gichugu, although again it is impossible to say for sure since there has been nothing written on this particular contest. The third K.P.U. candidate running in Central Province was J. D. Kali who contested a seat in the urban constituency of Nairobi East. A major factor in explaining Kali's loss as well as those of Sijeyo and Oneko, two K.P.U. M.P.s from Nakuru District in the Rift Valley, was that all three had been ousted from politics at the local level for over a year as a result of the 1965 branch coups which had removed them from power.¹⁷⁷ In both Kali's and Oneko's constituencies, the KANU men who beat them had built up an impressive local reputation which worked to their advantage during the election. Mwangi Mbogo Karungaru, KANU's candidate from Nairobi East, had a long association with the Kirinyaga Welfare Association which was organized to assist Kikuyu, Embu, and Meru newcomers to the

¹⁷⁶David Koff, "The Contradiction of Opposition," op. cit., p. 129.

¹⁷⁷Harbeson, "The Kenya Little General Election . . . ," op. cit., p. 21

city. Mark Mwithaga, who was Oneko's opponent in Nakuru, was an old time KANU politician who had been active during the colonial days and also benefited during the election by the fact that there had been a large "influx of Kikuyu" in his constituency.¹⁷⁸ The campaign in Nairobi was relatively peaceful in contrast to the contest in Oneko's constituency. On May 29th one of Oneko's meetings was dispersed on the grounds of "causing a disturbance" and a meeting that was to have been held the next day was cancelled because of a possible repeat of the previous day's disturbances.¹⁷⁹ Oneko had also complained earlier that "supporters of the K.P.U. in Nakuru were being intimidated and threatened with discharge from their employment."¹⁸⁰

Allegations of intimidation against Sijeyo in Nakuru and Anyieni in Kisii District were also said to have influenced the election results. On one occasion, Sijeyo was refused a permit to enter Baringo District and on another he was arrested and fined for being in unlawful possession of a sword "for which he had not obtained a permit from the D.C."¹⁸¹ In Kisii, there was a massive "smear campaign" against Anyieni and a number of his chief supporters lost their jobs as a result of their

¹⁷⁸ Ibid.

¹⁷⁹ EAS, May 30, 1966, p. 1; May 31, 1966, p. 5.

¹⁸⁰ EAS, May 5, 1966, p. 3.

¹⁸¹ EAS, June 11, 1966, p. 5.

active attachment to the K.P.U.¹⁸²

Unfortunately, it is impossible to gauge the impact that the various forms of intimidation may have had in the election results discussed above. Except possibly for Kaggia's contest in Kandara and perhaps Anyieni's in Kisii, David Koff is probably correct in concluding that

[f]or most Kikuyu voters, the fact that KPU was headed by a Luo, whose aim was to replace Kenyatta as Kenya's President, probably outweighed any sympathies they may have had for KPU's policies. In the Rift Valley, where land has always been a critical issue, both the long-established Kalenjin residents and the newer Kikuyu farmers and settlement scheme members opposed any change in the existing policy on land ownership, and believed that a KPU victory would bring such changes. In some areas, the notion that KPU stood for "free things" was used to frighten women voters into believing that they, like land and factories, would become "public property" under KPU's "Communist" government.¹⁸³

Following the announcement of the election results, a number of the losers lodged petitions contesting the elections with the High Court of Kenya. Over a year passed and then the Chief Justice dismissed all of the petitions on the grounds that the petitioners had deposited insufficient security with the court to cover the cost of their charges.¹⁸⁴ Although the Government interpreted the results of the Little General Election as a victory for KANU, it was nevertheless clearly distressed

¹⁸²Interview with Frank Holmquist, Nairobi, Summer 1969.

¹⁸³Koff, "Kenya's Little General Election," *op. cit.*, p. 58.

¹⁸⁴See *EAS*, May 4, 1967, p. 3; June 17, 1967, p. 1; September 13, 1967, p. 9; Cherry Gertzel claims that a total of eight petitions were lodged. Gertzel, *The Politics . . .*, *op. cit.*, p. 82.

by the opposition's victories in Machakos and Western Province and by the fact that the K.P.U. had received a majority of the votes cast in the election.¹⁸⁵

Conclusion

In a little over three months, from March until June 1966, a group within KANU known as the Odinga faction "crossed the floor" of the House and broke with Kenya's party of independence. The climax of their disillusionment with KANU had come at the Limuru Conference and in its wake they established an opposition party which they called the Kenya People's Union. The party quickly printed a manifesto which developed its ideology in some detail. As the result of a hastily contrived constitutional amendment, all KANU M.P.s who had "crossed the floor" were forced to contest their seats in what became known as the Little General Election. Having come to the election twenty-eight strong, the opposition was able to retain only seven seats in the House and two in the Senate. In addition, six of the K.P.U. M.P.s who retained their seats were from Central Nyanza, the homeland of the Luos.

Following the formation of the party and the holding of the elections, the next important question was what would be the Government's response to the opposition party. This question is the subject of the next chapter.

¹⁸⁵EAS, June 28, 1966, p. 1.

INTRODUCTION TO CHAPTERS IV AND V

Throughout the 1950s political scientists tended to overestimate the strength of African regimes and the political parties that governed them. In the mid-1960s this misinterpretation was corrected through events when many supposedly powerful governments and parties across the continent fell to the military. The widespread occurrence of military coups prompted a new interpretation which focused on the weakness and fragility of these regimes. A number of studies made it clear that most African regimes simply did not have the capacity to deal with the numerous problems that faced them following independence. Given the number and nature of the demands coming their way and the kinds of economic and institutional resources available to handle them, political scientists realized that it was clearly impossible for African regimes to have produced anything comparable to what Hodgkin and a number of others had called "mass" political parties. Resources were scarce and scholars used this fact to explain why African governments and parties were so very weak. In this spirit of revisionism, Zolberg concluded that although the party state might be "authoritarian within its domain" that domain was "limited" and "on the whole the regime [had] little authority."¹ He furthermore argued that

¹Zolberg, Creating Political Order, op. cit., p. 134.

[t]he fact that opponents had been eliminated with relative ease should not give us an exaggerated notion of the over-all power of the regimes. Unlike Europeans totalitarians, Africans have had to destroy relatively little in the process of achieving a political monopoly. Although they have encountered some irritating obstacles, on the whole their task has been relatively easy because they did not have to subvert a generalized public conscience into acquiescence: none had yet been brought into being. It was seldom necessary to destroy democratic institutions: there were few and even these were, after all, of very recent vintage and the heritage of foreign rule. In both spheres, the rulers moved into virgin territory; there they could plant symbols of their own choosing and begin the construction of a suitable political edifice. Plowing of the new ground was facilitated because they had at their disposal the entire administrative and² coercive apparatus inherited from the colonial power.

Clearly as Zolberg maintains, to call African regimes totalitarian simply because they eliminate their political opponents is to give an "exaggerated notion" of their "overall power."³ On the other hand it seems equally important not to overestimate the weakness of these regimes. In a situation in which all political actors are constrained by an environment in which there are few institutional and economic resources, everyone is weak from an objective standpoint. In relative rather than objective terms, however, a dominant party may nevertheless be extraordinarily strong in comparison with its political opponents. Although objective weaknesses keep both the dominant party and its opposition from organizing mass mobilization parties or adequately responding to unemployment

²Ibid., p. 90.

³It is not only an "exaggerated notion" but a misconceived one, since totalitarianism is essentially a modern phenomenon.

for instance, in certain key respects dominant parties are still stronger than their political opponents. This relative strength stems from the fact that dominant parties in Africa have generally had greater political freedom and more patronage than opposition parties and have had the support of the government in eliminating and sometimes banning the latter.

Zolberg begins to get at this idea of relative strength at the end of the paragraph quoted above when he mentions the inherited coercive apparatus at the disposal of present day African regimes. Nevertheless, his analysis leaves one with a general impression of overall weakness. To understand the response of African governments to opposition parties and the success they and their dominant parties have had in controlling and eliminating political opponents, it seems important to go beyond saying merely that African regimes are not totalitarian and have only limited authority within limited domains. For even outside these limited domains, one is not speaking about a situation of objective overall weakness, but one of relative strengths.

Kenya's opposition party, the Kenya People's Union, lasted for close to three and one-half years from May 1966, when it was registered until October 1969, when it was banned. During this period it became increasingly apparent that the Government was not prepared to allow the K.P.U. to function freely. The presence of an opposition party did not result in an increased cohesion within KANU. With Odinga out of the

party, the nascent antagonism between Mboya and the "Kikuyu group" within Parliament came to the forefront over the issue of succession and lasted until Mboya's assassination in July 1969.⁴ In March 1968, the Government brought a bill to the House which not only altered the provisions for the succession of the President, but also "proposed to raise the minimum age for presidential candidates from thirty-five to forty," a tactic which eventually failed, but was specifically directed against Mboya.⁵ This factionalism between the pro- and anti-Mboya groups at the national level of KANU was reproduced at the local level within party branches.⁶

In spite of the continued lack of cohesion within KANU and in the Government, the regime was nevertheless strong

⁴The "Kikuyu group" consisted of a number of Kikuyu and several non-Kikuyu Ministers who "clustered about Kenyatta": Mungai, Njonjo, Gichuru, Kiano, Kibaki, Koinange, and Moi (a Kalenjin), Ngei (a Kamba), and Muliro (a Baluhya). The Mboya group included the following Ministers: Ayodo, Mwendwa, Ngala, Nyagah, Otiende, Osogo, Sagini, and Khasakhala. John Murray, "Succession Prospects in Kenya," Africa Report, Vol. 13, No. 8, November 1968, p. 46.

⁵This bill which was part of the tenth amendment to the constitution finally passed after three revisions. In the future the President was to be elected by a popular vote rather than by the House of Representatives as he had been previously. Furthermore, it held that "If the office of president became vacant other than at the time of the dissolution of Parliament an election should be held within ninety days. In the interim period the Vice-President would exercise the functions of the office, but on certain matters including the preservation of public security and the appointment and dismissal of Ministers would act only in accordance with a resolution of the Cabinet." Gertzel, The Politics of . . ., op. cit., p. 176. For a further discussion of this debate and the issue of succession see Ibid., pp. 160-62; Murray, op. cit., pp. 44-48; and George Bennett, "The Succession in Kenya," The World Today, Vol. 24, No. 8, August 1968, pp. 333-39.

⁶See Gertzel, The Politics of . . ., op. cit., pp. 155-5

enough to circumscribe the activities of the K.P.U. and eventually to extinguish it entirely without a political upheaval. The next two chapters discuss the regime's response to the K.P.U., analyze the relative strengths of the Government and the dominant party, and attempt to demonstrate the continuity between the colonial government's and the post-independence government's reaction to political opposition.⁷ Within this general context what follows is a rather specific examination of the regime's relative strength in terms of its ability to manipulate and control the crucial arenas of political participation (Chapter IV) and its ability to wean support away from the opposition because of its monopoly over various forms of patronage (Chapter V).

⁷The term "political opposition" is used here as it was in Chapter II. The term regime refers generally to the Government and KANU.

Chapter IV

THE STICK

Like a gigantic ocean liner a country finds it much easier to continue in the same general direction than to change its course drastically. The continuity of administration and policies has developed its own momentum, and there has been no sharp break with the past.

Jacob Oser, Promoting Economic Development with Illustrations from Kenya, Nairobi: East African Publishing House, 1967, p. 210.

Political Participation

Any party's strength is to some extent a product of its freedom to participate in the political arena--that is, to organize, to hold meetings, to contest elections, and to operate in a climate in which fear of intimidatory tactics by the regime in power is not a major concern. The discussion which follows attempts to show how the KANU Government's control over the above components of political participation both enhanced the relative strength of the dominant party and weakened the opposition's ability to compete with KANU from 1966-1969.

OrganizationThe Societies' Ordinance

Since the colonial days all governments in Kenya have in part controlled the ability of their opponents to organize politically by retaining the right to declare certain

groups or associations unlawful. The Kikuyu Central Association was banned under the Defense Regulations in 1937,¹ the "Mau Mau" Society under the Penal Code in 1950,² and the Kenya African Union under an Emergency Proclamation by the Governor in 1952.³ According to certain sections of the Penal Code a "society" (a combination of ten or more persons) could be declared "unlawful" if it was formed to disturb the peace, subvert the Government or if the Governor in Council pronounced it "dangerous to the good government of the Colony." Provisions also existed empowering the Government to imprison anyone who "managed" or was a member of an unlawful society and anyone who allowed his house to be used for meetings of such a society.⁴

The colonial Government believed that law and order had broken down in the late forties and early fifties partly because (a) the administration was not really close enough to the people to actually know and therefore control what was going on, and (b) because "the law did not give the Government sufficient powers in a non-Emergency period to protect the safety of the state against those who deliberately sought to

¹Rosberg and Nottingham, op. cit., p. 189.

²Colony and Protectorate of Kenya, The Origins and Growth of Mau Mau, An Historical Survey, Sessional Paper No. 5 of 1959/60, p. 247.

³Rosberg and Nottingham, op. cit., p. 310.

⁴The Origins and Growth of . . ., op. cit., p. 247; and The Penal Code, Chapter 63, Laws of Kenya, Revised Edition, 1962, pp. 43-46.

destroy it. The legal powers to maintain public order and thus individual security were inadequate."⁵ The Government attempted to remedy these deficiencies following the proclamation of an Emergency in 1952. First, it expanded the administration at all levels and increased the security and intelligence functions of Provincial and District Commissioners. It was this policy which became known as "the policy of closer administration."⁶ Second, it decided that the Penal Code was "inadequate" since its emphasis was on the regulation of "unlawful societies." The Government therefore concluded "that a system of registration or exemption from registration of societies with well-defined exceptions should be introduced, particularly to provide for the examination of the constitutions and objects of societies."⁷ Such a system was introduced in 1952 when the Societies Ordinance was enacted. Under the Ordinance, the Governor and later the Attorney General appointed a Registrar of Societies who was empowered to register or refuse to register a society and who also dealt with the conduct and administration of all societies once they were registered.⁸

⁵The Origins and Growth of . . . , op. cit., p. 249.

⁶For a detailed discussion of this see Gertzel, The Politics of . . . , op. cit., pp. 22-28.

⁷Colonial Office Report on the Colony and Protectorate of Kenya for the Year 1952, London: Her Majesty's Stationery Office, 1953, p. 97.

⁸The Societies Ordinance, Chapter 108, Laws of Kenya, Revised Edition, 1962.

From 1952 onwards all political parties, and each of their branches and subbranches have been required to obtain a certificate of registration from the Registrar of Societies before they are considered lawful societies. Although Kenya has never instituted a "de facto" one party state and although every person in Kenya is guaranteed freedom of association under the Constitution,⁹ such a system of registration has provided the Government with a great deal of control over political organization and political participation.

Under the Societies Ordinance all political parties and their branches are required to apply individually to the Registrar within twenty-eight days of their formation.¹⁰ The application for registration must include the names and objects of the society, the class or classes of persons to whom membership is restricted, the number of members, the titles, names, occupations, and addresses of the society's officers, fifteen matters concerning the organizational makeup of the society which are to be set forth in its rules or constitution, and a separate notification as to the location and postal address of the society.¹¹ The Registrar has a great deal of leeway in decisions concerning registration. He may refuse to register

⁹ Republic of Kenya, The Constitution of Kenya, Nairobi: The Government Printer, 1969.

¹⁰ The Societies Ordinance, op. cit., p. 5.

¹¹ The Societies Rules, Cap. 108, Subsidiary Legislation, Laws of Kenya, Revised Edition, 1962, pp. 5-7.

a society or cancel an already existing registration for anyone of a number of reasons: If

- (a) it appears to him that such local society has among its objects, or is likely to pursue or to be used for any unlawful purpose or any purpose prejudicial to or incompatible with peace, welfare or good order in Kenya, or that the interests of peace, welfare or good order in Kenya would otherwise be likely to suffer prejudice by reason of the registration of such local society; or
- (b) it appears to him that the terms of the constitution rules, regulations or by-laws of such local society are in any respect repugnant to or inconsistent with the provisions of any law for the time being in force in Kenya; or
- (c) he is satisfied that the application does not comply with this Ordinance or any rules made thereunder; or
- (d) he is satisfied that the society does not exist; or
- (e) the name under which the society is to be registered--
 - (i) is identical to that of any other existing local society; or
 - (ii) so nearly resembles the name of such other local society as in the opinion of the Registrar to be likely to deceive the public or the members of either society; or
 - (iii) is, in the opinion of the Registrar, repugnant to or inconsistent with the provisions of any law for the time being in force in Kenya or otherwise undesirable. 12

Once a society obtains a certificate of registration, it is still continually subject to a number of provisions in the Societies Ordinance. It is illegal for any society to change

The Societies Ordinance, op. cit., p. 6.

its name, rules or objects without the prior written consent of the Registrar.¹³ Furthermore the Registrar may also call on a society to demonstrate proof of its existence or to furnish him at any time with its rules, a true list of its officer bearers, a list of the meetings held by the society in the preceding six months, and "such accounts, returns and other information as may be prescribed." "Duly audited accounts" must also be supplied upon request and all societies are required to submit "an annual return" to the Registrar once a year.¹⁴ A failure to respond to any of the above requests by the Registrar is an offense under the Ordinance and is punishable by a fine or the cancellation of a society's registration.¹⁵

According to the Societies Ordinance every unregistered non-exempted society is "unlawful."¹⁶ Provisions exist in the Ordinance to punish members and office bearers of unlawful societies, people who attend meetings of unlawful societies, and anyone who allows a meeting of such a group to be held in "any house, building or place belonging to or occupied by him or over which he has control."¹⁷ In addition, a judge or

¹³Ibid., p. 8.

¹⁴Ibid., pp. 7-10.

¹⁵Ibid.

¹⁶Ibid., p. 11; as was mentioned earlier, The Penal Code also listed a number of other reasons a society could be called "unlawful." See The Penal Code, op. cit., p. 43.

¹⁷Ibid., p. 22.

magistrate may issue a search warrant authorizing an administrative or police officer to enter (using force if necessary), and search any place where there is "reasonable suspicion" that it "is or is about to be used as a place or meeting of any unlawful society."¹⁸ According to the Ordinance, anyone in possession of "any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to" any society may be presumed to be a member and manager of such a society "until the contrary is proved."¹⁹

Registration of K.P.U. Branches and Sub-Branche

In mid-1966, there was a great deal of speculation as to whether or not the Government would register the K.P.U.²⁰ The initial application for registration was made on March 14th.²¹ The Government kept the opposition waiting, however, and the decision to register the K.P.U. was delayed until May 21st, the day on which all nomination papers for the Little General Election were due. This postponement in registration created a great deal of confusion, since K.P.U. nominees were prohibited from using the opposition party's symbol of the bull ("Dume") while the party was still unregistered. Therefore, when the time came to hand in their nomination papers, a number of K.P.U.

¹⁸Ibid., p. 13.

¹⁹Ibid., p. 12.

²⁰This was discussed in the previous chapter.

²¹EAS, March 16, 1966, p. 5.

candidates were forced initially to declare themselves independents and to take their own symbol. According to Okelo-Odongo, the overall effect of late registration

worked very much against [the K.P.U.]. Although the party had already formed and had applied for registration and M.P.s had resigned to join the K.P.U., the party wasn't registered until the last minute. The nomination of candidates . . . ends at 12 o'clock. Anyone who is late is disqualified. The official announcement that the K.P.U. had been registered came at one. Word had come to K.P.U. by other means at ten to twelve that the party had been registered. The issue until registration was whether or not those K.P.U. people running could use the bull as their symbol or not. Since the party had not been registered the returning officers said that each K.P.U. candidate would have to choose his own symbol. This was quite a farce. At ten to twelve the returning officer said don't worry you can use your dume since you will be registered. In some places people had been nominated with different symbols and later on had to convert back to the dume. 22

A second effect of late registration was to keep the K.P.U. from holding public meetings since it was illegal to license meetings in the name of a group that did not officially exist.

Fairly soon after the K.P.U. was registered, the Government announced that "the country would still be ruled as a one-party state."²³ On several occasions, Kenyatta threatened to "trample . . . [the K.P.U.] like mud,"²⁴ or to "crush them like snakes."²⁵ The Government probably had a number of motives

²²Interview with Thomas Okelo-Odongo, Nairobi, October 23, 1969.

²³EAS, June 24, 1966, p. 3.

²⁴EAS, May 2, 1966, p. 1.

²⁵Kenyatta, Suffering Without . . ., "op. cit.," p. 344.

in registering the K.P.U. It may have believed that it would be easier to control the opposition once it was out in the open, or that it would stigmatize and thereby neutralize its effect by confining it to a one tribe party, or even that it would serve a positive public relations service by conveying an image of democracy to the outside world.²⁶ Whatever its motivations in registering the K.P.U., the Government's decision definitely did not reflect any change in its attitude towards opposition parties.²⁷ Rather, the registration was an invitation of "limited admission" into the political arena in which as LaPalombara and Weiner note, "[g]overnments may permit social groups to organize their own parties but deny them access to national power and restrict their participation in the system."²⁸ "Limited admission" can easily lead to "some form of repression."²⁹ In the case of Kenya it is clear that the "admission" of the K.P.U. into the political arena was to be very limited indeed.

One means used to restrict the K.P.U.'s admission was to hinder it from organizing at the local level by making it difficult for K.P.U. branches and sub-branches to obtain certificates of registration from the Registrar of Societies. From 1966 until 1969, the Government refused to register an

²⁶Interview with Thomas Okelo-Odongo, Nairobi, Oct. 9, 1969.

²⁷This was discussed in Chapters II and III.

²⁸LaPalombara and Weiner, op. cit., p. 404.

²⁹Ibid.

average of 42.7% of the K.P.U.'s applications for branches and sub-branches. During 1969, the refusal rate reached a high of 57.9%. During the same three and one-half year period, the average refusal rate for KANU was only 1.8%.³⁰

Total Number of K.P.U. Branches and Sub-Branches
Registered and Refused Registration: 1966-69

	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>Total</u>
<u>Registered</u>	3	32	50	36	121
<u>Refused Registration</u>	0	8	33	50	91
<u>Total</u>	3	40	83	86	212
<u>% Refused Registration</u>	0%	20%	41.2%	57.9%	42.7%

Total Number of KANU Branches and Sub-Branches
Registered and Refused Registration: 1966-69

	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>Total</u>
<u>Registered</u>	6	34	379	13	432
<u>Refused Registration</u>	1	0	2	5	8
<u>Total</u>	7	34	381	18	440
<u>% Refused Registration</u>	16.6%	0%	.5%	38.4%	1.8%

Source: Ibid.

³⁰This information and that which follows was obtained from The Kenya Gazette, Vol. LXVIII, No. 26, 31 May 1966—Vol. LXXI, No. 48, October 1969. Under the Societies Ordinance all registrations and refusals of registrations are required to be published in the Gazette. Only the name of the particular branch and sub-branch is listed, however. In most cases it was possible to locate the place according to district and province by using maps, gazeteers, or obtaining the help of Kenyan friends. The location of several places is still unknown and they are listed that way when it is pertinent.

There most certainly appears to have been a bias in favor of KANU and against the K.P.U. in the granting of certificates of registration. If anything the figures underrate the magnitude of the bias, since the K.P.U. started with zero branches and sub-branches in 1966, whereas KANU by this time had been in operation for a number of years and at least had a vestige of organizations at the local level throughout the country. It is this kind of a bias emanating from the Government through the Registrar of Societies that gave KANU an advantage over the K.P.U. and demonstrated the regime's marginal strength in comparison with its opposition.

It might be argued that numbers of branches are irrelevant, since as it was demonstrated in Chapter II, party branches are extraordinarily weak. On the other hand, some degree of local organization no matter how flimsy, is important for any political party even if just to establish its presence in the minds of the local inhabitants. Local political organizations in Kenya took on an even greater significance in 1968 following the passage of a law having to do with election procedures. The law required all candidates for local and national elections to be supported by a political party and set down a detailed procedure of nomination for all political parties that made the participation of branches and sub-branches mandatory. Prior to 1968, candidates could run as independents and there were no prescribed rules for nomination.³¹ Following the 1968

³¹ See Republic of Kenya, The Local Government Elections Legislation, Issued by the Director of Local Government Elections,

amendment to the elections' legislation, political parties could no longer run candidates either at the national or the local level, if they did not have registered branches and sub-branches in the area concerned. As Tom Mboya noted in a debate on this point,

. . . it is quite clear that branches and sub-branches must be registered in addition to the registration of the national headquarters and, incidentally, it is clearly stated that the representatives who come to nominate the candidate, to select the candidate in an electoral area, must be bona fide members of the committees established under the registered sub-branches in the area, otherwise there will be no basis for selection. 32

Before 1968, it was important for the K.P.U. to have registered branches and sub-branches to recruit members, to establish a minimal presence in an area, and to begin to organize a country-wide network of supporters. Furthermore, local people could not apply to hold meetings in the name of a party branch or sub-branch unless it was registered. From 1968 onwards, however, it was not only important, but crucial for the K.P.U. to obtain certificates of registration at the local level, since its ability to contest elections depended on it.

From 1966-1969, the K.P.U. was able to obtain certificates of registration for 26 out of a possible total of 42 branches and 95 sub-branches. At the same time, 73 sub-branches

July 1968; C. J. Gertzel, Maure Goldschmidt, and Don Rothchild, eds., Government and Politics in Kenya, Nairobi: East African Publishing House, 1969, pp. 215-217; Gertzel, The Politics of . . . , op. cit., pp. 162-64.

³²Official Report, 18 April 1968, col. 2151-52; also see The Local Government Elections Legislation, op. cit., pp. 3-5.

were refused registration.

Number of Registered K.P.U. Branches and Sub-Branchees: 1966-1969					
	1966	1967	1968	1969	Total
<u>Registered Branches</u>	3	18	5	0	26
<u>Registered Sub-Branchees</u>	0	14	45	36	95
Total	3	32	50	36	121

Source: The Kenya Gazette, May 1966-October 1969

These figures no doubt both exaggerate the opposition's strength during this period and minimize the difficulties of registration. It is doubtful, for instance, that by 1969 the K.P.U. had 121 registered branches and sub-branches. However, it is difficult to know how many of these local groups folded because of intimidation and pressure from the Government, because of inherent organizational weaknesses, or because their members returned to KANU. Furthermore, it is impossible to know how many branches and sub-branches were kept from making a formal application for registration either out of fear or because they felt that the difficulties were too overwhelming and the chances of refusal were too obvious.

The K.P.U. registered branches in all districts of the Nairobi area, Nyanza Province, and Western Province. In Central Province, all districts but Kiambu, Kenyatta's home district and the heartland of the Kikuyu elite received

certificates of registration. Four out of the six districts at the Coast were registered while slightly less than half of the districts in the Rift Valley Province had registered branches. In the Northeast Province, all three districts, Mandera, Wajir, and Garissa were refused registration for branches in 1967 and Mandera was refused again in 1969. In Central Province both Kirinyaga and Kiambu were unable to set up branches after refusals in 1967, although the Kirinyaga district branch was registered later that same year. Applications for a branch in the Eastern Province district of Isiolo were refused both in 1967 and 1969. In the Rift Valley Province efforts to register branches were met with refusals twice in Uasin Gishu district, once in 1967 and again in 1968, three times in Kajiado district, twice in 1968 and once in 1969, in 1968 and in 1969 in Nandi district, and once in Narok district in 1968. At the Coast, the Tana River district's application for registration was refused in 1969. No formal applications for registration of branches were made from four districts in the Rift Valley-Samburu, West Pokot, Elgeyo-Markwet, and Baringo, the home of Kenya's Vice-President, Daniel arap Moi. Such was also the case for the Taita district at the Coast and for Marsabit district in the Eastern Province.

The K.P.U. had a greater difficulty in obtaining certificates of registration for its sub-branches than for its branches. The three provinces in which the refusal rate was low were the Nairobi Area, Nyanza Province and the Eastern

Location of K.P.U. Branches by Districts: 1966-69

<u>Provinces</u>	<u>District Branches</u>	<u>No District Branches</u>
Nyanza	South Nyanza, Central Nyanza, Kisii	_____
Nairobi Area	Nairobi	_____
Central	Nyeri, Murang'a, Thika, Kirinyaga, Nyandarua	Kiambu
Rift	Nakuru, Kericho, Trans Nzoia, Laikipia, Kajiado, Turkana	Uasin Gishu, Nandi, Narok, Samburu, West Pokot, Baringo, Elgeyo-Markwet
Western	Kakamega, Bungoma, Busia	_____
Coast	Mombasa, Malindi/Kilifi, Kwale, Lamu	Tana River, Taita
Eastern	Kitui, Embu, Meru, Machakos	Isiolo, Marsabit
North-East	_____	Mandera, Wajir, Garissa

Source: Ibid.

Province, until 1969. The unusually high rate of registrations in the Nairobi area may have stemmed from a belief on the part of the Government that it was secure or could at least control the opposition in the vicinity of the capital. As for Nyanza Province, the Government had virtually conceded the Central Nyanza District to the opposition. In Eastern Province, the home of two K.P.U. M.P.s, Kioko and Nthula, there were no

formal refusals to register sub-branches until 1969, shortly after Kioko's return to KANU. The Government's highest rate of refusals was in Central Province and the Rift Valley. Although the Government may have felt that the pro-Kikuyu, pro-Kenyatta, pro-KANU sentiment in Central Province was strong enough for it to allow K.P.U. branches certificates of registration, it was obviously not prepared to permit the K.P.U. to establish a network of sub-branches. Parts of the Rift Valley had never been strong supporters of KANU or had been highly factionalized. The latent possibility that such areas might move to support the opposition if the K.P.U. were free to organize could have prompted the Government's large number of refusals.

Grounds for Refusal

K.P.U. branches and sub-branches whose applications for registration were not approved received written notification from the Registrar of Societies, stating the grounds of the refusal. Generally the notifications stated either (a) that "the Registrar [was] satisfied that the application [did] not comply with the Societies Act and the Rules made thereunder," or (b) that "the interests of peace welfare and good order in Kenya would be likely to suffer prejudice by reason of the registration of this society."³³

³³K.P.U. Files, K.P.U./H/68, Refused Registrations. The Societies Act refers to the 1968 amended version of the Societies Ordinance and will be discussed below.

Location of K.P.U. Sub-Branches Registered 1966-69		
Province	Districts	Total
Nyanza	Central--11, South--6, Kisi--4	21
Nairobi		29
Central	Murang'a--4, Nanyuki--1 Nyeri--1, Kirinyaga--1 Unknown--1	8
Rift	Trans Nzoia--2, Nakuru--1 Nandi--1, Kajicho--1	5
Coast	Kwale--4, Taita--2, Malindi--1	7
Eastern	Machakos--6, Kitui--3, Embu--3	12
North- eastern		0
Western	Busia--2, Kakamega--5, Unknown--2	9
Unknown		4
Total		95

Source: Ibid.

Location of K.P.U. Sub-Branches Refused Registration 1966-69		
Province	Districts	Total
Nyanza	Central--11, South--2	3
Nairobi		0
Central	Nyeri--4, Kiambu--6, Murang'a--1, Kirinyaga--6, Unknown--1	18
Rift	Uasin Gishu--2, Laikipia--1 Elgeyo-Marakwet--1, Nakuru--4, Nandi--2, Kajicho--1, Kericho--3, Turkana--2, Trans Nzoia--1	17
Coast	Kilifi--1, Kwale--2, Mombasa--1	4
Eastern	Machakos--2, Kitui--14, Meru--1, Embu--1	18
North- eastern	Mandera--1	1
Western		0
Unknown		12
Total		73

Rejection on the grounds of non-compliance with the rules of the Societies Ordinance was a broadly based catchall which gave the Registrar of Societies an enormous range of reasons to refuse to register a K.P.U. branch or sub-branch.

Since all applications for registration were required to list the society's officers, its address and the location of its office, one of the easiest means of rejecting applications was to claim that the officers listed were not in fact genuine officers of the society in question or that the information concerning its location was false. In a number of cases the Government insisted that the officers of a K.P.U. branch or sub-branch, were fictitious, could not be found, lived outside of the area concerned, or were people who had been nominated without their consent.³⁴ The K.P.U. complained that the Government used various means to intimidate its officers into denying that they were in fact connected with the opposition. The K.P.U. argued that in checking on its officers the Government would often send one of its agents to a purported K.P.U. officer on the street and ask him whether or not he held a post in the branch or sub-branch in question. According to the K.P.U., the Government agent would generally not identify himself or the reasons for his inquiry. Feeling afraid, suspicious, or intimidated, the K.P.U. officer would deny his post with the opposition and the Government agent would in turn report that the officers

³⁴Official Report, 4 April 1967, Col. 1902-04; 9 October 1969, Col. 457-59.

listed on the application were not in fact genuine.³⁵ The K.P.U. furthermore claimed that it had to cope with double dealers who joined the K.P.U., got elected to a post in the party, and then turned out to be KANU supporters in disguise. In the case of the Tana River District Branch, the Attorney General announced in Parliament that upon investigation, "the officials in question turned out to be KANU supporters."³⁶

The Government's intimidation of landlords who rented the K.P.U. office space also made it extraordinarily difficult for the opposition to obtain a location that would satisfy the Registrar of Societies. Landlords who were in a position to rent the K.P.U. offices were generally businessmen who were also dependent on the Government for trade licenses to legitimately operate their businesses. These people obviously felt that their very livelihood would be jeopardized by letting space to the K.P.U., since the Government chose to interpret such an action as consorting with the opposition. When the K.P.U. did succeed in renting a space and listing its location on its application for registration, the landlord was often contacted by the Government and would then deny that he had been approached by the K.P.U. or that he had agreed to let the K.P.U. office space.³⁷ In Parliament the opposition

³⁵ Interview with Thomas Okelo-Odongo and K.P.U.'s Assistant Organizing Secretary, Nandi, October 26, 1969.

³⁶ Ibid., and EAS, October 9, 1969, p. 3.

³⁷ Interview with Thomas Okelo-Odongo, Nandi, October 26, 1969.

complained that

there [was] an organized intimidation of land-owners not to give KPU offices and this [was] why when they [were] approached they [felt] frightened and [denied] that they [had] been approached. 38

In a later debate, the K.P.U. complained again about the intimidation of landlords and furthermore charged the Government that people who had given the party office space had been "victimized in many ways and threatened to the extent that they [had] been asked not to rent offices to KPU."³⁹

The Government also hindered the opposition from registering branches and sub-branches by being very particular about what constituted a proper office. According to the K.P.U.'s National Organizing Secretary, the only real requirement for an office was that it have at least one outside or private entrance.⁴⁰ On at least one occasion, the Attorney General maintained in Parliament that several proposed office sites for K.P.U. branches were in fact schools or bakeries and not proper office premises.⁴¹ From a strictly legalistic and technical standpoint, the Registrar of Societies may have been within his rights in refusing to register a number of K.P.U. branches and sub-branches. On the other hand, given the

³⁸Official Report, 4 April 1967, col. 1903.

³⁹Official Report, 26 October 1967, col. 1257.

⁴⁰Interview with Thomas Okelo-Odongo and Mr. Mukaya, Nandi, October 26, 1969.

⁴¹Official Report, 9 October 1969, col. 458.

comparative figures of registration for KANU and the K.P.U. for the same period, it appears unlikely that the Government used as strict criteria in evaluating KANU's applications as it did the K.P.U.'s.

In addition to refusals for reasons of non-compliance with the Societies Rules, K.P.U. applications for registration were also rejected on the grounds that "the interests of peace, welfare and good order would be likely to suffer prejudice by reason of the registration of "the branch or sub-branch in question. During the colonial days, large parts of the country which were designated backward or politically sensitive were governed by special laws known as the "Outlying Districts Ordinance" and the "Special Districts Ordinance." These ordinances gave the administration a great deal of power to maintain law and order and to prohibit non-residents from entering the districts covered by the ordinances. When the opposition emerged, these laws were still in effect, governing all districts within the North-East Province, large parts of the Eastern and Rift Valley Provinces, and certain areas within Central Province. By law, any non-resident wishing to enter Turkana, Wajir, Mandera, Marsabit, Garissa, Samburu, Isiolo, Meru, Embu, Kiambu, Fort Hall (Murang'a), Nyeri, Narok, Kajiado, Kitui, West Pokot, Elgeyo-Markwet, Baringo, Laikipia, and Tana River was still required to obtain a license or permit from an administrative officer. Although KANU did not meet any difficulties from the Government when it attempted to establish branches and sub-branches

in these areas, the opposition complained bitterly that the Government used these ordinances to keep the K.P.U. from organizing.

The opposition suggested that the Government often rejected its applications for registration in the more backward parts of the country on the grounds that peace and security would be adversely affected, while simultaneously registering KANU. Secondly, the K.P.U. insisted that it was refused permits to enter many of these areas, and was therefore hindered from establishing the party at the local level. Given the obstacles placed in the way of an opposition branch or sub-branch obtaining a certificate of registration from the Government, it was especially crucial for K.P.U.'s national officials to be able to enter the less developed areas of the country covered by these ordinances to help the residents surmount these obstacles.⁴²

In discussing the K.P.U.'s difficulties in obtaining permits to enter "closed districts" Thomas Okelo-Odongo, the party's National Organizing Secretary, said,

The Government's designation of some areas as "closed districts" is used by them to intimidate the opposition. Intimidation is specifically against the K.P.U. [For instance], people can go in and out of Meru freely in spite of the law, however, if a K.P.U. organizer tries to go in, the Government will insist that he doesn't.

Generally if you want to enter a closed district you get permission from the nearest District

⁴²See the Outlying Districts Ordinance, Cap. 104, The Special Districts (Administration) Ordinance, Cap. 105, Laws of Kenya, Revised Edition, 1962, and Rev. 1967, pp. 48-52.

Commissioner. Thus if you live in Nairobi you get a permit from the Nairobi D.C. If, however, a K.P.U. person asks for a permit, the Nairobi D.C. claims that he must telegram the D.C. in the district that the K.P.U. wants to visit. Furthermore, he makes the K.P.U. person give him the money for the telegram to the district and for the reply back. This whole process can take several days and sometimes weeks. Sometimes he gets the permit and sometimes he is refused entry [if the D.C. thinks] that the security is not very good. 43

In June 1969, the opposition introduced a motion in Parliament which asked that the Outlying and Special Districts Ordinances be repealed "in as far as they affect the movement of party officials and agents."⁴⁴ In arguing for the support of the motion, one K.P.U. M.P. told his colleagues,

. . . all we are saying here . . . is that we want freedom of political movement in these areas. Our Constitution clearly says that there will be freedom of movement and there will be freedom of association, and we have accepted in this country a Parliamentary democracy where we have two parties and one would think, logically, that in order for us to be able to organize our political parties there must be freedom of movement throughout the country. 45

In spite of this plea and several others made during the course of the debate, the opposition's motion was defeated. The continued application of the two ordinances inhibited the organization of K.P.U. branches and sub-branches in certain parts of the country and gave the Registrar of Societies an additional

⁴³Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

⁴⁴Official Report, 13 June 1969, col. 1167.

⁴⁵Ibid., col. 1170; also see EAS, July 14, 1969, p. 3; Daily Nation, June 14, 1969, p. 14, June 15, 1969, p. 5.

excuse to refuse applications for registration on the grounds of prejudice to the "peace welfare and good order in Kenya."

In October 1967, the Registrar of Societies further increased its power vis-à-vis the opposition when the Societies Ordinance was repealed and replaced by the Societies Act. The Act substantively increased the penalties for managing, being a member of, holding, or attending a meeting of an "unlawful society."⁴⁶

Maximum Penalties

	<u>Ordinance</u>	<u>Act</u>
Managing unlawful Society	7 years imprisonment Sh 10,000 fine	14 years imprisonment Sh 50,000 fine
Member of unlawful society, attends meeting of unlawful society, allows meeting to be held in house under his control.	3 years imprisonment Sh 5,000 fine	7 years imprisonment Sh 50,000 fine

Source: Ibid.; The Societies Ordinance, op. cit.

Furthermore, several new provisions very much enhanced the authority of the Registrar of Societies. A society could be considered unlawful if "the Registrar . . . notified the society (whether or not before the making of the application) that he

⁴⁶Republic of Kenya, The Societies Act, 1968, No. 4 of 1968, 16 February 1968, p. 5.

intend[ed] to refuse registration or exemption from registration on one of the grounds specified in . . . [the] act."⁴⁷ The Registrar was also empowered to exempt "any specified society" from any or all of the provisions of the Act at any time or for any reason that he might "think fit."⁴⁸ He could in addition refuse to register a society if "any of the proposed officers [had] been at any time an officer of a society which [had] been refused registration or which [had] had its registration cancelled."⁴⁹ When the Societies Act came up for discussion in Parliament, the opposition complained that

powers are given the Registrar which he can use either to refuse registration of a society, or to cancel the registration of a society, or to exempt a society from registration, or not to demand anything from a society. These are sort of double barrel gun actions, where a man has the power to help his friends and also has the power to punish his enemies or the people he is against. This is a very dangerous thing to have in our bill. 50

Most assuredly, the way in which the Government chose to use or ignore various provisions under the Societies Ordinance and the Societies Act enhanced its strength and that of KANU at the expense of the opposition. Furthermore, many of K.P.U.'s complaints against the regime concerning refusals to register branches and sub-branches were similar to those voiced by KANU

⁴⁷ Ibid.

⁴⁸ Ibid., p. 25.

⁴⁹ Ibid., p. 4. For the debate on the Societies Act see, Official Report, 26 October 1967, cols. 1256-1288.

⁵⁰ Official Report, 26 October 1967, col. 1261.

against the colonial government following the lifting of the Emergency and the emergence of nation-wide political parties in 1960.⁵¹

Public Meetings

History

During the three and one-half years of its existence, the K.P.U. also complained bitterly of its inability to hold public meetings.

Since the earliest colonial days restrictions on the holding of public meetings had been used by successive governments to both contain and control the ability of certain groups to participate in the political arena. From 1922 until 1948, the Native Authority Ordinance empowered every chief to "prohibit . . . natives subject to his jurisdiction from holding or attending any meeting or assembly within the local limits of his jurisdiction which in his opinion might be subversive of peace and good order."⁵² In 1948, all responsibilities for the holding of public meetings were removed from chiefs and handed over to police and administrative officers within a district.⁵³ From 1948 onwards any person wishing to

⁵¹ See Chapter I.

⁵² Colony and Protectorate of Kenya, Native Authority (Amendment) Ordinance, No. 26 of 1922, Ordinances for the Year Ended 31 December 1922, Vol. I (New Series), Nairobi: Government Printer, 1923, p. 45.

⁵³ Colony and Protectorate of Kenya, Native Authority (Amendment) Ordinance, No. 11 of 1948, Ordinances Enacted During the Year 1948, Vol. XXVII (New Series), Nairobi: Government

hold an assembly, meeting, or procession in a public place was required to obtain a licence from the nearest superior administrative or police officer. The officer in question could issue a licence if he was satisfied that the meeting would not be likely to cause a "breach of peace" and could also specify the conditions under which the meeting would be permitted if he decided to issue a licence. In 1960, the colonial government issued a circular stating that within the "limits of his district" the district commissioner was the "principal local executive officer of the Government" and that in the instance of a dispute between the local administrative officer and the local police officer concerning the maintenance of law and order, the ruling of the former would prevail.⁵⁴ As Cherry Gertzel has noted, the administrative officers "occupied a crucial position as the agents of control for the Governor, which made them in effect, political agents for the Executive."⁵⁵

In December 1963, with the adoption of the regional constitution, each Regional Commissioner of Police assumed

Printer, 1949?, p. 40; Colony and Protectorate of Kenya, Police Ordinance, No. 79 of 1948, Ordinances Enacted During the Year 1948, Vol. XXVII (New Series). Nairobi: Government Printer, 1949?, pp. 406-7.

⁵⁴"Relationships in Districts between Administrative and Departmental Officers," in Cherry Gertzel, Maure Goldschmidt and Don Rothchild, eds., Government and Politics in Kenya, Nairobi: East African Publishing House, 1969, p. 399.

⁵⁵Gertzel, The Politics of . . ., op. cit., p. 24.

the responsibility for the maintenance of law and order within his region. For a time being then regional police officers and their subordinates, rather than administrative officers were responsible for the licencing of public meetings, and the maintenance of law and order within a particular area. How in fact this worked is difficult to say, however. According to Oginga Odinga and a number of others, the KANU government kept "as much centralized control as possible, ready for the day when strong central administration would be reinstated."⁵⁶ That day came quickly and in late 1964, the pretense of decentralization and regionalism was dropped when Kenya became a Republic and "abandoned the regional devolution of control" in its amended constitution.⁵⁷ Since 1960, all matters concerning the licencing and control of public meetings had been contained in The Public Order Ordinance. In early 1965, the position of the administrative officers reverted to that of 1960, as they once again assumed the responsibility for the licencing of public meetings and the maintenance of law and order with the amendment of The Public Order Ordinance.⁵⁸

⁵⁶Odinga, op. cit., p. 243.

⁵⁷Gertzel, The Politics . . ., op. cit., p. 24.

⁵⁸See The Public Order Ordinance, Chapter 56, Laws of Kenya, Revised Edition, 1962; The Public Order Act, Amendments Cap. 56, Laws of Kenya, Rev. 1964; The Constitution (Amendment of Laws) (Public Order), 1965, Legal Notice No. 153, Kenya Gazette Supplement No. 45 (Legislative Supplement No. 27), 8 June 1965, pp. 259-60.

Furthermore,

[w]hen in December 1964 the former unitary state was restored, the Administration was also restored to its former position as the Agent of the Executive now responsible directly to the President. 59

Like a number of the early Kenyan political associations which had opposed the colonial government, KANU "questioned the dominant authority of the civil service" during its formative years.⁶⁰ Following independence, however, according to Cherry Gertzel and a number of others, the Kenya Government found it essential "to forge an institutional base able to contain and control those centrifugal forces within the country that were a part of the colonial inheritance."⁶¹

Although the party machine could not be used to enhance governmental control and ensure acquiescence in the Government's decisions, the existing civil service machinery could. The bureaucracy was well-established and it was responsible to the Executive [I]t offered the Government a superb machine that provided a direct chain of command and control down to the sub-location: it was the centralizing agency that the new Executive needed. Not surprisingly they used it. 62

The Public Order Ordinance

The whole idea that public meetings and in particular political meetings should be controlled by the Government was

⁵⁹Gertzel, The Politics of . . ., op. cit., p. 30.

⁶⁰Ibid., p. 29. Also see Chapter I of this manuscript.

⁶¹Ibid.

⁶²Ibid. Also see Gertzel, "The Provincial Administration . . .," op. cit., pp. 201-15.

part of the inherited colonial legacy as was the Public Order Ordinance. Prior to independence, some M.P.s apparently felt quite strongly that the provisions of the Ordinance requiring the licencing of public meetings should be repealed and on July 18th a motion to this effect was made in the House of Representatives.⁶³ In the debate which followed, M.P.s argued that the Government's control over licencing public gatherings or meetings contravened the constitutional guarantees of "freedom of assembly," and furthermore maintained that the continuation of such provisions was "a confirmation of imperialists techniques by the Government."⁶⁴

This parliamentary motion apparently generated a great deal of concern within the colonial government. Both R. C. Catling, the Inspector General of the Police, and R. E. Wainwright, the Chief Commissioner, wrote to the permanent secretaries in Kenyatta's Prime Minister's office on the subject. Catling said,

[m]y view is that for reasons of public safety, traffic control and the general convenience of the public it is necessary for public meetings and processions to continue to be permitted only under licence. I believe, too, that the need for this will exist after Kenya reaches full independence
. . . . 65

⁶³Official Report, 18 July 1963, cols. 1085-90.

⁶⁴Ibid., col. 1086.

⁶⁵KNA, OOP, Dep.3/362, Letter from R. C. Catling to The Permanent Secretary, Ministry of Internal Security and Defence, 6 July 1963.

Wainwright was even more specific as to what he thought the intentions and the purposes of the licencing provisions were and in a memorandum that went to the Ministry of Internal Security and Defense and to the Inspector General of Police as well as to Kenyatta's office, he stated quite bluntly,

I fully support the Inspector General's view that this law will be required in the future.

2. Not all public meetings will be called by political parties supporting the government; and the government of the day must continue to have powers to prevent meetings if they are likely to cause breaches of the peace or physical opposition to the government's policies 66

On July 10, 1963, the day after Catling wrote his letter, the Cabinet met and agreed that the licencing of public meetings should continue.⁶⁷ From 1963 until 1969, governmental control over the licencing of public meetings continued to be used as a political tool to control opposition, much in the manner suggested by Wainwright. Except for a brief

⁶⁶KNA, OOP, Dep.3/362, Letter from R. E. Wainwright to The Permanent Secretary, Ministry of Internal Security and Defence, Prime Minister's Office, Police Headquarters, 9 July 1963.

⁶⁷KNA, OOP, Dep.3/362, Letter from H. D. Dent for the Permanent Secretary, Ministry of Internal Security and Defence to Inspector General, Police Headquarters, 17 July 1963. At that time the Cabinet consisted of the following Ministers: Kenyatta, Odinga, Mboya, Gichuru, Murumbi, Otiende, Ayodo, Kiano, Mwanyumba, Mwendwa, Sagini, Mungai, Oneko, Koinange, McKenzie, Angaine and the following Parliamentary Secretaries, as the Assistant Ministers were then called: Singh, Waiyaki, Moss, Nyamweya, Okelo-Odongo, Kibaki, Kaggia, ole Konchellah, Nyagah, Odero-Jowi, Kubai, Njiri, Arwings-Kodhek, Onamu, Machio, Osogo, Marian, and Mohammed. Official Report, 1st Session, Part I, 7 June-19 July 1963, "List of Members."

flirtation with regionalism, from December 1963 until December 1964, when the power of licencing public meetings fell to the police, the provisions of the Public Order Ordinance pertaining to licencing remained substantially the same from 1963 until 1969.

Under the Public Order Ordinance, all "public meetings" which were not held "exclusively for social, cultural, charitable, recreational, religious, professional, commercial, or industrial purposes," were required to be licenced.⁶⁸ According to the law, a "public meeting" was defined as "any meeting held or to be held in a public place and any meeting which the public or any sections of the public or more than fifty persons are or are to be permitted to attend whether on payment or otherwise."⁶⁹ All applications for public meetings were to be made to the District Commissioner who was empowered to issue a licence "specifying the name of the licensee and defining the conditions on which the meeting or procession may take place" if he was satisfied that the meeting in question was not likely to "prejudice the maintenance of public order or to be used for any unlawful or immoral purpose."⁷⁰ The District Commissioner could refuse to issue a licence on a number of grounds and could also cancel or amend

⁶⁸ The Public Order Ordinance, op. cit., p. 3.

⁶⁹ Ibid., p. 4.

⁷⁰ Ibid., p. 7.

any licence he had issued if he decided that it was "expedient in the interests of public order to do so."⁷¹ Administrative and police officers were empowered to maintain order during a public meeting or procession and to ensure that the conditions of the licence were met. Under the Ordinance "public gatherings," which were defined as public meetings or concourses of more than 10 but less than 50 persons were not required to be licenced. Nevertheless, the Ordinance gave any police or administrative officer the authority to direct the conduct of public gatherings as well as meetings and to "stop or prevent the holding" of any public gathering, by force if necessary, if it was in the opinion of the officer concerned "likely to cause a breach of the peace."⁷² Furthermore, if in any public meeting or gathering three or more persons taking part in the meeting either refused to obey an order given by an administrative or police officer or contravened any section of the Ordinance having to do with public meetings and gatherings, such a gathering or meeting could be deemed an "unlawful assembly." Any person taking part in an "unlawful assembly" was guilty of an offense under the Ordinance and "liable to imprisonment for a term not exceeding three years."⁷³

⁷¹Ibid., p. 8.

⁷²Ibid., pp. 8-9.

⁷³Ibid., p. 10.

In addition to the Public Order Ordinance, several other laws inherited from the colonial days contained provisions which could be used by the Government to curtail an individual's freedom to assemble. Section 78 of the Penal Code stated that

- (1) When three or more persons assemble with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighborhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.
- (2) It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid. 74

Persons contravening this section of the Penal Code were subject to imprisonment up to a year. Certain parts of the Societies Act which were discussed previously also contained provisions which made it a crime for an individual to convene or attend a meeting of an "unlawful society" without specifically defining what constituted a "meeting."⁷⁵

In summary then, the administration could control the holding or conduct of political meetings of almost any conceivable size. Meetings of fifty or more persons required licences which could be withheld, cancelled after they were issued, or

⁷⁴The Penal Code, Chapter 63, Laws of Kenya, Revised Edition, 1962, p. 47.

⁷⁵The Societies Act, op. cit., p. 11.

be revoked if the meeting in question contradicted the terms of the licence. Meetings between ten and fifty persons were governed by certain provisions of the Public Order Ordinance which gave the administration power to control the conduct of such gatherings and even to call for the prevention or cessation of public gatherings if they were likely to cause a "breach of the peace," a term that was never defined in the Ordinance. The Penal Code specified a series of vaguely defined circumstances under which an assemblage of three or more persons could be considered an "unlawful assembly." Finally, the parts of the Societies Ordinance dealing with meetings of unlawful societies were so vague as to make it possible to define a meeting as any gathering of two or more people. The Public Order Ordinance was specifically concerned with regulating public meetings and public gatherings whereas the parts of the Penal Code and the Societies Act that dealt with unlawful assemblies and meetings of unlawful societies did not state that they were concerned simply with public assemblies or meetings.

Restrictions on the Holding of Public Meetings

Restrictions: 1963-1966

Restrictions on the holding of public meetings began almost immediately after independence. In January 1964, following the abortive army mutiny and talk of a resurgence of Mau Mau, all public meetings were banned in Nairobi,

Ukambani, and Kiambu. In April, the ban was extended to cover all districts in Kenya and it was stated that no public meetings were to be authorized by the police in any part of Kenya. In spite of the ban, licences for public meetings could still be obtained if the licensee received a personal authorization from Kenyatta. With the prospect of local government elections near at hand in June of 1964, there was a great deal of criticism of the ban which many M.P.s felt would deny candidates the democratic right of explaining their proposals to the people. The ban was finally lifted just prior to the elections, on June 17, 1964, when Mboya made an announcement to this effect in the House.⁷⁶

Both before the lifting of the ban and afterwards until it folded, KADU, the opposition party at that time, complained that the restrictions on the holding of public meetings were used as a means of stifling political opposition. KADU asserted that the Government had not given adequate reasons for the ban and was not satisfied with Mboya's explanation that it was necessary

in the period immediately following independence to ensure respect for law and order, to ensure general security in the country . . . and to ensure that the excitement following independence was not used as the occasion to undermine established authority.⁷⁷

Secondly, KADU argued that the provisions during the ban which allowed public meetings subject to the direct approval of

⁷⁶Official Report, 17 June 1964, cols. 297-304.

⁷⁷Ibid., col. 300.

Kenyatta worked in KANU's favor.⁷⁸ Furthermore, KADU insisted that during the period of the ban, "Cabinet Ministers [had] been going around . . . under the guise of Ministerial tours holding public meetings" and suggested that "this [was] the way in which the Government wanted to have a free go at various areas when hon. Members of those constituencies were debarred from addressing their own constituencies."⁷⁹ Since colonial times, the law had authorized Cabinet Ministers as well as all civil servants including chiefs to hold "barazas" (Swahili: meetings) without obtaining licences. Barazas were meetings which were called by government officials to explain a particular governmental policy and at which politics could not be discussed. Since the Cabinet Ministers were KANU Ministers, KADU argued that this policy was discriminatory and worked to the detriment of the opposition. KADU maintained that "the Ministerial tours had been nothing more than a series of KANU meetings"⁸⁰ During the ban, the leader of the opposition, Mr. Ngala, said "that the Government was afraid of its weakness and failure, being pointed out to the country, so it had chosen to ban public meetings as an easy short cut to muzzling the voice of the

⁷⁸This centralization of authority concerning the licencing of public meetings during the ban, was another example of how little regionalism had taken hold in matters concerning the maintenance of public order, in spite of the supposed authority of the regional police in this matter.

⁷⁹Official Report, 17 June 1964, col. 298.

⁸⁰EAS, June 18, 1964, p. 5.

elected representatives."⁸¹ Following the lifting of the ban on public meetings KADU continued to complain from time to time about difficulties it was experiencing in the holding of public meetings or the cancellation of licences.⁸²

Restrictions on the holding of public meetings continued to be used as a means of controlling political dissent by factions out of favor with the Government in the period between the demise of KADU and the formation of the K.P.U.⁸³ From January until March 1965, public meetings were banned throughout Murang'a District, however, Bildad Kaggia's opponent in the District, J. C. Kiano, was able to conduct at least one non-political "baraza" during this period because of his position as Minister for Commerce and Industry. In June 1965, in South Nyanza, where there "had been a bitter rift between various leaders in the district's KANU branch," meetings were banned because of "threats of tribal clashes."⁸⁴ In the same month a candidate for the municipal elections in Mombasa wrote to the Minister for Internal Security and Defense challenging the local D.C.s refusal to allow him to hold an

⁸¹ EAS, May 28, 1964, p. 5. For other discussions of the complaints by KADU concerning the banning of public meetings see EAS, April 14, 1964, p. 5; April 20, p. 5; April 24, p. 8; May 28, p. 5; June 18, p. 5; June 25, p. 4.

⁸² See EAS, July 1, 1964, p. 1; September 28, p. 5; October 15, p. 3.

⁸³ See Chapter II.

⁸⁴ Reporter, June 18, 1965, p. 15.

election meeting the following Sunday and stating that he "thought the attitude was more than colonial."

Restrictions Against the K.P.U.: 1966-1969

Public Meetings

In March 1966, following the Limuru Conference, the Government began to make it difficult for K.P.U. members to hold public meetings. On March 21st, the East African Standard announced "that a series of meetings due to have been addressed by the Vice-President, Mr. Odinga, over the weekend had been cancelled on instructions from the President's office" because "those responsible for obtaining licences had not made the proper arrangements."⁸⁵ The President's Office also "pointed out that the ban applied only to those particular meetings and was not general."⁸⁶ Nevertheless, on March 25, 1966, it was announced that a public rally to have been addressed by Odinga at Kismu was banned because of an outbreak of smallpox.⁸⁷ Almost a month later the ban was still in effect and the Government was criticized for "hiding under the cover of an outbreak of smallpox."⁸⁸

Prior to the registration of the K.P.U. in the third week in May, the opposition could not hold public meetings or

⁸⁵EAS, March 21, 1966, p. 1.

⁸⁶Ibid.

⁸⁷EAS, March 25, 1966, p. 17.

⁸⁸EAS, April 22, 1966, p. 3.

gatherings, since it did not yet exist officially. This delay in registration hampered K.P.U. M.P.s forced to run in the Little General Election from campaigning or even addressing their constituents. The following letter written by the D.C. of Machakos to Senator J. M. Nthula, a K.P.U. incumbent in the district, was probably not atypical of what was happening to other members of the opposition during this period:

21 April 1966

Dear Sir:

Re: Licence to hold public meetings
Machakos District

I am direct to draw your attention to the licence issued to you to hold a series of public meetings throughout Machakos District w.e.f. 23.4.66 and to inform as follows: 1. the following meetings in the Central and Western Divisions have been cancelled forthwith on security grounds.

23. 4. 66 Athi River Township
24. 4. 66 Kithayoni Iveti Location
22. 5. 66 Mitaboni Market Mitaboni Location
29. 5. 66 Mukuyuni Market
25. 6. 66 Kola Market

. . . You are therefore requested to comply with this order. But should you be in any doubt, please come and see me in my office

Yours faithfully,

D. C. Machakos ⁸⁹

On April 26th, 1966, a meeting of the KANU Parliamentary Group was held at Harambee House at which the President

⁸⁹Letter to Senator J. M. Nthula, from D. C. Machakos, 21 April 1966.

announced that only KANU members of the National Assembly would be allowed to hold public meetings subject to the following conditions: (a) that they obtain permits from their D.C.s, and (b) that they give one week's notice for such public meetings. Soon after this meeting, but prior to the registration of the opposition, the President sent telegrams to all Provincial Commissioners stating the following:

Licences to hold public meetings to be issued to KANU members only stop. Seven days notice required stop All other applications to be referred to President's office stop. Permits issued to non KANU members to be cancelled with immediate effect stop

The Provincial Commissioners then relayed this message to the District Commissioners within their Provinces. As the administrative agents of the Executive in charge of the licencing of public meetings, the District Commissioners were required to comply with the Executive's directive. In spite of this directive from the President and the opposition's numerous accusations concerning the impossibility of holding public meetings, the Government refused to admit publicly that different criteria were being applied to KANU's and the K.P.U.'s applications for public meetings.

On the basis of the K.P.U.'s complaints, it appears that the Government's centralization of control over public meetings was quite effective. Although certain factions that were out of favor with the Government in some of KANU's branches also had difficulties holding public meetings from time to time, the Government's policy was clearly directed against

the entire K.P.U. This policy kept the K.P.U. from holding public meetings, diminished the opposition's visibility, and made it extraordinarily difficult for the K.P.U. to recruit members, advertise its program, criticize the Government, or actively participate in the Little General Election and the other local and by-elections held between 1966-1969. The government's control over public meetings during this period demonstrated its ability to inhibit political participation by the opposition and thereby enhanced the strength of KANU relative to that of the K.P.U.

There is not much strong evidence comparing the number of licences to hold public meetings that were issued to KANU and to the K.P.U. during the three and one-half years of the latter's existence or the number of cancellations of the licences that were issued. Cherry Gertzel has said that the K.P.U. held only one meeting in the period following the 1966 by-election,⁹⁰ while Kaggia has maintained that none at all were ever convened.⁹¹

In spite of the Parliamentary Group's April 26th directive, in a little over one year, from February 1966 until June 1967, 120 licences were issued to the K.P.U. to hold public meetings.⁹² Almost all of the "party meetings" licenced were

⁹⁰ Gertzel, The Politics . . ., op. cit., p. 147.

⁹¹ Statement by B. M. Kaggia following his release from prison in 1968. Mimeo.

⁹² See chart below. In the agenda submitted to obtain the licences, these meetings were either specifically designated as K.P.U. party meetings (K.P.U.) or were meetings

for meetings to be held during the period of the Little General Election. How many of those licenced were in fact cancelled is difficult to say, although the evidence that exists suggests that this happened frequently. Sometimes K.P.U.'s national officials would arrive in a place prepared to hold a meeting only to find that their licence had been revoked by the district's D.C.⁹³ In other cases, the licencees would receive a letter from the D.C. of the area concerned stating, "I am by this letter suspending the license and asking you not to hold any more meetings until further notice."⁹⁴ It is possible that some of the K.P.U. licences issued, were issued before the President's decision on meetings by non-KANU members reached the D.C.s in their Districts and that a number of them were later cancelled, or that the President relaxed his decision of April 26th during the Little General Election. Since some K.P.U. meetings were held during the Little General Election, both explanations appear plausible.⁹⁵

at which K.P.U. members spoke (K.P.U. other). These files contained copies of licences that were issued to KANU and to the K.P.U. as well as to a number of other organizations. The files did not contain a list of refusals to hold public meetings and there is furthermore no way of knowing how complete the files on the licences issued were. Therefore the data which follows should be viewed with some skepticism.

⁹³ See EAS, June 25, 1966, p. 5.

⁹⁴ Letter from D. C. Busia, 14 July 1966.

⁹⁵ Gertzel, The Politics of . . ., op. cit., pp. 79-82. Some K.P.U. members complained about their inability to hold public meetings during the LGE, however, it is also true that on May 6, 1966 a memorandum went out from the Attorney General's

Number of Licences for Public Meetings Issued to
KANU and the K.P.U.: February 1966-June 1967*

<u>Date</u>	<u>K.P.U.</u>	<u>K.P.U. Other</u>	<u>Total</u>	<u>KANU</u>	<u>KANU Other</u>	<u>Total</u>
Feb. 2-Apr. 30, '66	0	0	0	31	108	139
Apr. 3-May 22, '66	0	0	0	67	4	71
May 29-June 15, '66	67	0	67	110	89	199
July 10-July 31, '66	26	0	26	53	0	53
July 19-Sept. 3, '66	9	0	9	34	20	54
July 16-Sept. 17, '66	0	10	10	124	3	127
Sept. 18-Oct. 29, '66	0	0	0	43	5	48
Oct. 22, '66- Jan. 28, '67	0	0	0	55	41	96
Jan. 29-Mar. 20, '67	0	4	4	63	20	83
Mar. 19-May 7, '67	0	0	0	94	3	97
May 1-June 11, '67	0	4	4	53	13	66
June 11-June 25, '67	0	0	0	73	12	85
	102	18	120	800	208	1008

*KANU or K.P.U. = meetings which were designated as party meetings in the agenda. KANU or K.P.U. other = meetings at which party members spoke, but were not party meetings as such according to the agenda given. The numbers here most likely underestimate the total number of meetings held during this period, since licences were often issued which said "local government elections" or "organization of party meeting" without specifying under which party's auspices the meeting was being held. Therefore these meetings could not be counted.

However little data there is on the exact number of K.P.U. meetings that were held, it is clear that following the Little General Election it was extraordinarily difficult for K.P.U. members to even obtain licences for public meetings much less hold them. Aside from three public rallies held during the Gem bye-election in 1968, the only public meeting that appears to have been held after the LGE in 1966 was convened in Mombasa on July 24, 1966. Although it was reported to be "the largest political meeting on the Coast for at least 6 months," the "people who attended were dismissed by the Speaker of the Senate as 'funseekers.'"⁹⁶ Several months after the meeting in Mombasa, one K.P.U. M.P. brought up the issue of the party's inability to hold any public meetings in Parliament and said:

It appears that from the meeting our party had in Mombasa which was well attended by so many people in Mombasa, and very enthusiastically attended too, it appears that the Government became alarmed and saw fit that other meetings should not be allowed. At that time the K.P.U. had applied to hold meetings in Mombasa, Kisumu, Nakuru, Kakamega and Homa Bay

Office in which the superintendent of elections said, "I do not wish to interfere with your arrangements for the licencing of public meetings for candidates but I would like the policy of these to be drawn up by your Security Committee. It is absolutely important that all candidates be given the same opportunities and facilities to address the voters in public The election should not only be honestly arrived at but should also be convincing to the voters." Letter to the D.C.s from Mbela, Superintendent of Elections, The Attorney General's Office, 6 May 1966.

⁹⁶EAS, July 26, 1966, p. 5; also see July 25, p. 5.

and all of a sudden we received a letter from the Government telling us that all these meetings had to be cancelled and could not take place. So . . . we have no other course to take but to believe that this ban was actually intended to prevent the KPU from letting the people know its policy and to give the Government and KANU a chance to continue their propoganda that the KPU is a party which has no policy and wants things for nothing. 97

Previous to this debate, in August, five opposition M.P.s complained that "they were being denied the opportunity to address public meetings in their constituencies."⁹⁸ The Government maintained that there was in fact no ban on public meetings, but that the country had been given a "political recess" for a couple of months following the election that applied equally to the members of both parties.⁹⁹

During this "recess," however, the opposition complained that KANU M.P.s were able to hold meetings under "all kinds of pretexts" and that KANU Ministers were using Government "barazas" to discuss politics and to denounce the K.P.U., "while at the same time the Government refuse[d] to allow the K.P.U. Party to hold any public meetings."¹⁰⁰ From late 1966 onwards, the K.P.U. continually referred to the "ban" on public meetings, although the Government denied that one existed or that KANU and the K.P.U. were treated differently.¹⁰¹ As the

⁹⁷ Official Report, 7 October 1966, col. 581.

⁹⁸ EAS, August 17, 1966, p. 9.

⁹⁹ Official Report, 7 October 1966, col. 595.

¹⁰⁰ Ibid., col. 583.

¹⁰¹ In a letter from the Minister of State to K. N. Gichoya the Deputy Secretary General of the K.P.U., the

K.P.U.'s frustration over its inability to hold public meetings grew, the opposition's complaints became more numerous. K. N. Gichoya, the Deputy Secretary General of the K.P.U., wrote a letter to the Minister of State in the Office of the President, stating that "as a matter of principle, the Government should not have allowed the registration of the party and at the same time curb its operation by refusal to grant licenses for recruiting membership and explaining its policy to the country."¹⁰² Thomas Okelo-Odongo forthrightly maintained that "the registration of the Kenya People's Union by the Government [was] the greatest hypocrisy of the century" for "it [was] becoming clear to the ordinary man and everybody day by day, that, in fact, the Government [did] not want an opposition."¹⁰³

Although civil servants were not allowed to be members of political associations,¹⁰⁴ and were governed by rules which required them to be politically neutral in public, they appear in fact to have been used as political agents of the executive much as they had been during the colonial days. The bias of the administrative network worked to KANU's advantage

former said "The Government denies your charges of unfair treatment in licensing public meetings applied by K.P.U. or any other persons or groups of persons," Letter from Minister of State to Gichoya, 28 September 1966. Also see EAS, July 1, 1967, p. 3.

¹⁰²Ibid.

¹⁰³Official Report, 13 December 1966, col. 2726.

¹⁰⁴Gertzel et al, Government and Politics in Kenya, op. cit., pp. 355-57.

when it came to obtaining licences from D.C.s for public meetings. Secondly, all members of the civil service from KANU Government Ministers down to local chiefs were allowed to hold Government "barazas" without obtaining licences. Although "barazas" were supposedly used to "inform people of Government policies and programmes" and were meetings at which no politician was allowed "to make a political speech,"¹⁰⁵ the K.P.U. insisted on a number of occasions that civil servants, especially chiefs, were using "barazas" to discuss party politics.¹⁰⁶ According to the law a Minister holding a Government meeting and speaking in his capacity as a Minister did not need a licence, however, if he spoke at a political meeting he was required to get a licence.¹⁰⁷

The K.P.U. complained through letters and in Parliament about the bias of the administration in the granting of licences for public meetings and attempted to remind the D.C.s of their responsibility to remain politically neutral. The K.P.U. Central Nyanza Branch wrote the following note to the D.C. of the district on the subject of the latter's refusals:

¹⁰⁵EAS, July 12, 1968, p. 3.

¹⁰⁶See Ibid.; Official Report, 6 November 1968, cols. 2899-2908; 24 September 1968, cols. 1133-37; 31 May 1968, col. 305.

¹⁰⁷Official Report, 30 September 1968, col. 1419.

22 April 1967

Dear Sir:

Re: Public Rally

We have written to you numerous letters accompanied by the necessary applications for public rally.

It is absurd you have turned deaf ears to these requests. You have even ignored the rudimentary office routine of replying letters in time. You will recall that the few letters you have replied you did when the dates for intended meetings had expired.

Once again we wish to draw your attention to the fact that KANU is holding rallies after rallies all over the country including the one which was held at the Kenyatta Sports Ground on the 5th Feb. 1967 under the licence issued by you.

We would like to know if it is your deliberate intention Mr. Bonyo to refuse only K.P.U. permission to hold public meetings without any specific reason.

The P. C. Nyanza in his letter . . . stated unequivocally "that it is the D.C. who is responsible for issuing licence for public meetings."

Now this statement clarifies the P.C.'s position. Similarly the Minister of Home Affairs had in previous occasions made similar clarifications which removed any possible doubt in regard to its role in this particular aspect.

We earnestly hope that you will no longer avoid your sole responsibility of granting the licence as per enclosed application.

Yours faithfully,

Secretary K.P.U. 107

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Letter from Secretary K.P.U. Central Nyanza
Branch to D. C. Central Nyanza, 22 April 1967.

The numerous complaints voiced by K.P.U. members at all levels of the party appear to have brought no change in the Government's policy. Over a year after the above letter was written, the opposition continued to challenge the ruling party's policy on public meetings. Luke Obok summed up the futility the opposition was experiencing when in June 1968, he said

Each time I make an attempt to apply for a public meeting licence in my constituency, I am told the district commissioner issues the licence, but when I see the district commissioner, the district commissioner does not issue me with a licence. 109

Public Gatherings, Branch Meetings, and Council Meetings

Unable to hold public meetings, "opposition leaders resorted to alternative tactics to obtain a public hearing.¹¹⁰ Odinga and a number of other K.P.U. M.P.s held press conferences to publicize their views and to collect money, attended traditional funeral ceremonies in Nyanza Province, which they used as occasions for political propogandizing and spoke on a limited number of occasions to university students.¹¹¹ Furthermore, K.P.U. M.P.s could also speak to their constituents or to local branches in districts in which there were no K.P.U. M.P.s so long as there were less than fifty people present at these

¹⁰⁹ Official Report, 14 June 1968, col. 1005; 28 February 1968, col. 162.

¹¹⁰ Gertzel, The Politics . . ., op. cit., p. 147.

¹¹¹ Ibid.; also see EAS, October 27, 1966, p. 1.

gatherings.¹¹²

These informal gatherings proved to be unsatisfactory, however. First, although informal gatherings were not subject to formal licencing procedures, they were nevertheless dependent on the whim of the Government. The Government's whims, for instance, kept Odinga from speaking to students at the University College on one occasion in January 1969, and also prohibited the leader of the opposition from leaving the country to speak to a student audience in the United States. The University College incident led to widespread protest by the students, a brief shutdown of the University, and the triumph of the Government to the detriment of the opposition.¹¹³

Second, the vagueness of the law when it came to defining exactly what constituted a public meeting, a public gathering, or an unlawful assembly, meant that almost any group of K.P.U. members could be dispersed by a Government civil servant or police officer at any time. In March 1968, Bildad Kaggia was arrested and charged with unlawfully holding a public meeting without a licence at Murui Market in South Nyanza on February 17th when he went to officiate at the opening of a sub-branch there, and with taking part in an

¹¹²Interview with Thomas Okelo-Odongo, Nairobi, October 3, 1969.

¹¹³See Henry Bienen, "Kenya and Uganda: When Does Dissent Become Sedition?" Africa Report, Vol. 14, Numbers 3 and 4, March-April 1969, pp. 10-14.

unlawful assembly at the Market. At his trial in April, Kaggia "claimed that the alleged unlawful meeting . . . was merely a ceremony by four branch officials and eight committee members to open the K.P.U. sub-branch at the market."¹¹⁴ Furthermore, he added that he had opened many other branches and sub-branches before, had never applied for a licence to open them, and did not think that he was required to do so.¹¹⁵ Kaggia's Defense Counsel maintained that the Public Order Act was "complicated in parts and incomprehensible," that it was contrary to the "spirit of the Act" to be used against Kaggia as it was being used, "that it was difficult to get the correct definition of a meeting," under the Act, and that finally "he wondered whether the Act in its present form meant that an "official opening of a sub-branch office attended by members of a party as a social gathering though actually with quasi-political undertones fell within the definition of a public meeting."¹¹⁶ In spite of a lengthy defense, Kaggia was pronounced guilty and sentenced to a year's imprisonment for holding an unlicensed public, political meeting.¹¹⁷

¹¹⁴EAS, April 10, 1968, p. 1.

¹¹⁵Ibid.

¹¹⁶EAS, April 11, 1968, p. 1.

¹¹⁷EAS, April 20, 1968, p. 1.

Kaggia's case was unusual only because it reached the courts. In a number of other instances K.P.U. officials would go to open a branch or sub-branch or to convene with local officials and find that they were prohibited from doing so by the local administration, police or special branch. In one case in which the registration of a K.P.U. branch in Nandi Hills was pending, but had been verbally assured by the Office of the Registrar General, two of K.P.U.'s national officials went to visit the branch and officiate in its opening. The crowd which had convened prior to the officials' arrival was dispersed. Upon arriving Okelo-Odongo and K.P.U.'s Assistant Organizing Secretary were greeted by the Assistant District Commissioner, the District Officer, a police officer and an agent from the Special Branch. The two men were told that it would be illegal for them to open an office which had not yet been registered. A rather confused discussion ensued over what constituted a public gathering or an unlawful assembly. What became clear, however, was that the administration would not allow the K.P.U. to hold any sort of meeting, gathering, or assembly either inside or outside the office, even after the issue of the opening had been settled. The local K.P.U. members that had gathered to listen to this discussion left the K.P.U. office front and went to an adjacent tea shop to "talk and eat." Relieved of spectators, the Assistant Organizing Secretary and Okelo-Odongo were then allowed to join the officials of the Nandi Branch in their

office and eat lunch.¹¹⁸ What this incident and a number of others like it pointed out was that the vagueness of the law concerning both public and private meetings and gatherings afforded the administration a great deal of control over the opposition. In addition, the smallness of Nandi Hills and the many places like it throughout Kenya also facilitated the administration's ability to control the K.P.U. The smallness essentially meant that few political events, however insignificant, could escape the eye of someone, including the administration.

Apart from the vagueness of the law, a third reason that informal gatherings proved unsatisfactory was that they were increasingly regulated by the law. On April 24, 1969, the D.C. of Nyanza Province, announced prior to a by-election in Gem Division that "all funeral meetings and traditional ceremonies" in the Division were banned until after the election because "certain politicians in the area had been underhanded and used funeral gatherings for political gatherings instead of applying for a license in the usual manner."¹¹⁹ On September 26, 1969, the District Commissioner of Kisumu District in Nyanza Province announced that all meetings of ten or more people including "gatherings of any nature" and "funeral ceremonies" were banned unless the convener had "obtained prior

¹¹⁸Personal observations of the author, visit to Nandi Hills, October 26, 1969.

¹¹⁹EAS, April 25, 1969, p. 1.

permission from the chief in writing to hold such a meeting." On October 6th the ruling was extended to cover all districts of Nyanza Province.¹²⁰ This announcement was greeted with a great deal of suspicion and antagonism by the Luos of Nyanza. Following Mboya's assassination in July 1969, Nyanza was relatively "quiet peaceful and loyal" especially compared to Central Province, where there was widespread "oathings" among the Kikuyu and, where the security situation was more uncertain at the time. The general impression was that the opposition's area of the country had been singled out for political control.¹²¹ As one letter to the East African Standard noted,

What is the offence of "politics" in terms of magnitude, compared with events in other provinces likely to cause a breach of the Peace? Could there be any rational explanation why only Nyanza should attract such a ready concern?

The employment of such penal surveillance over a people whose only apparent guilt is that they talk politics . . . is a gratuitous interference with their liberties and rights.¹²²

Nevertheless, in spite of pleas from a delegation of Luo elders and a number of other K.P.U. M.P.s, the ban on public gatherings of more than ten persons continued throughout October up until the time the K.P.U. was banned.¹²³

¹²⁰EAS, September 26, 1969, p. 1; Daily Nation, October 6, 1969, p. 1.

¹²¹Daily Nation, October 13, 1969, p. 6; EAS, October 14, 1969, p. 7.

¹²²EAS, October 17, 1969, p. 8.

¹²³Daily Nation, October 14, 1969, p. 8.

In addition to restricting the opposition's ability to hold public meetings and informal gatherings, the Government also would not issue the K.P.U. with the necessary licence to convene annual party conferences that were required under the Societies Act. As Okelo-Odongo noted when the Societies Act was being discussed in Parliament,

. . . we are being prevented from doing things according to the law by the Attorney-General. This is really fantastic We are being pushed into breaking the law by the guardian of the law Each time we apply to hold a conference in Nairobi we are told that we cannot hold a conference because the President is travelling to Rift Valley or that according to security regulations KPU should not be allowed to hold a conference. 124

In 1966, the Government's refusal to allow a K.P.U. General Council Meeting was not announced until ten hours before the conference, although the application for the meeting had been submitted a month in advance. By the time the announcement was made a hall had already been hired for the occasion and K.P.U. delegates had arrived in Nairobi.¹²⁵ In 1967, the Acting Secretary General of the K.P.U. received the following note of refusal from the Nairobi D.C.

Dear Sir:

I regret to inform you that your application to hold public members meetings on 11th and 12th Feb. 1967 at Kaloleni Hall and Makadara Football Ground is not approved.

Yours faithfully,
D. C. Nairobi¹²⁶

¹²⁴Official Report, 26 October 1967, cols. 1264-65.

¹²⁵Official Report, 29 November 1966, cols. 2097-99; EAS, November 5, 1966, p. 1; November 19, p. 5; November 30, p. 3.

¹²⁶Letter from D.C. Nairobi to K. N. Gichoya, 31 January 1967.

In 1968, there was a rash of correspondence between Z. M. Anyieni, K.P.U.'s Acting Secretary General, and the Nairobi D.C. concerning the former's application for a party delegates conference on August 24th. As late as August 15th, Anyieni was pleading for a reply from the D.C. so that he would have "sufficient time to write to the delegates."¹²⁷ Since the K.P.U. was once again requesting a delegates conference as early as January 1969, it appears that the 1968 conference was never held.¹²⁸ In September 1969, a little over a month prior to being banned, the K.P.U. held a delegates conference at Nakuru at which it nominated Odinga as the party's candidate for the forthcoming Presidential election.¹²⁹ Exactly what the Government's motivation was in licencing a delegates conference at this date is unknown.

It is fair to say, however, that the Government's administrative control over the K.P.U.'s ability to hold public meetings and gatherings, over the informal assemblage of its branch officials, and in general over the formal party apparatus such as the opposition's annual delegates conference, severely

¹²⁷ K.P.U. Headquarters Files, K.P.U./H/66, Public Meetings Applications, Letter to Z. M. Anyieni from Nairobi D.C., 19 June 1968; letter to Nairobi D.C. from Z. M. Anyieni, 2 August 1968; Ibid., 15 August 1968.

¹²⁸ K.P.U. Headquarters Files, K.P.U./H/66, Public Meetings Applications, letter to the Manager, Desai Memorial Hall, Nairobi from J. D. Kali, A. G. Secretary General, 11 January 1969.

¹²⁹ EAS, September 15, 1969, p. 15; Sunday Nation, September 14, 1969, p. 7; Daily Nation, August 16, 1969, p. 16; September 15, 1969, p. 1.

restricted the K.P.U. A party which could barely organize its branches and could hardly hold any public meetings was severely hampered from competing with the dominant party. KANU's relative strength was thereby enhanced.

Elections

The competition through elections that took place from 1966-1969 was limited to five by-elections in the National Assembly/^{and} a few contests for county council seats and the 1968 local authorities elections in which all K.P.U.s nomination papers were disqualified on technical grounds.

By-elections

Three of the five National Assembly by-elections occurred because of deaths and elections were held to fill Phillip Nyagah's seat in Meru South in 1967, Mbae Machio's in Busia Central in 1967, and Argwings-Kodhek's in Gem in 1969. The other two by-elections that took place occurred in 1968 when two of the three K.P.U. M.P.s who held seats outside Nyanza Province returned to KANU. In accordance with the fifth constitutional amendment which stipulated that all M.P.s who changed their party affiliation would have to resign their seats and fight a by-election. Kioko's seat in Machakos District of Eastern Province and Oduya's in Busia District of Western Province were declared vacant and elections were held shortly thereafter. The K.P.U. contested all five by-elections and lost all but the Gem seat.

Without knowing a good deal about the local factional alignments that were being mirrored in these national by-elections, it is difficult to satisfactorily explain KANU's successes. Unfortunately that material is not available to this author.

In a limited way, however, it is possible to suggest the kind of marginal advantages enjoyed by KANU which both facilitated its electoral majorities and made it extraordinarily difficult for the K.P.U. to compete with the dominant party. KANU had the support of the civil service when it came to setting up party branches, holding public meetings and entering closed districts such as Meru to organize for an election. The outright denial of this kind of basic support to the opposition undoubtedly inhibited it from openly and evenly competing with KANU in the by-elections. How much this hurt the opposition is, of course, impossible to say; however, Odinga went so far as to claim that the mere act of prohibiting the K.P.U. from holding public meetings made "a mockery of the so-called free election."¹³⁰ Furthermore, the attitude of the civil service towards the K.P.U. may also have given the opposition a certain taint of illegitimacy especially in areas such as Meru South and Busia Central where there had been no K.P.U. M.P.s. This may in turn have discouraged the local inhabitants from voting for the opposition. During the by-election campaigns KANU candidates often brought Government Ministers along to speak in their behalf. The suggestion, when it was not outrightly stated, was that the KANU

¹³⁰EAS, September 12, 1968, p. 5.

Government was powerful, that the opposition was too weak to ever form a Government, that only KANU M.P.s could bring development funds to an area, and that therefore a vote for a K.P.U. M.P. was a wasted vote.

Oduya's and Kioko's return to KANU in 1968 was a threat to the sheer viability of a parliamentary opposition. Seven M.P.s was the minimal number necessary for the K.P.U. to sit as an opposition in the National Assembly, and when Oduya and Kioko left the K.P.U., the opposition was left with exactly the critical number. Immediately following Oduya's return to KANU in July of 1968 and Kioko's return in September, Kenyatta welcomed them back to KANU and declared that they would be the KANU candidates for their areas in the forthcoming by-elections. This was a particularly strategic move on the part of the KANU Government. First, it was obviously an attempt to encourage other K.P.U. M.P.s to return to KANU and to show them that they would not necessarily be excluded from politics as a consequence of such an action. Second, given the personal, factional nature of political party followings in most of Kenya, such an act virtually insured KANU of success in the by-elections. It is highly likely that a large number of the K.P.U. members in Oduya's and Kioko's constituencies in Busia and Machakos followed their M.P.s back into KANU, thereby depleting the K.P.U. of whatever strength it had had prior to the by-election period. There is evidence that this in fact happened when Kioko's seat at Mbooni in Machakos was contested. Ten days prior to the

by-election the K.P.U. candidate, David Mukoma "dropped out of the fight [and] joined KANU."¹³¹ As it was, Mukoma finally ended up standing as the K.P.U. candidate because "it was too late for the Government to cancel the election."¹³² However, K.P.U. lost the election by over 8,000 votes.¹³³

In Busia, Kenyatta personally overruled the decision of the local KANU authorities in the area, who had initially indicated that they were unwilling to accept Oduya as the KANU candidate.¹³⁴ The local officials were no doubt fearful of losing their positions in the branch as a consequence of Oduya's probable return to power on a KANU ticket. Even Khasakhala, the KANU Vice-President for Western Province at the time, apparently felt that Oduya's position as a KANU M.P. would threaten his hold on the Vice-Presidency. Khasakhala allegedly sent some of his lieutenants into Busia to campaign against Oduya in the by-election. His fears were apparently not unwarranted, however, for in October 1968, after the by-election Oduya supported a move to suspend Khasakhala from his position as the KANU Vice-President of Western Province.¹³⁵ In spite of the local antagonisms generated by Oduya's nomination, Kenyatta no doubt realized the strategic value in having both Kioko and Oduya run as KANU candidates in the by-elections.

¹³¹EAS, October 7, 1968, p. 5.

¹³²EAS, October 17, 1968, p. 9.

¹³³Ibid.

¹³⁴EAS, July 19, 1968, p. 19.

¹³⁵EAS, October 23, 1968, p. 9; October 24, p. 9.

KANU's successes in the by-elections discussed above did not stem from any remarkably superior electoral or organizational machinery at the national or local level. From the description given in Chapter II it is apparent that the party was extraordinarily weak in almost all respects. Later material indicates that the party did not surmount these weaknesses, during the period from 1966-1969. Nevertheless, unlike the K.P.U., KANU enjoyed the support of the Government. In almost any competitive situation with the opposition, KANU had certain marginal advantages and strengths that stemmed from the regime's relative control over political participation and its relative monopoly of political patronage.¹³⁶

In one by-election in the Gem constituency of Siaya District, however, the K.P.U. candidate Wasonga Sijeyo defeated KANU's nominee, Isaac Omolo, by 12,667 votes.¹³⁷ Although the former M.P. of the area, Argwings-Kodhek, had been one of the few M.P.s in Central Nyanza District¹³⁸ who did not join the

¹³⁶For more information on the by-elections discussed above see: for Busia Central, EAS, May 16, 1967, p. 1; May 17, p. 9; for Busia North, EAS, July 9, 1968, p. 1; July 10, p. 12 and p. 17; July 11, p. 1; July 16, p. 5 and p. 1; July 19, p. 19; August 12, p. 5; August 24, p. 5; September 2, p. 5; September 4, p. 9; for Machakos East, September 6, 1968, p. 1; September 25, p. 1; October 7, 1968, p. 5; October 17, p. 9; October 23, p. 5; for Meru South, Feb. 4, 1967, p. 5.

¹³⁷The vote was K.P.U. 14,193, KANU 1526. See John Joseph Okumu, "The By-Election in Gem: An Assessment," East Africa Journal, Vol. VI, No. 6, June 1969, pp. 9-17.

¹³⁸In 1968 Central Nyanza District was divided in two and replaced by Kisumu District and Siaya District. The Districts and Provinces Bill 1968, Kenya Gazette Supplement, No. 28 (Bills No. 6), 5 April 1968, pp. 147-48.

K.P.U. in 1966, by 1969 Gem was no longer a "KANU stronghold."¹³⁹ Unlike other parts of Kenya where KANU's organization had been flimsy at best, prior to 1966 in Central Nyanza District the party had a highly organized political machine which worked hand in hand with the clan elders of the Luo Union. As the traditional leader of "Ker" of the Luo Union, Odinga had developed an extraordinarily sophisticated party machine which utilized the skills of both clan elders and the younger more modern members of the community without exacerbating generational conflicts. Clan elders were responsible for organizing KANU's sublocation "committees of fifty" as they were known, while the younger men were the recognized leaders at the location level of the party. By 1969 this organizational network, which had always been held together, particularly at the sub-location level, by Odinga's position as District "boss" had been taken over by the K.P.U. As John Okumu has noted,

[w]hat was not apparent before the by-election campaign started was that KPU had worked quietly but effectively and succeeded in gaining the support of the more experienced party organizers who had worked for KANU for a long time. KPU also retained the loyalty of many of the original committees of fifty in the twenty-nine sub-locations. ¹⁴⁰

KANU's disadvantages in the by-election stemmed firstly from the fact that it did not have a machine to match the K.P.U.s¹⁴¹

¹³⁹ Okumu, "The By-Election . . .," op. cit., p. 11.

¹⁴⁰ Ibid., pp. 11-12.

¹⁴¹ John Okumu has said that although KANU's organizational structure was based on the "original structure

Secondly, while Odinga's machine was solidly behind K.P.U.'s candidate, Wasonga Sijeyo, a former Senator from Nakuru who had "crossed the floor" in 1966 and lost, the KANU leadership at the national and local level was not united behind its candidate, Wyckiffe Rading Omolo. A number of people preferred Isaac Omolo Okero who was perceived as more of a "native son" and whose intellectual bent was more in common with the former M.P. Argwings-Kodhek than the business background of Rading Omolo.¹⁴² Still others resented the support given to Rading Omolo by the Kikuyu Defense Minister Njoroge Mungai. The latter's

presence was seen as the beginning of Kikuyu interference in the affairs of Gem a thing which would not have happened had Argwings-Kodhek been alive Very soon Rading Omolo became known as an illegitimate son of Gem because it was his close relationship with the Kikuyu leadership that brought Dr. Njoroge Mungai to Gem. 143

In the campaign itself, KANU tried to impress the population with its power to bring schools, hospitals, and other facilities to the area. The following quotations taken from speeches given by KANU leaders during the campaign

described above, the whole machinery seemed dead. The sub-location committees, the units of local party organization, were not functioning properly, due to the fact that Siaya being a new district, the newly elected district party leaders had not had sufficient time to streamline the party organization in Gem. Secondly it was also apparent that many of the new party leaders in the district were new to the task of party organization and needed a lot of direction and advice," Ibid., p. 12.

¹⁴²Ibid., p. 12.

¹⁴³Ibid., p. 13.

convey the nature of this appeal:

If you vote for KANU schools will be built roads graded and brought to the border. If you don't you are lost. Rading is a messenger to the Government of the things you need and want.

The KANU fire is burning away the ignorance and disease in the name of progress A vote for K.P.U. is a vote for someone who will put out the candle. Return to the villages and tell your neighbors not to vote for a man who will put out the candle. It is doubtful that the K.P.U. will ever come to power even after thirty years.

I am the Chairman of self-help If you don't help me and the Government this school block will never be completed.

All Kenya is under Kenyatta. Odinga is trying to take the Luo from the country. Odinga has only seven members in the National Assembly. KANU has the rest.

If you don't unite with the Government all secondary schools we are now trying to build will disappear. Kenyatta has sugar. Lets go lick his hands. I'm not lying. 144

KANU's warnings that people who supported the K.P.U. would be cutting themselves from the Government and its development funds did not dissuade voters from backing the K.P.U., however. The opposition reminded people that the Government had made several unkept promises to build schools in the district and exhorted its followers not to believe the Government again. Furthermore, the K.P.U. attempted to impress the voters with the fact that although the area had had a KANU Minister as their M.P., Gem was still without proper schools or health

¹⁴⁴I am indebted to Malcolm Valentine who gave me the field notes he compiled during the Gem campaign. The above quotes are taken from his notes.

facilities and still agriculturally backward.¹⁴⁵ The accusation was, as Sijeyo so bluntly put it, "if our Minister Kodhek was unable to bring anything to Gem what will these mere youth wingers be able to bring?"¹⁴⁶

In Gem (unlike other parts of the country in which the K.P.U. had participated in by-elections) KANU was at a disadvantage in terms of its organization, its candidate and its response to the issues when compared to the K.P.U. As John Okumu has noted,

[t]he KANU candidate was under pressure from all sides; he was surrounded by a general feeling of rural discontent as surely as he was faced with a very smoothly organized party. There was no issue that KANU could successfully exploit either against Odinga as a person or against KPU. Finally Rading warned the people that if they supported KPU they would be isolated from the rest of Kenya and from the Government which controlled the distribution of resources. KPU refuted this argument by insisting that the resources had already been unequally distributed. ¹⁴⁷

In contrast to the other by-elections, the K.P.U. complimented the administration on its fairness. By staying "away from the campaign trail" and by imposing "strict discipline at the counting of the ballots" the administration freed itself from "charges of interference" and according to one author "made the election one of the most democratic in Kenya's history."¹⁴⁸ When it came to the holding of public meetings,

¹⁴⁵Okumu, "The By-Election . . .," op. cit., pp. 15-16.

¹⁴⁶Quotation from Malcolm Valentine's field notes.

¹⁴⁷Okumu, "The By-Election . . .," op. cit., p. 16.

¹⁴⁸Ibid.

the K.P.U. was better off than it had been in other by-elections as it was able to hold three public rallies.¹⁴⁹ Nevertheless KANU still had the advantage. KANU was allowed to hold public meetings prior to the time any licences were issued to the K.P.U., KANU held many more public meetings than the K.P.U., and Odinga was prohibited from speaking at any of the opposition's public rallies.¹⁵⁰ Unlike other parts of the country where K.P.U.'s lack of branches and sub-branches made it extraordinarily difficult to circumvent the restrictions on the holding of public meetings, the K.P.U. in Gem had functioning sub-locational committees which were allowed to hold gatherings of under fifty persons without obtaining licenses.¹⁵¹

It is of course not particularly difficult to see why the opposition won the by-election in Gem, particularly since it took place in the heartland of K.P.U. territory. The more interesting question is why the Government did not interfere with the election and made it so easy for the K.P.U. to win. In 1968, the Government disqualified all K.P.U. nominees in the local Government elections, including those in Kisumu, the very center of opposition activity. In the Fall of 1969, the Government restricted the holding of public meetings again in the opposition's territory of Nyanza District. Therefore,

¹⁴⁹Ibid., p. 14.

¹⁵⁰Reporter, May 2, 1969, p. 10.

¹⁵¹Ibid.

the argument that the Government did not circumscribe the K.P.U.'s ability to participate in the by-elections because it did not dare to hinder the opposition in its home area does not appear to be true. Rather it is possible that the Government thought it had a good chance of winning in a fair election and that it sincerely expected that the support for Kodhek would carry over to Omolo who was not only a member of KANU but also from the former Minister's same clan. A number of leaders were reported to be "stunned" with the results of the by-election and clearly did not expect a defeat here. It is also possible that while the Government did not expect to be defeated it may have been prepared to cope with defeat if it came and to use it to its advantage. Thus, KANU's loss in Gem could be interpreted to show (a) that Kenya was democratic and (b) that the K.P.U. was a tribal party that could win an election only in Luoland. The feeling among the Government may have been that it could afford to lose Gem and then explain it away as an "isolated case" something Tom Mboya in fact did.¹⁵²

The Law and Elections

The Government's response to the K.P.U.'s attempt to contest elections was not confined simply to particular campaigns and elections. From 1966 until 1969 the Government passed a number of laws which either made it more difficult for the opposition to compete with the dominant party, worked specifically

¹⁵²EAS, May 20, 1969, p. 7.

to the advantage of KANU, or postponed the date at which KANU would be forced to compete with the K.P.U. for seats in the National Assembly at a general election.

In 1966 soon after the K.P.U. was formed, the fifth amendment to the constitution was passed, forcing those who had "crossed the floor" to rerun for their seats in the by-election known as the Little General Election. In June of that year the Rift Valley Provincial Advisory Council "expelled three of its members for being supporters of the K.P.U."¹⁵³ At the time of the expulsion there was no legislation which paralleled the fifth amendment at the local level. Strictly speaking then the action taken by the Rift Valley Provincial Advisory Council was illegal. Following the expulsion there was a good deal of pressure put on the Government by other local authorities including the Naivasha Area Council (in the Rift Valley),¹⁵⁴ and by KANU headquarters¹⁵⁵ to extend the provisions of the fifth amendment to members of local government bodies. The composition of these bodies, in particular the county councils, was important because of the council's control over numerous development services at the district level including "schools, health services, secondary

¹⁵³EAS, June 7, 1966, p. 3.

¹⁵⁴Minutes of a meeting of the Naivasha Area Council held at Naivasha; notes of a meeting held in the Permanent Secretary's Office with a delegation from the Naivasha Area Council, 11 June 1966.

¹⁵⁵EAS, July 7, 1966, p. 5.

roads, markets [and] a variety of licences."¹⁵⁶ On June 23, 1966, following K.P.U. victories in the Central Nyanza County Council and the Kisumu Municipal Council, Mboya announced that local authorities were part of the Government, responsible to it and dependent on it for "their development and the development of their areas."¹⁵⁷ He furthermore warned that

any authority which [tried] to set itself up as a petty opposition [would] be doing great harm to the interests of the people it [was] supposed to serve [and also added that] the Kenya Government would not tolerate any local authorities trying to create obstacles to the smooth running and development of Kenya. 158

A little over eight months later on March 7, 1967, the KANU Government introduced the Local Government (Amendment and Special Provisions) Bill in Parliament.¹⁵⁹ The bill required local councillors to resign and recontest their seats if they had switched parties. After many heated debates in the National Assembly during March and April, the bill was passed and became an Act of Parliament.¹⁶⁰ Local government elections

¹⁵⁶Cherry Gertzel, "Local-Central Relations in Kenya," Collected Seminar Papers on Autonomy and Dependence in Parochial Politics, No. 7, London: University of London: Institute of Commonwealth Studies, October 1968-March 1969, p. 96.

¹⁵⁷EAS, June 23, 1966, p. ?

¹⁵⁸Ibid.

¹⁵⁹Official Report, 7 March 1967, col. 771.

¹⁶⁰See Official Report, various debates during March and April 1967; also see The Local Government (Amendment and Special Provisions) Act 1967, No. 11 of 1967, Kenya Gazette Supplement (Acts No. 6), 21 April 1967, p. 77.

were consequently postponed until 1968 and it was announced later that all county council seats would be contested simultaneously at that time.¹⁶¹ The Act no doubt buttressed KANU's strength at the local level by inhibiting local authorities from joining the K.P.U. just as the fifth constitutional amendment had done on the national level.¹⁶²

¹⁶¹ Gertzel, "Local-Central Relations . . .," op. cit., p. 100. "Under the 1963 Local Government Regulations one-third of the members of all Local authorities (municipal and county councils, and urban and area councils) retired each year in rotation. Elections were held each year between 1963 and 1966." Ibid.

¹⁶² Immediately following the visit from the Naivasha Area Council in June of 1966 certain key members of the Government appear to have decided that an amendment of the Local Government Regulations along the lines of the fifth constitutional amendment was desirable. Several by-elections took place at the local level between the formation of the K.P.U. and the passage of the 1967 Local Government Amendment Act. Although the amendment had not yet been introduced in the National Assembly at the time when most of these elections occurred, it was clear that there was already an attempt to discourage K.P.U. electoral activity at the local level. On June 16, 1966 the Kisumu KANU branch rejected the election which was held for the Kisumu Municipal Council in which five K.P.U. councillors had been returned unopposed on June 8th on the grounds that their nomination papers had been signed by non-citizens. See EAS, June 9, 1966, p. 5, June 16, p. 5. On June 25, 1966 the EAS announced that the returning officer for the Nairobi City Council Elections disqualified a K.P.U. candidate, Mr. Vicky Wachira, but refused to "elaborate on the reasons for the disqualification." See EAS, June 25, 1966, p. 3. Prior to the Mombasa municipal elections which were held to "fill six seats left vacant by retiring councillors" the K.P.U. complained of its inability to hold public meetings and also alleged that "the Government had used all its machinery to make it impossible for K.P.U. candidates to succeed at the elections." See EAS, June 25, 1966, p. 5, June 28, p. 5. In the South Nyanza local government elections in August 1966, the majority of KANU's candidates were returned unopposed, while the K.P.U. claimed that the opposition's supporters had been physically attacked. See EAS, July 23, 1966, p. 5, August 16, p. 3.

Another major change in the electoral provisions occurred in December 1966, when the seventh amendment to the Constitution was passed. The amendment abolished the Senate by amalgamating it with the House into one National Assembly of 158 elected members. The 41 Senate seats were to be added to the 117 House seats thereby maintaining the existing numerical composition of both Houses in the new Assembly. Each Senator would then retain his seat and be given a new constituency within his district.¹⁶³ Furthermore, the amendment provided that the life of the present Parliament would be extended for two years and that the general elections due to be held in 1968 would be postponed until 1970. The postponement was a means of compensating for the fact that a number of Senators would otherwise have kept their seats until 1972.¹⁶⁴

The opposition objected to the amendment because it kept the existing Government in power beyond its lawful period of five years and because it postponed the time when the K.P.U. would be able to compete with KANU on a nation-wide basis. This delay assured the Government of a small opposition in Parliament which in turn made it easier for KANU M.P.s to give short shrift to the K.P.U.'s opposition to Government legislation in the National Assembly. Had the opposition been larger, KANU backbenchers might have been less reluctant to

¹⁶³Prior to the amalgamation of the two Houses each Senator represented one entire district of the forty-one.

¹⁶⁴Gertzel, The Politics of . . ., op. cit., p. 153.

join K.P.U. M.P.s in parliamentary divisions. As it was, the smallness of the opposition probably discouraged KANU backbenchers from allying with the opposition. The consequences of being labelled a K.P.U. sympathizer were too prohibitive to justify an alliance which would be numerically insignificant in terms of influencing the Government.

The K.P.U. also objected to the amendment because the 41 Senators were being assigned to new constituencies without being forced to seek the approval of the people they were to represent. Such an argument had been used to justify the fifth constitutional amendment and the ensuing by-elections that K.P.U. M.P.s were forced to contest in 1966. Pleading for consistency on the part of the Government, the K.P.U. argued that it did not "agree with this idea of imposing a man on some other people just because he happened to be a Senator [as] [h]e might not have many votes from that area."¹⁶⁵ The Government's defense essentially was that Senators were not being imposed on new constituencies since they had been elected by the electors of an entire district.¹⁶⁶ As one author has noted "[t]he circumstances were not entirely parallels [to 1966] but the whole performance suggest[ed] that the Government [was] quite prepared to manipulate the rules and theory of representative government to suit their own ends with little regard for the supremacy of

¹⁶⁵Official Report, 3 November 1966, col. 1687.

¹⁶⁶Ibid., 21 December 1966, col. 3078.

Parliament on which they set so much public store."¹⁶⁷

The opposition finally disapproved of the amendment because it proposed to abolish the bi-cameral system which, they argued, had acted as a check on the Government because of the Senate's power to delay the former's legislation and hence stop "hasty decisions."¹⁶⁸ Although the Senate had failed to become the "guardian of minority groups," as originally anticipated¹⁶⁹ there was some feeling that if the Senate could be reformed it might provide an additional critical forum. Prior to the passage of the amendment, however, it had not been particularly successful in that respect.¹⁷⁰ Cherry Gertzel has nevertheless argued that

[o]nce passed . . . this amendment removed a specific constitutional restriction upon the actions of the Executive, since it removed a House whose importance had lain in its right to delay legislation for specific reasons. The merger of the two Houses also altered the political balance in favour of the front bench, for it further weakened any cohesion in the KANU back-benchers and gave the Government the advantage of numbers in the enlarged single chamber. ¹⁷¹

¹⁶⁷ McAuslan, op. cit., p. 88. Also see Y. P. Ghai, "The Government and the Kenya Constitution," East Africa Journal, Vol. IV, No. 8, December 1967, pp. 9-14. For more discussion on the amendment see Official Report, 21 December 1966, cols. 3030-3083.)

¹⁶⁸ Official Report, 21 December 1966, Col. 3062.

¹⁶⁹ Dr. C. J. Gertzel, "Kenya's Constitutional Changes," East Africa Journal, Vol. III, No. 9, December 1966, pp. 28-29; Proctor, op. cit., pp. 389-415.

¹⁷⁰ Proctor, op. cit., p. 415.

¹⁷¹ Gertzel, The Politics of . . ., op. cit., p. 153.

Clearly the most important marginal electoral advantage that KANU gained with the passage of this amendment was the ability to postpone a general election for two years. By December 1966, when the amendment was passed, the Marco Survey group had finished compiling the results of a public opinion poll taken before and after the Little General Election. More than half of those sampled indicated that they would not support their M.P. at the next election.¹⁷² The Survey was reported in the East African Reporter and a copy of it was laid on the table of the House,¹⁷³ after which K.P.U.'s Tom Okelo-Odongo noted

. . . that the main reason for postponing the elections to 1970 [was] because the Government fear[ed] the KPU in particular and they fear[ed] general elections in general.¹⁷⁴

Although the K.P.U. was banned prior to the general election that was held in late December 1969, it appears that KANU M.P.s had been justified in fearing the consequences of an election. Sixty-two percent of them lost their seats, including five of the 19 Ministers and 14 of the 29 Assistant Ministers.¹⁷⁵

¹⁷²Marco Surveys, Kenya's Little General Election K.P.U. vs. KANU, 1966-67, Public Opinion Poll-No. 15, Nairobi: Marco Publishers (Africa) Ltd., June 1967.

¹⁷³Reporter, June 30, 1967, pp. 9-10; Official Report, 21 December 1966, col. 3071.

¹⁷⁴Official Report, 21 December 1966, col. 3072.

¹⁷⁵Because there was no opposition party by the time of the elections, the primary elections were the general

Immediately prior to the discussion of the seventh amendment the Government brought a bill to the House which asked for the repeal of an act which had been passed a few months earlier. The Act empowered the Electoral Commission to review the existing parliamentary constituencies and to create a maximum of 17 new ones if necessary. The review proceeded in anticipation of a merger of the two Houses. In October 1966, the recommendations of the Electoral Commission were released in the Parliamentary Constituencies (Preparatory Review) Order, which redrew the constituencies and recommended an increase of seventeen seats. This brought the total number of electoral constituencies up to 175.¹⁷⁶

In November, following the Commission's Report, KANU Ministers argued that the act (the Parliamentary Constituencies (Preparatory Review) Act (No. 27 of 1966)) which had empowered the Commission and had already become a law on August 23, 1966, should be repealed. The Government maintained that an increase in the number of seats at that time was unwise since it would necessitate holding two elections in a little over one year-- one to fill the seats and another to recontest them in the

election. For more information on the elections see Reporter, December 12, 1969, pp. 9-13; Jay E. Hakes, "Election Year Politics in Kenya," Current History, vol. 58, No. 343, March 1970, pp. 154-59.

¹⁷⁶The Parliamentary Constituencies (Preparatory Review) Order 1966, Special Issue, Kenya Gazette, Supplement No. 88 (Legislative Supplement No. 56), 21 October 1966, pp. 517-28.

general election due to be held in 1968.¹⁷⁷ The Government's recommendations were (a) that the Electoral Commission be sent back to create 158 constituencies that would incorporate and redraw seats for the 41 Senators, but would keep the total number constant, and (b) that the previous act be repealed with the understanding that the number of constituencies be reviewed again prior to the general election.¹⁷⁸

The opposition objected to the Government's motion on the grounds that it was a political move designed to stymie support for the K.P.U. Given the location of the 17 new constituencies recommended by the Electoral Commission the opposition's criticisms were not surprising. An increase of only one constituency was suggested for Central Province while the majority of the others were either in areas where the opposition had M.P.s, such as Machakos (3) and Centray Nyanza (2), or in places like Kitui (1), Kakamega (2), Kericho (1), and Kisii (2), where the K.P.U.'s support was greater than in other parts of the country.¹⁷⁹

The opposition furthermore objected to the Government's bill because it asked for a repeal rather than that a postponement of the earlier Act. The allegation was that the Government

¹⁷⁷At the time of the debate on this issue the general elections had not yet been postponed to 1970.

¹⁷⁸Official Report, 3 November 1966, col. 1677.

¹⁷⁹For the opposition's debate on this point see Official Report, 3 November 1966, col. 1688.

The Location of the 17 New Constituencies Recommended
By the Parliamentary Constituencies (Preparatory
Review) Order 1966

<u>Provinces</u>	<u>Districts</u>	<u>Total</u>
Coast	Kilifi---1	1
Eastern	Meru---1 Kitui---1 Machakos---3	5
Rift	Turkana---1 Kajiado---1 Kericho---1 Uasin-Gishu---1 Elgeyo-Markwet (-1)	3 (net gain)
Western	Kakamega---2	2
Nyanza	Central Nyanza---2 Kisii---2 South Nyanza-----1	5
Central	Nyeri---1	1
<u>TOTAL</u>		<u>17</u>

Sources: The Parliamentary Constituencies (Preparatory Review) Order 1966, op. cit.; Daily Nation, May 28, 1963, pp. 5-8; Kenya Report of the Constituencies Delimitation Commission, Cmd. 1921, London: Her Majesty's Stationery Office, January 1963; EAS, November 28, 1969, p. 5.

"was trying to mislead [the] House" and that it, in fact, had no intention of increasing the number of constituencies.¹⁸⁰ The issue of an increase in constituencies came up in the National Assembly once again in September 1968. The original motion which prescribed the House to increase the number of

¹⁸⁰Official Report, 3 November 1966, col. 1689; see cols. 1670-99 for entire debate.

constituencies to the originally recommended 175 by the next general election was diluted by an amended version introduced by the Attorney General which "urged the Government to introduce legislation" to the above effect.¹⁸¹ In August 1969, the Electoral Commission announced that it would not increase the number of parliamentary constituencies until it had the results of the population census taken that month.¹⁸² At the same time, Mr. N. J. Montgomery, the Supervisor of Elections, stated that

. . . the Electoral Commission had no plan at present to review the constituencies and that it was likely that the present 158 Parliamentary seats would remain as they were [for the general election].¹⁸³

Although the Government's refusal to increase the number of parliamentary constituencies worked to the disadvantage of strengthening the K.P.U., the issue of an increase was one on which KANU M.P.s were divided. A number of the backbenchers who came from areas where the Commission had advised more constituencies favored an increase, since they felt the areas they represented were too vast for effective representation. The more powerful members of the Cabinet, including the members from Central Province's Kiambu District and the Vice-President arap-Moi from the Baringo District in the Rift Valley came

¹⁸¹ Official Report, 6 September 1968, col. 319; for entire debate see cols. 297-320.

¹⁸² The population census was the first taken since 1962. The results were not available prior to the general election in December 1969.

¹⁸³ EAS, August 23, 1969, p. 5.

from areas where no increases had been proposed. It was clear that the Commission's recommendations were not to their advantage. The divisions between the KANU back and front benchers on this issue appear not to have been very strong, however, for the former acceded to the latter without much fuss in the September 1968 debate.

A fourth electoral innovation which was legislated in part to diminish the opposition's strength, was a law which prohibited independents from running in either national or local elections. The law had two purposes. One was to strengthen party discipline within KANU and to avoid the problem that had occurred in 1963 and 1965 when KANU "independents" had run against official KANU candidates and, in some cases, had won the election. A second purpose of the law was to discourage support for the K.P.U. With an opposition party independents were even more of a threat than they had been.

On the one hand Independents might split the vote and give KPU a victory; on the other, they might subsequently join KPU after having been elected.¹⁸⁴

When the bill prohibiting independent candidates from running at the local level came up in April 1968, there was a good deal of criticism against it by KANU backbenchers as well as by the opposition. The former criticized it on the grounds that the nomination process was so vague that it could be used by the party at the national or local level to ensure the power

¹⁸⁴Gertzel, "Local-Central Relations . . .,"
op. cit., p. 101.

of a particular faction. The bill was consequently amended before it was passed. The amendments included detailed revisions concerning the nomination procedure which all parties were required to follow and provisions that rejected candidates could use to appeal their party's decisions.¹⁸⁵

The amendments not only quieted backbench criticism, but also worked to the advantage of KANU as a party and to the detriment of the K.P.U. The nomination procedure made the participation of local party organs mandatory. In places where it had no branches and sub-branches then, the K.P.U. could be prevented from nominating its candidates.¹⁸⁶

The first opportunity for putting this law to a test was in the Local Government Elections of 1968. Because of the postponement of the 1967 elections over 1900 seats were at stake in the contest which was due to be held in August. It was to be the first nationwide contest between KANU and the K.P.U. As political parties proceeded to make their nominations, it was clear that the Government's law prohibiting independents would not insure KANU of support. In parts of the country where the factionalism within KANU was particularly intense, it became

¹⁸⁵Gertzel, The Politics of . . ., op. cit., pp. 162-164. The bill having to do with local independents was passed in April. In June it was extended to candidates for the National Assembly as part of the tenth constitutional amendment. See Official Report, 9 April 1968, cols. 1806-21; 10 April 1968, 1852-81; 17 April 1968, cols. 2048-93; 18 April 1968, cols. 2124-74; 19 April 1968, cols. 2185-2234.

¹⁸⁶See EAS, April 19, 1968, p. 3.

apparent rather soon that disgruntled candidates who failed to appear on KANU's ticket might turn to the opposition party in hope of being nominated on their slate. Threats to this effect were made in Nakuru where there were 110 applicants for 24 seats, in Kilifi, and in Machakos.¹⁸⁷

On July 26th and 27th Kenyatta addressed a meeting of civil servants which was attended by KANU's eight Vice-Presidents and eighty-four party delegates as well as by Kenya's seven Provincial Commissioners and forty-one District Commissioners.¹⁸⁸ At this meeting Kenyatta was alleged to have asked for the "political obliteration" of the opposition.

According to one witness, he told the provincial and district commissioners 'Civil servants are not impartial. They are KANU civil servants.' Since the district commissioners were responsible for the conduct of the voting in their areas, it was obvious that Kenyatta meant them to ensure the election of KANU candidates.¹⁸⁹

Following this meeting, the K.P.U. found that its candidates' nomination papers were being rejected one by one all over the country by the forty-one District Commissioners who were the returning officers for the election. Prior to the meeting at Nakuru, K.P.U. nomination papers had already been accepted

¹⁸⁷For Nakuru see EAS, April 5, 1968, p. 3; July 22, p. 5; Kilifi, July 25, p. 5; Machakos, July 26, p. 1; July 29, p. 1. On July 20, the EAS announced that six members of KANU's Thika Branch had joined the K.P.U. EAS, July 20, 1969, p. 9.

¹⁸⁸EAS, July 29, 1968, p. 1.

¹⁸⁹Murray, op. cit., p. 45.

in Kiambu, Isiolo, and Machakos.¹⁹⁰

After the Nakuru meeting these nominations were also nullified. By mid-August when the local elections were to have taken place all of KANU's candidates had been nominated "unopposed" and hence all were elected "unopposed." K.P.U.'s nomination papers were invalidated on technical grounds. In Murang'a Machakos and Kakamega nomination papers were rejected because Odinga had used his initials instead of his full name in signing the papers as the President of the opposition. In Kisii, Meru and Kiambu, K.P.U. candidates were either arrested or physically barred from presenting them prior to the time they were due. In Kisumu, Grace Onyango, the Mayor of Kisumu, had her nomination papers invalidated on the grounds that she had put a one where she should have put a seven. In other parts of the country candidates were disqualified because the respective branches and sub-branches concerned were not registered or because candidates could not produce licenses for the meetings at which they had been nominated. In the case of the latter two disqualifications, there was an attempt to show that candidates had not been nominated by legal political party branches and sub-branches. When the Local Government Regulations (Amendment) (No. 2) Bill was discussed in the National Assembly in April, a KANU backbencher expressed some concern that if the prohibition on independent

¹⁹⁰EAS, July 3, 1968, p. 5; Oginga Odinga, "Bogus Kenya Elections," Press Statement, mimeo.

candidates and the detailed nomination procedures were adopted most of KANU's nominations would be challenged as illegal in a court of law since "there [were] very few sub-branches of the party which [were] registered under the law."¹⁹¹ As it was, however, only K.P.U. nominees had their papers rejected. Odinga no doubt expressed a common sentiment when in a statement to the press following the "election" he said,

No sane person, except KANU leaders can believe that all the K.P.U. candidates could not even fill in their nomination forms while all KANU candidates could. ¹⁹²

Even in Kisumu, the heartland of opposition territory the slate of candidates for the Municipal Council of Kisumu read as follows:

¹⁹¹Official Report, 18 April 1968, col. 2150.

¹⁹²Odinga, Press Statement, op. cit., p. 3. For further information on these elections see the EAS for July and August 1968. Since there was something on the elections almost every day the references are too numerous to catalogue here. Also see Official Report, 25 October 1968, cols. 2283-2310.

Notice No. 2787

THE MUNICIPAL COUNCIL OF KISUMU
THE LOCAL GOVERNMENT ELECTION RULES 1966
(L.N. 101 of 1966)

CERTIFICATE THAT THE NUMBER OF PERSONS NOMINATED DOES NOT EXCEED THE NUMBER OF COUNCILLORS TO BE ELECTED

I, Enoch Mackoit Psenjen, the Returning Officer for the Municipal Council of Kisumu Electoral Areas, do hereby certify that:—

- (a) The following persons have been duly nominated as councillors for the Kisumu Municipal Council to fill twenty-two vacant seats;
(b) The number of duly nominated candidates does not exceed the number of councillors to be elected;
(c) The following persons are therefore elected as councillors for the said Council.

Electoral Area	Registration Unit No.	Name of Candidate	Place of Residence	Occupation	Party Affiliation	Date of Nomination
North Ward (AB)	1298, 1299	1. Johnson Oluoch Sure	Kisumu	K.A.N.U. District Secretary	K.A.N.U.	2nd August 1968.
		2. Abdulhusein Ebrahim Dahya	Kisumu	Company Director	K.A.N.U.	2nd August 1968.
		3. Nehemiah Mukaba Muchele	Kisumu	Accounts Assistant	K.A.N.U.	2nd August 1968.
East Ward (DK)	1301, 1303	1. Stanley Mwangi Gachuga	Kisumu	Trader	K.A.N.U.	2nd August 1968.
		2. Mrs. Risper Peter Omolo Oronge	Kisumu	Trader	K.A.N.U.	2nd August 1968.
		3. Berita Abwora	Kisumu	Ex-Teacher	K.A.N.U.	2nd August 1968.
		4. Laban Aguya	Kisumu	Trader	K.A.N.U.	2nd August 1968.
Central Ward (CE)	1300, 1302	1. John Bruno Mark Oloo	Kisumu	Security Officer	K.A.N.U.	2nd August 1968.
		2. Seven Caleb Inganji	Kisumu	Kisumu Municipal Secretary	K.A.N.U.	2nd August 1968.
		3. Khurshid Mohammed Rana	Kisumu	Businessman	K.A.N.U.	2nd August 1968.
		4. Joel Meshak Omino	Kisumu	Retired Public Servant	K.A.N.U.	2nd August 1968.
West Ward (FG)	1304, 1305	1. George Henry Olilo	Kisumu	Businessman	K.A.N.U.	2nd August 1968.
		2. Otieno Aggrey Otieno	Kisumu	Trader	K.A.N.U.	2nd August 1968.
		3. Yusuf Hussein Farjallah	Kisumu	Trader	K.A.N.U.	2nd August 1968.
		4. Samson Odoyo	Kisumu	Businessman	K.A.N.U.	2nd August 1968.
Mwimani Ward (HM)	1306, 1309	1. Rajendra P. Chadha	Kisumu	Bank Supervisor	K.A.N.U.	2nd August 1968.
		2. Ndeda Sunga	Kisumu	Trader	K.A.N.U.	2nd August 1968.
		3. Evans Ombogo Otwal	Kisumu	Secretary	K.A.N.U.	2nd August 1968.
		4. Mathew Sagide	Kisumu	Businessman	K.A.N.U.	2nd August 1968.
South Ward (JL)	1307, 1308	1. Rehmat Kherdin Khan	Kisumu	Businessman	K.A.N.U.	2nd August 1968.
		2. Elijah Odera	Kisumu	Clerk	K.A.N.U.	2nd August 1968.
		3. Ashikanga Peter Amwayi	Kisumu	Carpenter	K.A.N.U.	2nd August 1968.

Dated this 6th day of August 1968.

E. M. PSENJEN,
Returning Officer,
Kisumu.

Source: The Kenya Gazette, 23 August, 1968,
p. 897.

Although the 1968 Local Government Elections did not then turn out to be a test of what would happen if independents could not run, they did in fact demonstrate how the law could be used to inhibit if not prohibit the K.P.U.'s ability to contest elections. To say the very least, this increased KANU's marginal strength at the local level, albeit somewhat precariously. Just as it had used the administration to keep the K.P.U. from setting up branches and holding party meetings, the 1968 local elections confirmed the fact that KANU's marginal strength depended in large part on the President's willingness to use the civil service either to actively support the dominant party or to stymie the opposition's ability to participate politically.¹⁹³

Following the tenth constitutional amendment,¹⁹⁴ only one more electoral law was passed prior to the banning of the K.P.U. The law, The National Assembly and Presidential Elections Act, changed the method of electing M.P.s to Parliament by introducing a system of political party primaries prior to the general election.¹⁹⁵ The intent of the law was in part to increase intraparty competition by taking nomination process

¹⁹³For the Government's answers to the K.P.U.'s allegations concerning the local elections see EAS, August 9, 1968, p. 22, p. 5.

¹⁹⁴Which as one of its stipulations prohibited independents from running in elections to the National Assembly.

¹⁹⁵The National Assembly and Presidential Elections Act, 1969, No. 13 of 1969, Kenya Gazette Supplement, No. 65 (Acts No. 8), August 22, 1969, pp. 157-72.

out of the hands of party branches and giving the people a chance to vote for their party's nominee. Had the K.P.U. been around to contest the general elections in December 1969, the law most likely ^{would} have worked to the detriment of interparty competition. Under the law all parties held their primaries on the same day, thereby making it impossible for rejected candidates from one party to run in another's primary.¹⁹⁶ Coupled with the prohibition against independent candidates and the intimidation against K.P.U. supporters, this stipulation concerning the timing of the proposed primaries would probably have reduced the opposition's ability to find candidates.¹⁹⁷

The electoral laws that were passed between 1966 and 1969 demonstrated the regime's ability to use the country's legislative machinery to increase its marginal strength at the expense of the K.P.U. As important, however, it also indicated something about the style of the regime's response to the opposition. During the colonial days the Government had

¹⁹⁶As was mentioned earlier a number of disgruntled KANU candidates had threatened to do just this after they were rejected as KANU nominees in the 1968 local elections.

¹⁹⁷For an explanation of what actually did happen in the one party primary elections see Hakes, "Election Year Politics . . .," op. cit., pp. 154-59; for fears about what might happen, see C. A. Kamundia, "Primaries in Kenya," East Africa Journal, Vol. 6, No. 5, May 1969, pp. 9-14; for an explanation of the primary system as it was anticipated to have worked prior to the banning of the opposition, see Daily Nation, August 20, 1969, pp. 12-14. Also see the EAS, the Daily Nation and the Official Report for July and August 1969, when it was discussed in some detail.

attempted in part to control its enemies through numerous legislative acts and constitutional machinations. One of the pre-conditions of independence was the acceptance of a constitution which was designed to entrench the rights of certain groups, particularly those who supported KADU, the party which was favoured by the colonial Government. There was "a tendency to view all political issues as problems for constitutional settlement" and a consequent tendency to use the constitutional and legalistic framework to suppress political opposition.¹⁹⁸ From 1966-1969, the KANU Government amended the constitution several times and introduced new electoral laws in part to reduce the opposition's opportunities to increase its strength. These changes paralleled the colonial government's tendency to control political opposition through legalistic innovations and reflected the "general cynicism about constitutionalism" that had emerged from the colonial days.¹⁹⁹

Intimidation

During this period, the KANU Government also attempted to intimidate the K.P.U. into submission.

Dominant party regimes in Africa have used intimidatory

¹⁹⁸ See Ghai, op. cit., pp. 9-14; and J. F. Scotton, "Judicial Independence and Political Expression in East Africa-- Two Colonial Legacies," East African Law Journal, Vol. VI, No. 1, March 1970, pp. 1-19.

¹⁹⁹ McAuslan, op. cit., p. 84.

tactics as much to "create a climate of fear" and "to impress latent or potential opposition with the consequences of overt dissent as to inflict retribution for the act of opposition."²⁰⁰ The central purpose of intimidation is to raise the costs of being in, supporting, or voting for the opposition. As the costs increase, intimidation saps the strength of the opposition and at least in the short run increases the marginal strength of the dominant party. One of the reasons intimidation generally works is that dominant parties are supported by the Government and as Dahl has noted, "[o]rdinarily a government has access to much greater resources for coercing opponents than opponents have for coercing government."²⁰¹

From the time of its inception, the K.P.U. was subjected to a variety of forms of intimidation. It was in part intimidation that made it so difficult for the K.P.U. to register its branches, hold party meetings, and to freely contest elections. In addition, however, a barrage of other intimidatory tactics, including verbal harassment, violence, allegations of subversion, and outright detention also worked against the K.P.U.

²⁰⁰ Coleman and Rosberg, op. cit., p. 667.

²⁰¹ Robert A. Dahl, ed., Political Oppositions in Western Democracies, New Haven and London: Yale University Press, 1966, p. xiv.

Verbal Harassment and Violence

The rhetoric that was used by the KANU Government against the K.P.U. no doubt discouraged open support of the opposition and may have invited violence against it. During a number of speeches, Kenyatta invited his listeners to trample the opposition like mud, to crush them like locusts, or to grind them like flour.²⁰² At Embu, in February 1968, Kenyatta urged the crowd on in the following manner:

"I have heard there is another party," he said. "Is there any other party in Embu? Is there KPU here?" The crowd thundered back: "No." "If you see a 'kimbu,'" he continued ('kimbu' is a corruption of KPU and the Kikuyu word for chameleon ["by tradition an object of horror and superstition among the Kikuyu"]) "trample it under your feet. When speaking as leader of the Government I am mild, but when speaking as leader of the ruling party I can be kali. If anybody dares to spoil the party that fought for uhuru [independence] he will be dealt with firmly. We shall crush them into powder. The time for mercy is over."²⁰³

After beating the K.P.U. in an election it was not uncommon for KANU branches to indulge in ritual slayings of the opposition by slaughtering a bull, the opposition party's symbol.²⁰⁴ In addition, however, the K.P.U. complained that violence was used against the party's property and its supporters.

²⁰²EAS, October 25, 1969, p. 1.

²⁰³Reporter, February 9, 1968, pp. 9-10; [], June 17, 1966, p. 11.

²⁰⁴This happened in Mombasa after a KANU victory in the municipal elections and also after several of the local authorities elections in 1968. EAS, June 28, 1966, p. 5.

K.P.U.'s vehicles were turned over and damaged, and its offices were raided, looted, and sometimes even burned.²⁰⁵ During the Little General Election in 1966, the K.P.U. alleged that the President and his Ministers had incited KANU Youth Wingers to attack the opposition's followers. Allegations concerning violence were made off and on from 1966-1969 and at least three K.P.U. M.P.s--Odinga, Ondko, and Kaggia--were accosted physically during this period.²⁰⁶ The opposition complained that in the face of violence against the K.P.U., the police made no arrests and did nothing to stop it. The suggestion of Government complicity took on greater force in February 1968, when the four men accused of assaulting Kaggia were acquitted.²⁰⁷

Allegations of Subversion

From 1966-1969, the KANU Government worked to weaken the opposition by alleging that the K.P.U. was seditious and that it had plans to subvert Kenya with money from foreign powers who wished to topple the Kenyatta regime. In April 1968, at a speech in Mombasa, Kenyatta "charged that the K.P.U. took foreign bribes in order to block the country's progress

²⁰⁵ EAS, June 14, 1966, p. 5; July 5, 1967, p. 3; September 7, 1966, p. 9; August 29, 1967, p. 5; September 8, 1967, p. 17.

²⁰⁶ EAS, July 22, 1966, p. 3; May 25, 1966, p. 9; December 15, 1967, p. 1, 11.

²⁰⁷ EAS, February 14, 1968, p. 7.

. . . [and that] [i]t was vital to realize that the K.P.U. was an enemy of the country."²⁰⁸

The attempt to discredit the opposition by suggesting that it was disloyal and was being manipulated by "outside agitators" was not new in Kenya. As Chapter One has indicated, virtually all of the early Kenyan African political associations were accused of sedition and subversion and in 1938, the KCA was even banned on these grounds. Furthermore, the foreign allegiances of the two main factions in KANU continued to be an important issue in 1965 and 1966 prior to the formation of the K.P.U.

After the Limuru Conference, Vice-President Moi accused outside powers of having channeled £ 400,000 to Kenyatta's opponents in an attempt to subvert the Government,²⁰⁹ and Colin Legum, a Commonwealth correspondent, maintained that the Russians and the Chinese had given the Odinga group £ 100,000 to "enable them to capture the . . . KANU party conference."²¹⁰ The Government refused to substantiate its allegations and the issue of whether the opposition was being supported by foreign powers was never properly demonstrated in the three and one-half years of the K.P.U.'s existence. During one speech in Parliament prior to the formation of the opposition, Anyieni,

²⁰⁸EAS, April 28, 1968, p. 1.

²⁰⁹EAS, March 24, 1966, p. 1.

²¹⁰EAS, July 23, 1966, p. 1.

a member of the Odinga faction, implied that Odinga might be taking money from Eastern countries to balance what Mboya was getting from the West.²¹¹ Whether or not the K.P.U. was receiving money from the East, it nevertheless seems unlikely that the opposition was working to "stage a revolution" as the Government maintained it was.²¹²

The allegations of subversion against the opposition were used primarily as a means of increasing the regime's marginal strength (a) by calling the opposition's motives into question and thereby diminishing its support, and (b) by providing an excuse for the Government to restrict the opposition's ability to participate politically.

The Opposition's Motives

Almost immediately after the opposition was formed, KANU said that the K.P.U.'s program was "quite clearly a Communist Manifesto."²¹³ Given the K.P.U.'s goals, KANU argued that the opposition was preparing to implement its Communistic aims by

doing away with the accepted African ways of family life, social commitments, and democracy [and] in its place . . . [imposing] subservience to the state, compulsory communal labor, and the removal of children from parental control. 214

²¹¹ Official Report, 15 February 1966, col. 977.

²¹² EAS, May 16, 1966, p. 5.

²¹³ EAS, May 26, 1966, p. 3.

²¹⁴ EAS, June 9, 1966, p. 1. Also see May 26, 1966, p. 3.

Whether and to what extent statements of this sort worked to the detriment of the K.P.U. is difficult to say. The opposition clearly felt that insinuations of the above kind weakened its appeal in the rural areas where one's land and one's family were all one had and where the colonial government's policy of forced labor was vividly remembered. As one K.P.U. M.P. noted, "the land is all they have and is precious to them. They are told if the K.P.U. comes to power they will take all the land and give it to the Luos."²¹⁵

Throughout 1967, the Kenya Government increasingly tried to discredit various Communist governments and their embassies in Kenya²¹⁶ while simultaneously attempting to establish a link between them and the K.P.U. The underlying argument that the Government was making was that the K.P.U. was not its own master and that by supporting the opposition one would in effect be advocating a return to foreign control; KANU claimed that it "was significant" that the K.P.U. had "embraced" a book called "Who Rules Kenya?" that allegedly

²¹⁵Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

²¹⁶For discussions of various interchanges between the Chinese Embassy and the Kenyan Government concerning the destruction of a display cabinet in the former's embassy showing people around the world studying Mao's thoughts see Reporter, February 10, 1967, pp. 9-11, and June 30, p. 13. In July 1967, the Chinese Chargé d'Affaires and his wife were deported and in August following an attack on the Kenyan Embassy in Peking, and a verbal attack on Mboya, Mboya suggested that the Chinese Embassy in Nairobi be closed. See EAS, August 26, 1967, p. 9; August 31, p. 1.

was written by someone who had been paid by a number of Eastern European embassies,²¹⁷ and Tom Mboya accused the K.P.U. of "being mouthpieces for Communists" because "whenever Chinese Communists were criticized in Kenya, the K.P.U. defended them."²¹⁸

The opposition reacted to the Government's allegations by attacking the latter's one-sided attachment to the West. In July 1967, the opposition brought a motion to the House which called for Tom Mboya's removal from the Cabinet on the grounds that he received money from the CIA.²¹⁹ The K.P.U. also protested at the airport when the Vice-President of the United States, Hubert Humphrey, visited Nairobi in January 1968,²²⁰ and later that month the K.P.U. "claimed that useful offers of aid from Communist countries had been turned down or shelved by the Kenya Government because its Western "friends" had advised against them."²²¹

Restrictions on Political Participation

Allegations of the K.P.U.'s subversive intentions also were used as excuses to keep K.P.U. M.P.s from traveling to other countries and from holding public meetings in Kenya.

²¹⁷ EAS, April 14, 1967, p. 5.

²¹⁸ EAS, September 6, 1967, p. 1.

²¹⁹ EAS, July 15, 1967, p. 3.

²²⁰ EAS, January 8, 1968, p. 1.

²²¹ EAS, January 13, 1968, p. 3.

In April 1966, Ronald Ngala accused Odinga and other K.P.U. sympathizers of attending a secret meeting in the Shimba Hills in Tanzania.²²² A few days later, several K.P.U. M.P.s and two pro-K.P.U. trade union leaders, including Odinga, Kali, Oduya, Godana, Khalif, Anyieni, Akumu, and Mak'Anyengo, had their passports withdrawn by the Government.²²³ As one author has noted,

[t]he action served to underscore KANU's charges that the K.P.U. was subversively in contact with radicals from Tanzania. The seizure of passports was more of a gesture than a genuine restriction of movement, however, because no passports are required for Africans traveling among the East African countries.²²⁴

Following the seizure of K.P.U. passports, in October 1966, Odinga was forced to strip and be searched at the Kenya-Uganda border on his way back from a trip to Kampala. The Government justified the search on the grounds that Odinga had gone to Kampala to "collect funds for his party from a 'certain foreign mission in Kenya,'" an accusation that the leader of the opposition denied.²²⁵

As the time went on, however, the Government made it clear that it was not simply concerned with harassing the

²²²EAS, April 18, 1966, p. 1.

²²³EAS, April 23, 1966, p. 1; April 25, p. 3.

²²⁴Barbara J. Heidger, A Single Party State: The Rise of the Kenya People's Union, M.A. Thesis of the Faculty of Political Science, Columbia University, 1967.

²²⁵EAS, October 11, 1966, p. 1; October 12, p. 1; October 13, p. 1; October 19, p. 1; October 27, p. 1.

opposition, but that it seriously intended to restrict the K.P.U.'s freedom of movement outside as well as inside the country. In April 1967, Odinga was given a temporary passport to address a student gathering at Boston University. Pressures from the Kenya Government led to a postponement of the symposium until 1968. A year later, when Odinga was once again due to leave for Boston, the Government impounded his passport.²²⁶ Several days later, Odinga was taken off a plane which he had already boarded for a trip to Tanzania,²²⁷ and in August 1969, after a trip to Uganda, Odinga was searched once again upon his return.²²⁸

Accusations of sedition and subversion were also used by the Government to justify restrictions on the K.P.U.'s ability to hold public meetings in Kenya. In March 1968, the Kenya Government released a fifteen page document entitled "The Parliamentary Record of the K.P.U. Opposition."²²⁹ The document consisted of ninety-six extracts from speeches made

²²⁶EAS, April 21, 1967, p. 3; March 21, p. 1.

²²⁷EAS, April 29, 1968, p. 5.

²²⁸EAS, August 28, 1969, p. 1.

²²⁹ See Daily Nation, March 14, 1968, p. 21, for a summarized version of the document. This was not the first time the Government had put together statements of K.P.U. officials with the intention of disparaging the opposition. On May 18, 1966, KANU Headquarters released a series of quotations entitled "Can You Trust This Man Odinga?" which quoted statements K.P.U. M.P.s had made over the years in an attempt to demonstrate their inconsistency and the fact that they had not resigned over ideological issues. KANU Headquarters. Mimeo.

by K.P.U. M.P.s in Parliament since 1966. The extracts were arranged under such headings as "International Disorder or Violent Seizure of Power," "Threats of Coup d'Etat or Civil War," "War or Revolution over Land," "Broad Denigration of President or Government," etc., etc. As the Daily Nation of March 14th noted, the Government accused the K.P.U. of

statements embracing subversive declarations . . . active incitement to revolution or war . . . inflammation, tribal jealousies . . . threats to national security and constitutional government . . . subtle pursuit of foreign ideologies . . . creation of alarm and despondency . . . extraordinary degrees of muddled thinking . . . unvarying belittlement of all achievements . . . magnification of every difficulty . . . deliberate mischief and distortion of all policies . . . gross misinterpretation of Government plans and objects . . . ludicrous or contradictory argument designed to arouse emotions . . . specious claims . . . [and] making a dangerous plaything of politics. 230

On the basis of excerpted speeches arranged out of context, the Government document went on to conclude,

It may well be assumed that the utterances quoted--which were shielded by Parliamentary privilege--are continually echoed by these K.P.U. members in private discussion or at private meetings around the country. Clearly the national integrity of Kenya and the welfare of the people can not be hazarded by the granting of opportunities to spread such subversion and despondency at public rallies. 231

²³⁰Daily Nation, March 14, 1967, p. 7.

²³¹Ibid. Also see Daily Nation, March 15, 1968, p. 1. In Parliament Okelo-Odongo asked "What protection is there when someone can get a speech out of context and distort the whole thing for a purpose he had in mind?" Humphrey Slade, the Speaker, answered that while he was not happy when members commented publicly outside the House on what had been said inside, the document did not defame the House or interfere with its procedure and was therefore neither a breach of the law or in contempt of the House. Ibid.

Detentions

Clearly, one of the Government's most powerful intimidatory tactics against the opposition was the threat that K.P.U. supporters might be detained without trial. In June 1966, the Preservation of Public Security Act was amended to include preventive detention and a variety of other executive powers, and was incorporated into the Constitution when the sixth amendment was passed that month. The amendments empowered the President to bring the Act into effect for a variety of situations included within the understanding of "preservation of public security," without contravening fundamental constitutional rights.²³² Detention of trial was one of the many powers the President might use when the Act was in force. Others included restriction of movement, the imposition of curfews, the control of aliens and the removal of diplomatic privileges, censorship, control over assemblies and meetings, compulsory labor, and the control of various forms of transport.²³³

The Act required parliamentary approval within twenty-eight days of being invoked. The regulations made

²³²The Preservation of Public Security Act, Chapter 57, Laws of Kenya, Rev. 1967, pp. 2-8; the Constitution of Kenya (Amendment) (No. 3) Act, 1966, No. 18 of 1966, Kenya Gazette Supplement, No. 50 (Acts No. 7), 7 June 1966, pp. 171-78.

²³³The Preservation of Public Security Act, op. cit., pp. 3-4.

under the Act had to be renewed by Parliament every eight months and also could be revoked by the House at any time. When the sixth constitutional amendment came up for debate in June 1966, there was a great deal of criticism of it both within and outside Parliament.²³⁴ It nevertheless passed, became operative in July 1966, and was renewed twice by the National Assembly, once in March 1967, and again in November. In June 1968, as part of the tenth constitutional amendment, the provision of parliamentary review was dropped, thereby prolonging the invocation indefinitely.²³⁵

The similarity between the powers given to the President once a "proclamation to safeguard public security" had been invoked and those enjoyed by the Governor under the "Emergency Regulations" during the Mau Mau period were not overlooked by astute observers. The Attorney General said that the use of the word "Emergency" was "unnecessary and . . . misleading and because of its "distasteful associations," he preferred to speak of "public security."²³⁶ However, J. P. W. B. McAuslan, an expert on constitutional affairs in

²³⁴K.P.U. M.P.s were not sitting in the House at the time of the debate because of the fifth constitutional amendment which required them to relinquish their seats between the time they had "crossed the floor" and the Little General Election.

²³⁵For the various debates see Official Reports, 2 June 1966, cols. 273-330; 16 March 1967, cols. 1226-72; 21 July 1966, cols. 2118-2156; 20 November 1967, cols. 2119-2162; and Reporter, June 28, 1968, p. 10.

²³⁶Official Report, 2 June 1966, col. 279.

East Africa has maintained in spite of the Attorney General's objections that

[a]s a matter of law, there is no such event as a state of emergency in Kenya. Instead, an order is made bringing into effect the Preservation of Public Security Act or part thereof. The powers thus conferred on the Government are indistinguishable from those conferred on colonial governments in Kenya during states of emergency or on the independent government under the Constitution until it was amended in 1966. This is another example of form disguising substance, taken very seriously for the Government reacts very strongly to suggestions that Kenya is ruled under emergency powers. 237

In July 1966, when the Government brought a motion to the House requesting its approval to bring the Public Security Act into operation, there was considerable skepticism as to its need. The Government maintained that while it

[did] not foresee any general threat to public security in Kenya. It [did], however, envisage the possibility of a threat to public security, bearing in mind the full meaning of that expression. Arising out of the activities of a handful of people who are known to be acting in a subversive manner to meet this threat it would be necessary to control the activities of this small group of persons and this [could] best be done by bringing Part III into operation and making provision for the detention and restriction of such persons. 238

²³⁷McAuslan, op. cit., footnote 14, p. 94. From 1963-1966 the unamended version of the independence constitution made it more difficult to invoke emergency powers than it was after 1966. See Ghai, op. cit., pp. 11-12. For the similarities between the public security measures enjoyed by the President and the emergency powers enjoyed by the Governor see Corfield's report The Origins and Growth of Mau Mau, op. cit., pp. 243-44.

²³⁸Official Report, 21 July 1966, col. 2119.

The K.P.U. M.P.s in the House objected to the vague employment of the term "subversive" and to what they perceived as the political intent behind the Government's motion--the intimidation and possible detention of opposition supporters.²³⁹

If there was ever any question as to the intent of the Government in either passing or invoking the Preservation of Public Security Act, it was removed in August 1966, when nine supporters of the K.P.U. were arrested and detained without trial under the Act. From August 1966 until October 1969, prior to the outbreak of violence at Kisumu which led to the detention of all K.P.U.'s M.P.s and many of its principal organizers, nineteen individuals were detained under The Preservation of Public Security Act. Of these nineteen, all but three, two of whose political associations are unknown to this author, were associated with the K.P.U. in one way or another.²⁴⁰ The remaining one was John Keen, a member of KANU

²³⁹When an opposition M. P. was making these points the Speaker of the House, Humphrey Slade, interjected the following point of order: "Actually in his [the Minister's] speech moving this Motion he did not make any suggestions whatsoever that he is referring to the K.P.U. or your Parliamentary Party. You are quite entitled to believe that, in fact, this is aimed against you or other members of your party. You have made it clear that you do so believe. But keep it general, and do not discuss these questions of what has been said on other days." Official Report, 21 July 1966, col. 2130.

²⁴⁰The two are Washington A. J. Okumu, an East African Airways Official who was born in Nyanza and arrested on August 22, 1968, and Cyrus W. Kariuki who was arrested on March 4, 1969. All information as to numbers and names comes from the Kenya Gazette, Vol. LXVIII, 9 August 1966, Vol. LXXI, 7 November 1969, which lists the names of those who have been detained and released under the Act.

and a former organizing secretary of the party who at the time of his arrest in May 1967, was a Kenya representative to the East African Central Legislative Assembly. Keen's detention, which lasted less than two months, followed a speech in which he criticized the three East African Governments and their leaders for failing to achieve regional integration. The question of whether or not Keen had been arrested simply because of his critical remarks and the underlying question of whether parliamentary immunity would save M.P.s within the National Assembly from a similar fate, were debated in the House. Although "M.P.s were not . . . entirely reassured," the Speaker informed them that parliamentary privileges protected them from being arrested because of speeches they had made in the National Assembly.²⁴¹

John Keen was clearly an exception, however. If his detention was used to serve as a warning to critical M.P.s within KANU, he was nevertheless the only member of the dominant party who was detained under the Preservation of Public Security Act during the time there were two parties in Kenya. The other sixteen individuals who were detained during this period, were all involved with the opposition. They were Patrick Peter Ooko, General Secretary of the East African Common Services African Civil Servants Union, G. P. Ochola Mak'Anyengo, General Secretary of the Petroleum and

²⁴¹ McAuslan, *op. cit.*, p. 87. Also see *Ibid.*, p. 94, and Reporter, June 2, 1967, pp. 9-11.

Oil Workers Union, James Dennis Akumu, General Secretary of the Sugar Workers Union, Vicky Gilliam Wachira, General Secretary of the Hunting and Safari Workers Union, B. F. F. Oulande K'Oduol, private secretary to Odinga, J. M. Oyangi, Chairman of the party's youth movement, J. G. Onyango Arigi and Wycliffe Rading Omolo, two K.P.U. officials, Carolyn Okelo-Odongo, secretary to Odinga and wife of Thomas Okelo-Odongo, a K.P.U. M.P., Christopher C. Makokha, the Secretary General of the K.P.U. who had "crossed the floor" and lost his seat in 1966, Ochola Achola, a member of K.P.U.'s Youth Wing, L. W. Kimani Waiyaki, brother of the M.P. and himself a former town clerk in Nairobi, prior to his deposition by the county council controlled by Rubia, Erastus Eric Obura, a Nairobi journalist who had formerly been the editor of the Nyanza Times, F. V. Opwapo Ogai, one of Odinga's bodyguards, and Munyui Kahuha and Muiruri Kabata, two Kikuyu supporters of the K.P.U.²⁴²

Until the Kisumu incident and the consequent banning of the party no K.P.U. M.P.s were detained. Among those listed above only Mak'Anyengo, Akumu, Oyangi, and Makokha were national officials of the party. And aside from Mak'Anyengo and Akumu who were constantly issuing statements on behalf of the party, answering those of KANU and writing letters to the press, none

²⁴²The other two whose political associations are unknown to this author, who were detained during this period were Washington Aggrey J. Okumu, an official for the East African Airways who was born in Nyanza, and Cyrus Wanjohi Kariuki.

of the others were particularly active on a nationwide basis. In choosing to detain the "smaller" rather than the "bigger" men in the K.P.U., the Government may have had several purposes: (a) to keep the trade unions from the opposition by ridding them of key organizers who had sympathized with the K.P.U., (b) to harass less well known individuals who were nevertheless effective organizers for the opposition at the local level, thereby warning other "little men" that they were not too little to go to jail, and (c) to force K.P.U.'s most articulate spokesman in the National Assembly back to the dominant party by detaining his wife.

How effective a weapon of intimidation preventive detention was in diminishing support for the K.P.U. is naturally difficult to say. Prior to the banning of the opposition, nine of the individuals listed above had been released from detention. Four of the nine rejoined KANU soon after their release: Akumu regained his position in the Sugar Worker's Union and then became the Secretary General of the Central Organization of Trade Unions (COTU), Rading Omolo ran on the KANU ticket in the Gem by-election, and Waiyaki and Makokha both went back to the dominant party, although Makokha later rejoined the K.P.U. Carolyn Okelo-Odongo no longer did any professional work for the K.P.U. and became associated with the United Touring Company, a tourist organization in Nairobi, after her release in early 1969. Wachira and Oyangi claimed that they had suffered mental torture in prison and went back to the

K.P.U. almost as soon as they were free. Ochola Achola promised Kenyatta that he would go back to KANU if he were freed and Mak'Anyengo was reinstated as the Secretary General of his Union once he was released. However, both men became active in the K.P.U. again and were detained following the proscription of the opposition party.

Within the country at large it is quite likely that the impact of the detentions was to up the costs of joining the opposition and thereby to reduce the K.P.U.'s support. Furthermore, the detentions made it more difficult for the K.P.U. to find individuals who would openly organize for the party at the local level. Finally, the detentions undoubtedly contributed to the "climate of fear" that was evident throughout the country by mid-1968. At that time, a survey was published in which 66% of those interviewed claimed that on at least one occasion they had been afraid to express their opinions or to criticize the Government because the secret police and informers would report them and they would suffer. On a follow up question in which the interviewees asked if they thought "these fears of informers, secret police and so on [were] serious, imagination, or absolute nonsense?" Seventy percent said they were "very serious" or "somewhat serious" while only 17% said they were "imagination" or "absolute nonsense."²⁴³

²⁴³ Kenya Constitutional Changes, Succession to President, Public Opinion Poll, 18, Nairobi: Kenya Research Services [Formerly Marco Surveys, Ltd.], June 1968, p. 14.

Conclusions

The above discussion demonstrates how the KANU Government was able to control the opposition's ability to organize political branches, hold public meetings, contest elections and how it was also able to use a variety of other intimidatory tactics that both enhanced the relative strength of the dominant party and weakened the K.P.U.'s chances of effectively competing with KANU in the period from 1966-1969.

Students of political parties in Africa generally have been inclined to explain the weakness of opposition parties in terms of the bandwagon effect of dominant parties or in terms of the restricted appeal of opposition parties to a particular ethnic, tribal, religious, regional, or extra-territorial base to the exclusion of the remaining population. Although the identity of the Luo with the K.P.U. created certain difficulties for the party (which will be discussed later), the central argument of this chapter has been that the relative weakness of the K.P.U. was in large part the result of a decision by the KANU Government to restrict the ability of the opposition to freely engage in politics. Because KANU had the support of the entire administrative and coercive apparatus of the Government from the President on down, relatively speaking KANU was extraordinarily strong in comparison with the K.P.U., in spite of the dominant party's many weaknesses that were elaborated in Chapter II. Furthermore, because the Government could adopt policies and then apply them to the opposition writ large, it

appears to have had greater success in controlling the K.P.U. than its own rebellious factions within KANU.

In its response to political opposition, the KANU Government aped the colonial regime in a number of respects. The question of why the independence Government reacted in many instances like its predecessors and often used its tools was outlined in an earlier chapter. Clearly, however, history is not completely destiny, and KANU's response to the K.P.U. can also be viewed as an attempt by one party to preserve its dominance and by its M.P.s to retain their positions. How resources are distributed in Kenya (i.e., "Who Gets What, When, and How"), and how the organization of patronage shapes political allegiances are questions whose answers suggest other important reasons why the KANU Government responded to the K.P.U. as it did and furthermore explain the relative strength of the dominant party and the relative weakness of the opposition from another perspective.

Chapter V

THE CARROT

Political organizations are formed to keep the powerful in power. Their first rule is "Don't rock the boat." If someone makes trouble and you can get to him, do it. If you can't get him, bring him in. Give him some of the action, let him have a taste of power. Power is all anyone wants, and if he has a promise of it as a reward for being good, he'll be good. Anyone who does not play by those rules is incomprehensible to most politicians.

Shirley Chisholm, Unbought and Unbossed, Boston: Houghton Mifflin, 1970, p. 37.

Of course I am ambitious. To be ambitious is to be human and I am human.

Quotation from Charles Rubia, former Mayor of Nairobi, Chairman of the Nairobi Branch of KANU and M.P. for Starche as of December 1969. EAS, Feb. 3, 1968, p. 3.

It was the men who had all the eggs in their basket who were afraid they would get broken. The opposition hasn't got the eggs.

Quotation from a statement made by Oginga Odinga in Parliament, in EAS, June 15, 1968, p. 7.

Introduction

Robert Dahl has suggested that "the circumstances most favorable for competitive politics exist when access to violence and socio-economic sanctions is either dispersed or denied to both oppositions and government." Conversely, "the least favorable circumstances exist when violence and socio-economic sanctions are exclusively available to the government

and denied to the oppositions."¹

The previous chapter maintained that KANU's relative strength and the opposition's relative weakness stemmed in part from restrictions placed on the opposition's ability to participate politically and hence indirectly from the regime's control over coercion and violence. This chapter continues to support Dahl by arguing that this ratio of strength and weakness was also a product of the regime's monopoly over socio-economic resources. Such a monopolistic relationship enhanced the critical impact of the Government's socio-economic sanctions against the K.P.U. and its rewards to KANU.

Coleman and Rosberg have noted that the "selective use of patronage to assimilate or control political opposition or to enlist the support of potentially dissident elements . . . has extraordinary importance in the new African states because of the strongly statist character of their societies."² In statist societies like Kenya, the Government has a monopoly of control over key socio-economic resources: it is a major employer of salaried labour, it is the chief and sometimes sole dispenser of development funds, trade licenses, loans, and other "amenities," and it influences the circulation of

¹Robert A. Dahl, The Emergence of Oppositions, Part II, Comparative Analysis (unpublished manuscript), August 1968, Chapter 10, p. 5. Dahl defines "violent means of coercion, persuasion, and inducement . . ." and "socio-economic sanctions" as "the relative resources available to the government and opposition." Ibid., p. 1.

²Coleman and Rosberg, op. cit., p. 665.

information in Parliament and through its control of the communications media and printed matter. Both political leaders and their followers are dependent upon the Government for the majority of their rewards. In Kenya, where opposition parties are viewed as enemies of the state, these rewards are likely to be used to consolidate support for the dominant party. Deprived of these rewards, opposition parties tend to be poorer than the ruling party, less able to attract followers and build an organization, and more likely to lose the support of their leaders, members, and potential sympathizers. Opposition parties are consequently weaker than the dominant party and hence less likely to survive than their competitors even if they are not suppressed. Although dominant parties like KANU are themselves weak with respect to the resources they can muster (as Chapter II demonstrated), the K.P.U.'s lack of access to the key socio-economic resources of the state meant that relatively speaking it was even weaker than KANU. In such a situation, as Dahl has noted, "the chances for competitive politics are practically non-existent."³

The discussion which follows analyzes the relative resources available to KANU and the KPU from 1966-1969. Specifically it (1) compares employment within the Private and Public Sectors and attempts to show why employment within the latter Sector was preferable, (2) suggests how the advantages of being employed within the Public Sector as a civil servant,

³Dahl, The Emergence . . . , op. cit., Ch. 10, p. 3.

a member of a statutory board or as a Minister, put a certain amount of political pressure on potential or actual employees which thereby worked to consolidate support for KANU and hindered the K.P.U., and (3) shows how the Government's monopoly over information in Parliament, on the radio, and in the press also contributed to the dominant party's relative monopoly of existing resources and hence to its ability to control the opposition party.

The Government as Employer

As of 1968, the public sector accounted for 36.3% of all salaried employment in Kenya.⁴ The local and central government together were responsible for supplying 71.1% of the total number of jobs in this sector. Although employment in the private sector⁵ accounted for 63.7% of all salaried employment in Kenya⁶ the public sector was nevertheless a more "critical sector for absorbing the rising would-be employed and in particular the well educated would-be employed."⁷

⁴Republic of Kenya, Economic Survey 1969, Nairobi: Government Printer, June 1969, p. 120.

⁵The private sector includes "private agriculture and Forestry and Private Industry and Commerce."

⁶Economic Survey, op. cit., percentage derived from p. 120.

⁷Henry Bienen, "The Economic Environment," in eds., Goran Hyden, Robert Jackson and John Okumu, Development Administration: The Kenyan Experience, Nairobi: Oxford University Press, 1970, p. 49.

 EMPLOYMENT IN THE PUBLIC SECTOR, 1965-1968

	1965 ('000)	1966 ('000)	1967 ('000)	1968 ('000)	Per Cent in Total, 1968
Kenya Government.....	85.1	93.5	94.9	99.1	44.7
Statutory Boards.....	N.a.	N.a.	13.4	14.1	6.4
Local Government.....	59.4	60.2	59.8	63.1	28.4
E.A. Community General Fund Services.....	3.3	3.1	3.0	2.9	1.3
E.A. Railways and Harbours.....	24.3	26.4	25.4	25.3	11.4
E.A. Posts and Tele- communications.....	4.8	4.7	4.9	4.8	2.2
E.A. Airways Corporation.....	2.1	2.5	2.8	3.0	1.4
Others*.....	9.2	10.0	7.8	9.6	4.3
Total.....	188.2	200.4	212.1	221.0	100.0

*Almost entirely E.A. Cargo Handling Services.

Source: Ibid.

During the period from 1965-68, the Public Sector became increasingly critical. While employment in the Public Sector grew, employment in the Private Sector contracted. In one year, from 1967-68, employment within the Public Sector rose by 4.6%, an increase which was largely absorbed by the

Central and Local Government Authorities.⁸ In absolute numbers, the Private Sector still supplied more jobs than the Public Sector in 1968.⁹ Nevertheless, working within the Public Sector, in particular for the Government, was more attractive for Africans than the Private Sector. Within the Public Sector, Africans were likely to obtain better earnings, better positions, and more amenities than they would in the Private Sector.

The Private Sector

In both Private Sector agriculture and industry, Africans earned less than their counterparts in the Public Sector.¹⁰ Furthermore, Africanization of the higher level posts had proceeded much more slowly in the Private than in the Public Sector. Consequently, the ambitious and well-educated were likely to obtain better positions and salaries by working in the latter Sector.¹¹ Immediately after independence, the Government was primarily interested in Africanizing the Public Sector and it was not until 1967 that it

⁸Economic Survey, op. cit., pp. 120-21.

⁹386,800 versus 221,900. Ibid., p. 120.

¹⁰See Republic of Kenya, Statistical Abstract, Nairobi: Government Printer, pp. 168-69; Economic Survey, op. cit., p. 120.

¹¹Statistical Abstract, op. cit., p. 171; Colin Leys, "Recruitment, Promotion, and Training," in Development Administration . . . , op. cit., p. 133; Republic of Kenya, Development Plan 1970-1974, Nairobi: Government Printer, 1969, pp. 116-17.

issued a policy statement concerning Kenyanization in the Private Sector.¹²

In 1968, as a follow up to this statement, the Government passed a "Trade Licensing Act," "which imposed some restrictions on non-citizen commercial activity."¹³ However, the Public Sector continued to be more attractive for high level manpower, since the Act was essentially directed against small Asian commerce rather than the large-scale industrial activities of non-citizen Europeans and Asians.¹⁴ As of 1968, only four of the top fifty directors of private companies in Kenya were Africans and the heavy dependence of the 1966-1970 Development Plan on foreign investment made it unlikely that the Government would put the same kind of pressure on these companies to Africanize as it had on small-scale Asian commerce.¹⁵ It did not wish to

¹²Republic of Kenya, Kenyanization of Personnel in the Private Sector, Nairobi: Government Printer, 1967; Donald Rothchild, "Kenya's Africanization Program: Priorities of Development and Equity," The American Political Science Review, Vol. LXIV, No. 3, September 1970, p. 738.

¹³Rothchild, "Kenya's Africanization Program . . . ," op. cit., pp. 749-50.

¹⁴Ibid.

¹⁵Ibid., pp. 738-49; Development Plan, op. cit., pp. 116-17; Report of a Working Party, National Christian Council of Kenya, Who Controls Industry in Kenya?, Nairobi: East African Publishing House, 1968, pp. 257-61; Republic of Kenya, High-Level Manpower Requirements and Resources in Kenya, 1964-70, Nairobi: Ministry of Economic Planning and Development, May 1965.

diminish foreign confidence in Kenya and therefore "preferred to delay Africanization objectives where these clashed head on with business efficiency."¹⁶ Consequently, the Public Sector continued to be the more attractive Sector for high level manpower, in particular, and within it, positions in the Civil Service were the most coveted jobs.

The Public Sector--The Civil Service

Within the Public Sector, as of 1968, the Government accounted for the majority of all employment. "A . . . survey of Kenya undergraduates showed the civil service second only to teaching as the career preference of the students queried."¹⁷ Traditionally it was easier for Africans to get a job in the civil service than in the Private Sector, the pay was better for comparable jobs, and there was rapid mobility. Although there was no longer as much mobility in 1968 as there was in the years immediately following independence, due to the youth of those occupying high level posts, the civil service still held a number of attractions: specifically, power, access to amenities, and status.

¹⁶Who Controls Industry . . ., op. cit., p. 749; as of June 1968, "85 per cent of all foreign aid received by" Kenya had come from Great Britain. Most of the foreign-owned companies in Kenya were British and many of them were subsidiaries of the U.K.'s largest firms. Ibid., p. 194, Rothchild, op. cit., p. 746.

¹⁷Bienen, "The Economic Environment," op. cit., p. 49. For a general discussion of the civil service see Goran Hyden, "Basic Civil Service Characteristics," in Development Administration, op. cit., pp. 3-22.

As the personal agents of the Executive at the local level, the Provincial Administration always had an enormous amount of power in the areas of law and order¹⁸ and development. As Cherry Gertzel has noted

[b]y 1968 the scope of the Administration had been greatly enlarged by the progressive transfer to it of additional responsibilities. Its duties covered the key areas of the assessment and collection of graduated personal tax; chairmanship of the Boards responsible for the selection of settlers for the settlement schemes; of the Land Control Boards which controlled all land transfers; of the Provincial and District Agricultural Committees which had significant powers (especially at district level) on local agricultural matters; of the District Joint Trade Loans Board, which was responsible for advising the Ministry of Commerce and Industry on loans for small traders. They had also assumed a greater role in self-help organization, having in many districts become chairmen of the co-ordinating committees set up under the Community Development Department to control self-help projects and to distribute Central Government funds. As a result the Government had retained in their control much of the resources available at district level. The Administration had also been assigned the major role in the Development Committees set up by the Ministry of Economic Planning. Administrative Officers were expected to play a prominent part in development and to act as a 'mobilizing agent' at all levels.¹⁹

In terms of amenities, the civil service offered its employees security of tenure, pensions, loans for cars, housing provisions or allowances, travelling, family separation and entertainment allowances, medical and dental treatment, and other fringe benefits.²⁰

¹⁸This was discussed in the previous chapter.

¹⁹Gertzel, op. cit., p. 167.

²⁰Republic of Kenya, Code of Regulations. See also Republic of Kenya, Report of the Salaries Review Commission, 1967, Nairobi Government Printer: 1967; and Emil Rado,

Furthermore, there was an enormous amount of status attached to being a civil servant. With independence, Africans not only inherited jobs with well-defined functions, but also a "bureaucratic ecology" which predisposed them to think of themselves as an elite. As Fred Burke has noted,

[o]n the morning of independence, the new African bureaucrat was not only required to draft and route his memoranda in established manners and directions, but he was also required to occupy physically the desk, chair, office sometimes even the home and the official vehicle, the club membership and other elements of the bureaucratic ecology. An awareness of relative power and influence cannot depend solely upon its exercise, but must be deducted from symbols perceived as legitimate signs that their possessor has power and influence. 21

The rapid Africanization of the civil service that occurred following independence,

. . . took place within the old structure of the civil service which displayed, above all, a highly discriminatory salary structure originally designed to attract Europeans to the colonial service. The salary structure was an integral part of the colonial hegemony and a reflection of the 'white man's burden.' More significantly, however, the structure predisposed educated Africans confined in subordinate roles prior to independence to perceive themselves as a presumptive élite, as the rightful beneficiaries of the system of inequality. They looked forward to the much higher salaries which Africanization would confer upon them

"Kenya Salaries Report a Holding Operation: A review article on Kenya's salaries commission report, 1967," East Africa Journal, Vol. IV, No. 8, December 1967, pp. 25-29.

21 Burke, op. cit., p. 370. In Kenya, the Provincial Administration even has uniforms which are patterned after those of its colonial predecessors. Robert H. Jackson, "Administration and Development in Kenya: A Review of Problems Outstanding," in Development Administration, op. cit., p. 320.

and were prepared to defend these as well as the seniority principle and the persons associated with them. 22

Because the civil servant's job was an extremely coveted one and because he depended on the state for power, amenities, and status, the KANU Government had an enormous hold over its employees. Although the Code of Regulations for civil servants prohibited them from joining political parties or actively participating in politics, Tom Mboya himself noted on at least one occasion

. . . that the civil servant is expected to further objectives of Government, to become fully committed to Government policies and personally involved in the promotion of the aims and aspirations of his society. He is, to that extent, not neutral at all. 23

It is apparent from the last chapter, that one of the objectives of the Government during the period from 1966-1969 was the destruction of the K.P.U. By the time of the 1968 local elections, it was clear that the administration was doing much of the Government's handiwork when it came to restricting the opposition's ability to participate in politics. Conversely, it appears that civil servants who were sympathetic with the opposition were sometimes threatened with dismissal or in fact dismissed. Unfortunately, because of a lack of evidence it is impossible to know how strong a civil servant's sympathies had to be before he was dismissed and who in fact was dismissed for

²² John Okumu, "The Socio-Political Setting," in Development Administration, op. cit., pp. 37-38.

²³ Mboya, The Challenge of . . ., op. cit., p. 165, my emphasis.

what. Nevertheless it might be argued that (1) the mere threat of dismissal was probably real enough to keep most civil servants in line, and (2) that this threat may in turn have influenced civil servants to keep the K.P.U. from participating in politics and to discriminate against K.P.U. supporters in the distribution of rewards at the local level, thereby diminishing the attractions of the opposition party.

The Threat of Dismissal

On a number of occasions, the K.P.U. declared that the Government had "dismissed, suspended, demoted, and reprimanded" civil servants for allegedly supporting the opposition party.²⁴ In 1967, an opposition M.P. asked "how many civil servants had been dismissed from their jobs because of indulging in politics, how many were KANU and how many were KPU, what was the tribal breakdown of the officers dismissed," and from what locations or districts did they come? In Parliament, the Minister of State in the President's Office answered that 37 civil servants had been "terminated because of indulging in politics" but refused to respond to the remaining questions.²⁵ In April 1968, in response to another question, the Government admitted that "the civil servants so far discharged from the Service for participating in politics have been discharged as a result of their collusion with the KPU"²⁶

²⁴Reporter, June 17, 1966, p. 10.

²⁵Official Report, 5 April 1967, cols. 1972-73.

²⁶Ibid., 19 April 1968, col. 2178.

In addition, the Government stated that civil servants who did not want to resign should "leave politics to the politicians" and that those who remained "must loyally support the Government in power and carry out faithfully all policies of the Government."²⁷ When an opposition M.P. asked how the Minister's statement that "civil servants must conform with the Civil Service Code Regulations" squared with a recent appeal by the Vice-President for "all civil servants to work for Kanu whenever possible," he was told that "actually the word 'Kanu' to a certain extent means the ruling party and Kanu in this case meant the Government."²⁸ Such an attitude was not new, of course. It had been used by the Colonial Government to consolidate support for the administration prior to independence. Furthermore, in July 1964, prior to the dissolution of KADU, Odinga himself had stated that "[c]ivil servants must identify themselves with the policy and aspirations of the ruling party, Kanu, [and that] [c]ivil servants found working against the Government would be dealt with firmly."²⁹

It appears from a very limited amount of evidence that in areas where there were K.P.U. M.P.s, KANU politicians may also have put some pressure on the Government to dismiss civil servants who were sympathetic to the K.P.U. In July 1966,

²⁷Ibid.

²⁸Ibid., cols. 2178-79.

²⁹EAS, July 21, 1964, p. 1.

the Government announced in response to a question in the House that 23 chiefs and sub-chiefs from Central Nyanza had been dismissed for "engaging in politics" by identifying themselves "with a particular organization." According to the Government a number of these chiefs had been appointed in 1964 when Odinga was Vice-President and Minister of Home Affairs. Opposition M.P.s were henceforth warned to "desist from persuading their chiefs to engage in political activities" or the Government would "proceed to dismiss more, again in Central Nyanza."³⁰ Following this debate, a KANU politician from Central Nyanza wrote to Tom Mboya concerning the "reorganization of KANU-Central Nyanza." Among other matters he noted that

[a]ll chiefs except the very new ones are Odinga supporters. These same people are employed by government but are instructed by Odinga to recruit as sub-chiefs . . . their own following. All these people boost morale of Odingaism fulltime in the reserve, all at government expense. Surely they must be removed as a first step in reorganization. There is no injustice because these people were put there politically when Mr. Odinga was in Home Office.³¹

What happened in the above case is impossible to say, however, the Government was sufficiently worried about the political sympathies of its chiefs that by the end of 1967, it changed the means of selecting them. The Government announced in November that chiefs would no longer be indirectly elected as they had been since 1965. Henceforth there would be a return

³⁰ Official Report, 19 July 1966, cols. 1938-40.

³¹ KHQ, Letter from KANU politician to T. J. Mboya.

to the procedures of the colonial period: the D. C., who had been responsible for selecting chiefs prior to independence, would send his suggestions to the Office of the President where the final choice would lie. As Cherry Gertzel has correctly noted,

[t]he formation of the new opposition party . . . and the return to a two-party state put the Government in a dilemma. The popular election of a chief might well bring a man sympathetic to the opposition into the office; but the chief, once appointed, was assumed to be a civil servant. Not surprisingly, the procedure was altered and the selection returned to the Administration (responsible to the Office of the President) which was bound to consult local political leaders. 32

³²Gertzel, The Politics . . ., op. cit., pp. 169-70. "The Chief, responsible for law and order in his location, occupied a crucial position in the administrative structure. The post was for a variety of reasons a coveted one at the local level, and also one of considerable power, based upon the Chief's Authority Act which followed closely the earlier Native Authority Ordinance of colonial days. Appointments lay with the Office of the President, to whom Provincial Commissioners forwarded their recommendations. In 1965, however, President Kenyatta, faced with pressures from party officials, agreed that they and Members of Parliament should participate in the selection of these officers, not withstanding their position as civil servants. It was decided that applications for the post of chief should in the first place be considered by a local committee which would include the District Commissioner, the County Councillor for the area, the district branch chairman of KANU, the Senator for the district and the constituency member of the House of Representatives. The Committee selected three applicants, for whom the people of the location then voted at a public meeting. The name of the successful candidate was then sent to the Office of the President." Ibid., p. 169. "The official position on the appointments of Chiefs at the beginning of 1968 was as follows: responsibility for the appointment of chiefs lies with the Office of the President, to whom the Provincial Commissioner sends the names of three suitable candidates, proposed by the District Commissioner. The latter is required to consult with local leaders, but the final choice lies within his discretion. Normally the Office of the President accepts the recommendations of the D.C. and the P.C."

Although it apparently "remained open to a District Commissioner to hold a public election for the post of chief if he considered it desirable,"³³ in June 1968, the Government announced in Parliament that "the chiefs in predominantly Kanu locations should be elected by popular vote, but those in K.P.U. strongholds should be nominated by the Government."³⁴

The Government admitted dismissing a number of chiefs and district officers³⁵ because they had engaged in politics by supporting the opposition, however, there were other allegations concerning dismissals within the public service that either were not substantiated or were outrightly denied by the Government. Claims were made that teachers who were involved with K.P.U. branch politics lost their jobs whereas their KANU counterparts did not, although all teachers were debarred from participating in politics.³⁶ Allegations were also made that non-Kikuyu civil servants had been transferred from State House

Gertzel, Goldschmidt and Rothchild, Government and Politics in Kenya, op. cit., p. 375. For material on the responsibilities and powers of chiefs and the methods of choosing them see Ibid., pp. 370-81. To compare the chief's functions to those of a chief before independence see The Native Authority Ordinance, Chapter 128, Laws of Kenya, Revised Edition, 1962.

³³Gertzel, The Politics of . . ., op. cit., footnote 1, p. 170.

³⁴EAS, June 1, 1968, p. 7.

³⁵Official Report, 5 April 1967, col. 1974.

³⁶Ibid., 2 October 1969, cols. 148-50.

(Kenyatta's residence),³⁷ that the Luo were not being recruited into the armed forces,³⁸ and that students who had studied in Eastern European countries were unable to obtain employment upon their return to Kenya.³⁹

Aside from the question of validity, it is difficult to know whether to interpret some of these allegations concerning employment as instances of ethnic or political discrimination since they tended to reinforce each other in Kenya. A large percentage of the Luo lived in Central Nyanza, the heartland of opposition territory. In addition, however, the Luo were simply one of a number of tribes who felt that the Government had adopted a policy of discriminating in favour of the Kikuyu when it came to employment within the Public Sector.⁴⁰

[There was] a widespread feeling amongst Kenyans that in relation to population breakdown there [was] a disproportionate number of Kikuyus in the civil service at both middle and senior levels. A great deal of discussion in the Kenya Parliament [was] addressed to this fact. Some individuals . . . pointed to deliberate tribal favouritism backed by political power to account for the distribution of posts. 41

³⁷Official Report, 14 August 1969, col. 3274.

³⁸Ibid., 18 July 1969, col. 2214, 7 October 1969, cols. 343-52.

³⁹Ibid., 30 July 1969, col. 2622.

⁴⁰For an excellent discussion of this problem see Donald Rothchild, "Ethnic Inequalities in Kenya," op. cit., pp. 689-811.

⁴¹Bienen, "The Economic Environment," op. cit., p. 56. "The staff list of the Republic of Kenya is now a restricted document. It has been alleged that the staff list too clearly shows a Kikuyu dominance of the civil service." Ibid.

Nevertheless, feelings of discrimination were particularly intense among the Luo. The exchanges between the Government and the opposition tended to reinforce the suspicion that Luos would find it difficult to obtain development funds and employment, because the majority of their M.P.s belonged to the K.P.U. It is clear from the discussion of the Gem by-election in the previous chapter that these suspicions did not always carry over into votes for KANU in spite of the Government's appeals. However, the evidence suggests that dismissals and threats of dismissals within the civil service continued to affect civil servants' response to the K.P.U. throughout the country and, in turn, the opposition's ability to obtain support at the local level outside Central Nyanza.

K.P.U. M.P.s in Parliament felt that threats of dismissal were real enough so that many civil servants took special pains to avoid K.P.U. M.P.s and their supporters in the local areas. There was apparently a certain amount of fear that the mere act of associating with the K.P.U. would have unfavourable repercussions for those who were employed in the civil service. In September 1966, Okelo-Odongo complained to the House that

[s]ome Kanu Youth Wingers have been molesting civil servants when they see civil servants talking to KPU politicians and so forth, they tell them they are going to report them to Government and then the civil servants will lose their jobs and so on I think the civil servants should be told that if they talk to KPU politicians . . . then they are completely safe. 42

⁴²Official Report, 30 September 1966, col. 260.

A little less than a year later, another K.P.U. M.P. stated that

a subchief in my location . . . could not accept a lift from me when very sick, on the road, because he was afraid that our democratic Government would relieve him of his job . . . I am sure that this same subchief would have accepted a lift from a Kanu Member of Parliament, without fear of losing his job. This man's confusion . . . should be cleared from many of our civil servants. To stay out of politics . . . does not mean that you should be frightened of the recognized Opposition Party. 43

In the same debate, Kioko, a K.P.U. M.P. from Machakos discussed an experience he had had in his district after helping the Provincial and District Commissioners arrange a tour for the Vice-President and the vice-president of KANU in the Eastern Province. He claimed that following the tour local politicians wrote letters to the Provincial Commissioner alleging "that the provincial commissioner and the district commissioner were aiding and aligning themselves with KPU, which was not true."⁴⁴ There appears to have been a good deal of pressure on civil servants to dissociate themselves from the K.P.U. entirely if they wanted to hold on to their jobs or be promoted. As one exasperated K.P.U. M.P. put it "God help him or her if the fathers or friends are KPU supporters or are remotely related to KPU men."⁴⁵

The threat of losing a coveted job was a major factor in explaining why civil servants refused to allow the K.P.U. to

⁴³Official Report, 16 June 1967, cols. 1055-56.

⁴⁴Ibid., col. 1078.

⁴⁵Ibid., col. 1063.

hold any meetings and why they disqualified all K.P.U. nominees for the local Government elections in 1968. Furthermore, Okelo-Odongo has maintained that civil servants "play[ed] up to the party in power in the hope that if they act[ed] correctly they [would] be rewarded with a promotion."⁴⁶

The threat of dismissal may also have influenced the way in which rewards were distributed at the local level. After 1965, civil servants had increasing control over development from the district on down. Whether or not this resulted in discrimination against K.P.U. supporters is impossible to say for sure, however, there were allegations to this effect both within and outside Parliament. Odero-Sar, a K.P.U. M.P., related an instance in which

. . . two women were called by the District Officer and the Chief of North Ugenya and warned that because they voted for KPU they were going to lose their land in the settlement scheme at Muhoroni [T]hese women were summoned to the office and the Chief--during the time when he was warning these two women--banged several times on the table. They were threatening these women for what they did. This, of course, . . . made these women afraid, so that when it was time for another election for the county council member, they went to the Muhoroni Settlement Scheme and stayed there without participating in the election. 47

Kioko, an opposition M.P. from Machakos, alleged that some of the K.P.U.'s supporters who were traders and had been given loans by the Government were told that "unless they change[d] their minds the loans [would] be withdrawn."⁴⁸ There

⁴⁶Interview with Thomas Okelo-Odongo, Nairobi, October 2, 1969.

⁴⁷Official Report, 28 September 1968, col. 158.

⁴⁸Ibid., col. 161.

were suggestions that members of the K.P.U. had greater difficulties in obtaining loans from district development loans boards than members of the dominant party,⁴⁹ and in some cases outright "complaints or discrimination against the KPU from individuals and cooperatives who [had] not received loans because of their political affiliation."⁵⁰ Okelo-Odongo claimed that civil servants showed favoritism in the issuance of trade licenses and that "if a person [was] tagged as a K.P.U. supporter he [might] lose his license."⁵¹ It is also apparent from the previous chapter that traders who rented office space to the opposition party were thought to be in some danger of having their licenses removed. In spite of denials from the Assistant Minister for Lands and Settlement, Luke Obok, a K.P.U. M.P. also maintained that "KPU supporters had been removed from membership of land [consolidation] committees in Ugenya and Alego Locations."⁵² During the Little General Election, J. K. Tanui, the K.P.U. candidate for the Baringo East constituency "claimed that chiefs and administrative officers in the area had been instructed not to issue famine relief food to some K.P.U. supporters."⁵³

⁴⁹Official Report, 22 February 1967, col. 301.

⁵⁰Interview with Thomas Okelo-Odongo, October 2, 1969; also see EAS, September 12, 1968, p. 5.

⁵¹Ibid.

⁵²Official Report, 27 October 1966, cols. 1315-16.

⁵³EAS, June 16, 1966, p. 5.

Regardless of the sheer volume of discrimination against K.P.U. supporters in the distribution of rewards at the local level, there appears to have been a general feeling that discrimination existed. The beliefs of the people themselves were probably as important as the actions of individual administrators, since individuals in K.P.U. areas began to feel that there was no point in even approaching civil servants for loans and other amenities. This in turn intensified feelings of discrimination, regardless of whether or not it existed, and worked to verify the Government's threat that people who joined the K.P.U. would be cut off from its rewards.⁵⁴ When political loyalty became the critical variable in deciding who could be a chief and who couldn't in parts of Central Nyanza such as East Gem, less popular men were sometimes substituted for well-liked chiefs who had been dismissed. Individuals who trusted the K.P.U. were apparently so suspicious of some of the new chiefs, that they were disinclined to work through them and hence became increasingly alienated from the Government and its amenities.⁵⁵

The Central Government's pressure on local civil servants to discriminate against the K.P.U. worked to favour KANU. Civil servants were working for a Government whose President had stated quite bluntly that "any citizen who

⁵⁴I owe this observation to Malcolm Valentine who did field research in Gem, Central Nyanza. Discussion with Malcolm Valentine, London, August 8, 1970.

⁵⁵Ibid.

supported the K.P.U. was the enemy of the whole country."⁵⁶ Threatened with the possibility of losing jobs, civil servants were probably careful to see that none of their actions would be interpreted as supporting the opposition party. As one District Commissioner apparently told a K.P.U. M.P. "I can see that you have every right, but my hands are tied, I am not allowed to let you hold the meeting. I am instructed by a politician, the Minister, or the Minister in charge, that I should act partially, that I should not be impartial here. Allow Kanu meetings but do not allow any KPU meetings to be held."⁵⁷ This feeling of being in a bind and therefore discriminating against the K.P.U. may also have been present in the awarding of amenities to individuals at the local level. If one felt that one's chances of receiving rewards would be diminished by supporting the K.P.U. clearly the likelihood that one would do so would be diminished. In addition, the K.P.U. could not give those who ventured to support them jobs or amenities that were in any way comparable to those offered by the KANU Government. As Qkelo-Odongo maintained,

[t]he reward structure is a big problem. Sometimes the KPU tries to help people by raising money to aid them with their poll tax and with their children's school fees. Mainly the KPU must simply try to assure its supporters that it is on the right line and that sooner or later when the KPU is in power it will give them jobs, etc. The fact that KPU people must generally look to the future for their rewards has had an effect and explains why numbers of people

⁵⁶ EAS, October 14, 1967, p. 7.

⁵⁷ Official Report, 16 June 1967, col. 1078.

have gone back into KANU. Often they just don't see any hope. Things seem to be taking a long time, but many people have to depend on hope for the future. 58

It is clear from Chapter II that because of the paucity of resources in the society as a whole many of KANU's supporters also did not receive the rewards they expected. The K.P.U.'s ability to appeal to the apathetic or the alienated within KANU who felt shortchanged, was inhibited by the climate of fear that existed in the country and by the opposition's inability to promise them anything tangible in the short run. The K.P.U. simply didn't have the goods. Although factions within KANU which were out of favour with the Government sometimes complained of reprisals that were similar to those used against the K.P.U.,⁵⁹ these socio-economic snactions did not threaten KANU as a party with extinction as they did the K.P.U. Outside of Central Nyanza only the really committed could afford to remain with the opposition party for very long.

⁵⁸ Interview with Thomas Okelo-Odongo, October 3, 1969.

⁵⁹ ". . . Mr. J. K. Theuri, the KANU Member for Nyeri . . . told the House that since he moved in parliament ten days previously an unsuccessful motion to the effect that the powers of the President be cut and most of his duties taken over by an executive Prime Minister, he had been harassed by C.I.D. officers, and his wife had been dragged about by Youth Wingers who told her: 'You know your husband moved a motion seeking to reduce the powers of the President. [The Vice-President, Moi denied the allegations] Theuri told the House he would be the last man to make false allegations. And he gave details of how his wife, employed by the Provincial Commissioner, Central Province, as a secretary had been moved to a lesser job.' Reporter, November 1, 1968, p. 9.

The Public Sector--Politicians: Statutory Boards
and Ministerial Appointments

In terms of their dependence on the state, civil servants and politicians in Kenya were both a part of what one author has called "an incipient class structure of the salariat type."⁶⁰ Both groups "are struggling to transform their status from a salariat to a property-owning group." Unlike the "classical European middle class," neither group owns the means of production or possesses the majority of the entrepreneurial skills.⁶¹ As one student of politics in Kenya has noted,

. . . political power at independence devolved not to an indigenous propertied class, but to a social stratum of property hunters. This characteristic of the Kenyan middle-class, coupled by the underdevelopment of other means of production, upon which the middle class can consolidate its power, has ominous results in the political processes that emerge. Since such a middle-class is an anomaly in Kenya--it is not the result of productive forces, but rather of consumer education, its dependence on the state becomes absolute. Such a dependence, makes political struggle so rigid and fierce, that it becomes a question of life and death. Further, since the political class, is not a propertied class, but one that attempts to underpin its power with property, it is once again dependent on state machinery and resources for the acquisition of property. Although this class appears wealthy and is reckoned for conspicuous consumption, it is in reality a poor class: its wealth in houses, land etc. is mortgaged and dependent on state protection for the loans it has acquired. This further strengthens the rigidity [since] relinquishing political power would leave a member of this class saddled with debts 62

60 Okumu, "The Socio-Political Setting," op. cit.,
p. 35.

61 Ibid.

62 Apollo L. Njonjo, Kenya the Crisis of Succession and the Armed Forces, unpublished paper, January 1971, p. 14.

Politicians like civil servants are dependent on the state for many of their amenities and rewards. Although all of Kenya's M.P.s were paid the same salary regardless of their political party affiliation, M.P.s who were loyal to KANU received certain benefits and additional appointments which were denied to K.P.U. M.P.s. Almost immediately after the formation of the opposition party, it was apparent that the Government "view[ed] competition as a game in which the winner takes all."⁶³ Once it became clear that M.P.s who joined the K.P.U. would be denied these benefits, the likelihood of their joining the K.P.U. decreased and the likelihood of defections from the K.P.U. to KANU increased.

Statutory Boards

The Government stated in 1968 that there were 403 'statutory boards and other bodies in the country, ranging from big state corporations, such as the Industrial and Commercial Development Corporation, to small committees, such as the Factories Committee under the Ministry of Labour.' One indication of the power of statutory boards was that they employed 14,000 people in 1968, 6.4% of employment in the public sector. Moreover, they paid £ 3.5 million in wages that year, 11% of wages in the public sector. Positions on these quasi-independent boards were filled by civil servants, others interested in the affairs of the boards, and M.P.s.⁶⁴

⁶³Okumu, "The Socio-Political Setting," op. cit., p. 41.

⁶⁴Jay E. Hakes, *The Parliamentary Party of the Kenya African National Union, Cleavage and Cohesion in the Ruling Party of a New Nation*, Unpublished Ph.D. dissertation, Duke University, 1970, p. 263.

From an M.P.'s perspective, the advantage of being appointed to one of these boards was twofold. First, as Chapter II has already indicated, the additional salaries and fringe benefits were attractive and sometimes lucrative.⁶⁵ This was true even after July 1967, when officials who were members of more than one statutory board were prohibited by a Government circular from receiving more than one salary.⁶⁶

Second, appointments to some of the agricultural and other types of statutory boards were important because of the potential patronage they generated for M.P.s and their constituents. "Some of these boards dealt with important produce. The Kenya Coffee and Marketing Board, the Kenya Meat Commission, the Tea Board, the Pyrethrum Board of Kenya, the Pyrethrum Marketing Board and the Sisal Board, for instance, coordinated and controlled Kenya's leading exports."⁶⁷ A number of the

⁶⁵The salaries varied from board to board, although by 1966 there was some effort to standardize them. "In January, 1966 the Minister for Agriculture issued two directives, one of which established guidelines for payments. This directive stipulated that the maximum salary to a non-executive chairman would be £ 1,500 a year, his total allowances would not exceed £ 250, and no other allowances or perquisites such as housing allowances or private secretaries would be allowed. The directive also said that vice chairmen and members should not exceed 100 shillings per day, and that overnight allowances should be limited to 60 shillings per night. The other directive included a warning to board members that claiming allowances from two organizations for the same travel was illegal. When the directives were discussed in the House the next week, McKenzie admitted that some board Chairmen had received as much as £ 2,750 a year with their allowances and that sitting allowances had ranged from 20 to 400 shillings a day." Ibid., p. 267. Also see Official Report, 31 May 1967, col. 486.

⁶⁶Ibid., p. 268.

⁶⁷Hakes, The Parliamentary Party . . . , op. cit., p. 280.

other boards such as the Industrial and Commercial Development Corporation, the Development Finance Corporation, the Land and Agricultural Bank of Kenya, the Agricultural Finance Corporation, the Agricultural Development Corporation; the Local Government Loans Authority, and the National Housing Authority distributed an enormous amount of financial aid: financial assistance and loans to viable African run enterprises, "mortgages for citizens who wished to buy land with repayment up to 15 years,"⁶⁸ credit to progressive African farmers, investments in factories associated with agriculture, loans to local authorities (e.g., councils and municipalities) for purposes other than housing and agriculture, and loans for housing.⁶⁹ The purpose of these agencies was in part to provide institutions which would be less cautious than private investors in "committing their money to a project."⁷⁰ "By 1966 they were responsible for outstanding credit extended to some K £ 30,000,000."⁷¹ Some of this money was raised in Kenya, but the majority of it came from "overseas government leaders."⁷² Altogether these statutory boards controlled many of the investments undertaken in the public sector.⁷³ In 1965, it was reported that one-half of the money used to buy large-scale

⁶⁸ Who Controls Industry . . ., op. cit., p. 191.

⁶⁹ Ibid., pp. 186-93.

⁷⁰ Ibid., p. 186.

⁷¹ Ibid., p. 193.

⁷² Ibid.

⁷³ Ibid., p. 221.

farms in the Rift Valley "had been supplied by Government loans."⁷⁴ Furthermore, the Government stated in the 1970-74 Development Plan that the Agricultural Finance Corporation was "the major public body administering agricultural credit" and that the "policy of channelling all public supplies of agricultural credit through the AFC [would] be continued except where special circumstances dictate[d] otherwise."⁷⁵ Not only did these statutory boards control a good deal of money, but they were also significant employers within the public sector. As one author has noted, "since the Kenya Meat Commission was Kenya's ninth largest employer, its activities had political ramifications that were not related to meat."⁷⁶

Although it is apparent that the statutory boards on which M.P.s sat were distributors of important rewards having to do with finance and employment, it is impossible to say what kinds of influence the M.P.s on these boards had over the rewards, because of a lack of evidence. It is probable that on some boards civil servants or fulltime professionals, who were also appointed to most statutory bodies, exercised more influence than politicians. However, one would like to know whether or not M.P.s appointments gave them additional patronage for their constituents. The crucial questions of who were the

⁷⁴Ibid., pp. 211-12.

⁷⁵Development Plan, op. cit., p. 212.

⁷⁶Hakes, The Parliamentary Party, op. cit., p. 280.

influential, on what kinds of boards, in what types of situations, and what was the nature of their influence at various levels within the society, must by necessity remain unanswered here.

Debates within Parliament indicated that M.P.s were extremely interested in obtaining appointments to statutory boards.⁷⁷ In early July 1967, an opposition M.P. moved that the Government introduce legislation which would "[c]onstitute an independent body with powers to approve or reject all appointments made by Ministers to statutory bodies."⁷⁸ Later that month another motion called upon "the Government to amend the existing legislation in relation to the appointment of statutory boards' chairmen by the Minister in order to enable the elected members of such boards to exercise their right in electing popular chairmen."⁷⁹ Although both of these motions failed, the debates brought out M.P.s' fears that the power of individual Ministers to nominate the members and the chairmen of statutory boards under their auspices would mean that only the "very good boys of the Ministers" would obtain appointments, that they would be likely to support the Ministers concerned, and hence that Ministers would have "very wide powers."⁸⁰ The intensity of these debates suggests that there was some influence

⁷⁷ Hakes, The Parliamentary Party . . ., op. cit., pp. 265-69.

⁷⁸ Official Report, 12 July 1967, col. 2043.

⁷⁹ Ibid., 21 July 1967, col. 2577.

⁸⁰ Ibid., col. 2578.

to be had on these boards. Exactly what that influence was is another question.

The Report of the Maize Commission of Inquiry provides some indication of the influence M.P.s who were sitting on the Maize Marketing Board had during the maize shortage in 1966. The Report noted that "there was political interference in the distribution of maize and maize meal in that certain high-ranking politicians allegedly issued verbal instructions, and sometimes written chits to the millers requesting them to supply maize or maize meal to their nominees or supporters."⁸¹ In describing the various attempts at political interference the Report stated "[o]ne thing that is clear from these instances is this. Each politician was helping the people of his own area." The Report went on to say, however, that a politician's success in helping his people depended on his position: M.P.s who had official positions on the Maize Board apparently had the greatest success "in getting special allocations for their areas," Ministers without a position on the Board apparently had less success, and M.P.s who were only M.P.s were virtually unable to get what they wanted.⁸² The volume of corruption that occurred during the maize shortage was probably atypical of what was occurring on other statutory boards and the Government was swift in reprimanding its perpetrators. Nevertheless, it gave

⁸¹ Report of the Maize Commission of Inquiry, op. cit., p. 150.

⁸² Ibid., pp. 152-53.

some indication of the kind of added influence that one might have as a member of such a board.

It is clear that the additional financial amenities and the potential marginal influence one might obtain made statutory board appointments attractive to M.P.s.

Chapter II suggested that these appointments were used by the Government as a means of coopting dissidents. As Jay Hakes has noted,

[t]hese appointments and the collective responsibility they entailed promoted party cohesion by virtue of the number of the MPs involved and, perhaps more importantly, because the MPs selected were the kind that would otherwise have been significant threats to such cohesion. . . . [Furthermore] expectations of appointments as well as the appointments themselves played a role in party cohesion.⁸³

The Government also punished its opponents by stripping them of their statutory board appointments. Some of those affected were dissident KANU M.P.s who refused to tow the line even after they had been nominated to a particular board.⁸⁴ However, the majority of those who were released were members of the opposition party. Soon after the Limuru Conference and the formation of the K.P.U., all members of the opposition party who held positions on statutory boards lost their appointments including those who unsuccessfully attempted to retreat back into KANU after they had "crossed the floor."⁸⁵

⁸³Hakes, The Parliamentary Party . . ., op. cit., pp. 290, 292.

⁸⁴Ibid., p. 283.

⁸⁵Appointments to statutory boards are recorded in The Kenya Gazette. The above statement and the material recorded below are drawn from The Kenya Gazettes, January 1965-

POSITIONS ON STATUTORY BOARDS LOST BY THE K.P.U., 1965-69

- Z. M. Anyieni-----Maize and Produce Board, 3/25/66.
- Okuta Bala-----Industrial Commerce and Development Corporation,
4/66. Sugar Advisory Council and Development
Finance Corporation (uncertain and date unknown)
- Chillo-----Kenya Tourist Development Corporation, 1966.
- Choge-----Kenya Meat Commission, 7/12/66.
- E. D. Godana-----Chairman, Marsabit Joint Trade Development
Board, 12/16/65.
- J. D. Kali-----Kenya National Trading Corporation, 1966.
Chairman Export Promotion Council (date
unknown) 1966.
- Khalif-----Central Selection Board (Government
Bursaries), 1966.
- Makokha-----Cotton Lint and Seed Marketing Board, 5/66.
Chairman Busia Joint Trade Development
Board, 7/22/66. Film Censorship Board
(date unknown).
- Obok-----Loan Defaulters Sifting Committee, 2/15/66.
- Oduya-----Cotton Lint and Seed Marketing Board, 5/66.
- Rotich-----Loan Defaulters Sifting Committee, 2/15/66.
- Tanui-----West Kenya Marketing Board, 12/21/65.
Central Housing Board, (date unknown)

Source: Ibid.

October 1969, interviews with Thomas Okelo-Odongo, October 3 and 9, 1969, and parliamentary debates. Much of the information was supplied to me by Jay Hakes whose efforts were more extensive and whose results were more fruitful than my own. I am extremely grateful for his continual generosity.

Of the M.P.s listed above, four--Godana, Rotich, Obok, and Tanui--lost their positions in 1965 or early 1966, prior to the emergence of the K.P.U. At least two of these men, Obok and Tanui, had been longstanding critics of the Government and Tanui had already lost his position as Assistant Whip in the House as of July 1965. Positions on statutory boards were generally used to consolidate the support of M.P.s who were not already bound to the Government. They tended to go to M.P.s without ministerial rank. Therefore K.P.U. M.P.s who were Ministers or Assistant Ministers prior to joining the opposition party (i.e., Odinga, Oneko, and Okelo-Odongo), did not have statutory appointments to lose.⁸⁶

In December 1966, in two separate discussions on the "unfair treatment of the opposition," K.P.U. M.P.s complained about having been removed from their positions on statutory boards. In defending the Government's action, the Minister for Information and Broadcasting stated,

when these Members resigned from Parliament, there was no possibility for them to come and defend these boards in this Parliament. The aim of appointing Members of Parliament to statutory boards . . . is because they would explain to the House the work of the statutory boards When the Members who had crossed the Floor had left the Parliament, it was only fair that the Government should remove them from the statutory boards, because they were then not in a position to explain the policy of the statutory boards to [the] House. For example, . . . the Member who was representing Busia South-West then, Mr. Christopher Makokha, who was then on the Cotton Board,

⁸⁶According to Jay Hakes, Okelo-Odongo apparently lost the Chairmanship of the Kenya National Assurance Company when he resigned as Assistant Minister.

when he left--and it is a pity that he lost the elections--he could not continue sitting on the Cotton Board, because he was not in this house. The hon. Member for Teso[[Oduya] might argue that he too was asked to leave the board. Indeed, he did leave the board, but when he was returned to this House, it was unfortunate that his place had already been filled by someone else, and therefore, he could not be reinstated. Otherwise, if the post was vacant, he could be returned on the Cotton Board. 87

The Minister's statement concerning the ability of K.P.U. M.P.s to sit on statutory boards when vacancies occurred was contradicted by the fact that from 1966-1969 only one opposition M.P., Chillo, was appointed to a statutory board, although the composition of these bodies shifted with some frequency. According to Jay Hakes, the Government was forced "to appoint a KPU supporter to the post in order to represent cotton-producing Central Nyanza."⁸⁸ The Minister's statement was contradicted again in the same debate when a KANU M.P. stated flatly that

all these statutory boards are Government boards. They execute Government policy and it cannot be understood how a Member of the Opposition can remain on a statutory board and comply with the policy of the Government. So it is very natural that they should be asked to leave. 89

⁸⁷Official Report, 16 December 1966, col. 2882; also see 2 December 1966, cols. 2345-58, and 29 April 1966, cols. 240-41.

⁸⁸Hakes, The Parliamentary Party . . . , op. cit., p. 283. According to Jay Hakes, [t]he Ministry of Agriculture tried to appoint board members who represented areas producing the crop associated with their boards, and this constituency factor can be clearly seen in the pattern of recruitment to boards." Ibid., p. 282. Chillo was appointed to the CLSMB on February 3, 1967. The Kenya Gazette, Gazette Notice 328, 3 February 1967, p. 83.

⁸⁹Official Report, 16 December 1966, col. 2889.

If there was ever any doubt as to the Government's position concerning appointments to statutory boards it was removed in July 1967 when Tom Mboya, the Minister for Economic Planning and Development, bluntly informed the House that statutory boards

are intended to be the agency or the arm by which the Government implements its policies, not the Opposition's policies; the Government's policies. The Coffee Marketing Board, the Kenya Meat Commission, the Tea Board, or whatever it is are part and parcel of the Government. They promote Government policies. The Opposition, if they wish to promote their own policies, will have to wait until they are in a position to control the policies of the Government, which I doubt that they will be.⁹⁰

Exactly what effect this purge from statutory boards had on the opposition M.P.s affected by it is difficult to say. They clearly lost financial and other fringe benefits, and were also privy to less information concerning key sectors of the economy than members of the boards or M.P.s with ministerial rank. Whether or not the purge made it more difficult for constituents within these M.P.s areas to obtain loans, credit, or employment is unknown. Altogether the loss of these appointments had the effect of increasing the burdens of being in opposition and diminished the likelihood that dissident KANU M.P.s would choose to join the K.P.U.⁹¹

⁹⁰Official Report, 21 July 1967, col. 2596.

⁹¹The burdens were numerous. K.P.U. M.P.s claimed that after they joined the K.P.U. their cars were taken away from them. Official Report, 2 December 1966, col. 2346. The Minister for Information and Broadcasting justified the action by claiming that "... when we signed for the loans for these cars, all of us, including even Ministers, the agreement between

In addition to reducing the K.P.U.'s relative resources by purging its members from statutory boards, the Government also used its nominating powers to reward former members of the K.P.U. who had decided to return to KANU. Appointments to statutory boards was one of several inducements that the Government attempted to use to bring back K.P.U. dissidents into the dominant party. Others included the decision to allow returning M.P.s like Kioko and Oduya and ex-K.P.U. politicians like Rading Omolo to be the KANU candidates in the by-elections that they contested.⁹² Furthermore, there was the added possibility of obtaining a ministerial position if one returned, a subject which will be considered in the next section.

Rewarding ex-opposition party dissidents with appointments to statutory boards was not a new tactic. It had been used to consolidate the support of former APP and KADU politicians in the earlier days. A month after the APP was disbanded, in October 1963, Paul Ngei became Chairman of the

us and the United Dominion's Corporation which lends us money to buy these cars, was that we were to be lent the money during the time we were in this Parliament When the Members left this Parliament, it was only fair that the Government which guarantees the loan for these cars should withdraw the cars in the interests of the public whose funds were involved." Official Report, 16 December 1966, col. 2882. K.P.U. M.P.s said in addition that their licences to carry firearms had been withdrawn by the Government, and that they had been prohibited from obtaining hunting licences. See Official Reports, 21 October 1967, col. 1067, 27 October 1966, col. 1345, 29 November 1966, col. 2150, 31 October 1967, col. 1427. Of the K.P.U. M.P.s who were affected by the loss of statutory board appointments only Chillo, Okuta Bala, Obok, and Kali never attempted to re-join KANU. Makokha rejoined KANU at one point and then later returned to the K.P.U.

⁹²This was discussed in the previous chapter.

Maize Marketing Board.⁹³ Following the dissolution of KADU in 1964, Ngei "relinquished the chairmanship" when he accepted a ministerial appointment. In early January 1965, two ex-KADU M.P.s were also named as chairmen of major statutory boards-- Ngala to the Maize Marketing Board, and Muliro to the Cotton Lint and Seed Marketing Board.⁹⁴ Within a short period after the dissolution of KADU some of its former M.P.s including ole Tipis, Rotich, Jilo, and Choge (the last three of whom later joined the K.P.U.), had been appointed to various statutory boards: ole Tipis to the Land and Agriculture Bank of Kenya, the Agricultural Development Corporation, the Loans Sifting Committee, and the Tourist Development Corporation as Chairman;⁹⁵ Rotich to the Loans Sifting Committee, from which he was removed in 1966;⁹⁶ Jilo to the Cotton Lint and Seed Marketing Board, from which he was removed in 1966;⁹⁷ and Choge to the Kenya Meat Commission, from which he was also removed in 1966 to be replaced by Kiprotich, an M. P. who stayed with KANU when the other dissidents "crossed the floor" despite rumours to the contrary.⁹⁸

⁹³Hakes, *The Parliamentary Party . . .*, op. cit., p. 271.

⁹⁴EAS, January 7, 1965, p. 1.

⁹⁵The Kenya Gazette, 19 January 1965, p. 34, 29 June 1965, p. 658, 7 December 1965, p. 1452, 22 February 1965, p. 179.

⁹⁶Ibid., 7 December 1965, p. 1452.

⁹⁷Ibid., 17 August 1965, p. 979.

⁹⁸The Kenya Gazette, 25 May 1965, p. 528, 12 July 1966, p. 775. There were probably a number of other appointments made after KADU and the APP folded, however, I have not done a careful study of the Gazettes during this period.

Several K.P.U. M.P.s and politicians who returned to KANU before the opposition party was banned were also rewarded with appointments to statutory boards. Anyieni, who had left the K.P.U. in November 1968, was appointed to the Betting Control and Licencing Board in August 1969.⁹⁹ Rading Omolo, a K.P.U. politician who was detained in 1966, was appointed executive officer of the Betting Board sometime after his release in 1967, in addition to receiving the KANU nomination for the Gem by-election.¹⁰⁰ And Bildad Kaggia, after his surprise return to KANU in August 1969, was appointed as Chairman of the Cotton Lint and Seed Marketing Board less than a year later.¹⁰¹ It is impossible to know what kinds of rewards awaited returning KANU politicians at the local level who were not M.P.s. In speaking of returning M.P.s, however, Okelo-Odongo claimed that "there have been rewards in almost every case in one way or another."¹⁰²

The distribution of these appointments and others like them clearly encouraged a dependence on the state and an allegiance to the dominant party. Given the opposition's lack of control over existing resources and the general lack of

⁹⁹The Kenya Gazette, 22 August 1969, p. 806.

¹⁰⁰I thank Jay Hakes for the information concerning Omolo's appointment to the Betting Board.

¹⁰¹The Kenya Gazette, 29 May 1970, p. 556.

¹⁰²Interview with Thomas Okelo-Odongo, Nairobi: October 9, 1969; unfortunately, this kind of information is difficult to obtain since much of it is not published.

alternatives either for those who wanted to keep what they had or for those who were upwardly mobile, the K.P.U. simply could not compete with the inducements of the regime.

Ministerial Appointments

Ministerial appointments were rewards for the loyal and potential inducements for wavering opposition M.P.s to return to the rank of the dominant party.¹⁰³

For an M.P., the advantages of a ministerial or assistant ministerial appointment were substantial: more money, more status, more fringe benefits, a greater likelihood of bringing developmental benefits home to one's area and hence a greater likelihood of being reelected. As Jay Hakes has noted, the concern among M.P.s to increase their "political security and influence" was an ever present desire. The fear of falling from power was great and one M.P. no doubt reflected a generalized anxiety when he stated, ". . . there is nothing so difficult in life than when you are a Member than going out and becoming what I would call 'seatless.' When you go out there and you have been wearing that plate 'M.P.' and it disappears the next day, you appear to be completely miserable and a small man."¹⁰⁴ Although an M.P. increased his political security to some extent by joining the ministerial ranks, he also tended to increase

¹⁰³For a detailed study of ministerial appointments see Hakes, *The Parliamentary Party*, op. cit., pp. 231-62.

¹⁰⁴Ibid., pp. 133-34.

his dependence on the state. The desire to "get-rich-quick"¹⁰⁵ plus the feeling held by some Ministers that they would exude more status by wearing expensive clothing, living in ostentatious housing and driving a Mercedes Benz encouraged a number of M.P.s to live beyond their means. As Fred Burke has noted, this ostentation was in part a product of the inherited colonial ecology.

Even in Tanzania, Ghana, or Guinea, where every attempt has been made to build the new nation on a bedrock of a revived African culture, and according to the tenets of African Socialism, the head of state has inherited the Governor's palace, his upcountry lodges and other physical amenities symbolic of authority and status. In greater need of powerful symbols of authority for a long-suppressed self-esteem, and for purposes of acquiring mass legitimacy, the new elite is inclined towards greater ostentatiousness than its predecessor.¹⁰⁶

A Minister's or Assistant Minister's ability to live beyond his means stemmed from his greater access to loans and other amenities provided by the state; hence his greater dependence on it.¹⁰⁷

KANU M.P.s as well as those in the ministerial ranks tended to

¹⁰⁵Okumu, "The Socio-Political Setting," op. cit., p. 40.

¹⁰⁶Burke, op. cit., p. 372.

¹⁰⁷After losing his seat in the 1969 general elections, one former minister Odero-Jowi was forced by the courts to pay £ 992 to a Nairobi motor company that handled Mercedes Benzs. EAS, July 14, 1970, p. 5. Ordinary M.P.s were also involved in financial difficulties. See material on the case of Wairi Kamau, the former M.P. for Githunguri, EAS, July 14, 1970, p. 5, July 27, p. 5, August 17, p. 5. However, the indebtedness of Ministers and Assistant Ministers was likely to be greater than that of ordinary M.P.s because of their greater ostentation and their greater access to the state's amenities. Ministers in Kenya were unaffectionately known as the Wabenze--'wa' being swahili and 'benze' being a shorthand for Mercedes Benz. I thank Apollo Njonjo for drawing my attention to the above newspaper articles.

perceive the K.P.U. as one more unwelcome threat to their often tenuous "political security." As Okelo-Odongo noted,

[t]hey view the K.P.U. as competitors. Many KANU M.P.s feel very threatened and fear a loss of power as a result of K.P.U. competition. After independence many KANU members believed that all they had to do was to be loyal and they would be returned in any election. In fact these people are very weak and their power is very precarious.¹⁰⁸

For the KANU Government, the overwhelming advantage of bringing M.P.s into the ministerial ranks was that it increased intra-party cohesion.

Because of collective responsibility and his strategy of selecting ministers and assistant ministers [in terms of ethnicity as well as ability], the President was able to co-opt the most able MPs and the political leaders from most areas into the Government and thus to immobilize opposition to it within the party. KANU MPs, of course, continued to criticize the Government, but the process of co-optation made organized efforts by backbenchers more difficult.¹⁰⁹

The possibility of ministerial appointments for the insecure or the upwardly mobile was an attraction that increased the marginal strength of the dominant party. These appointments were simply one more example of the KANU Government's relative monopoly of resources compared with those of the K.P.U. The Government used its powers of appointment strategically in an effort to insure the dependence of certain key individuals, tribes, and regions on the KANU regime.

It did this first by increasing the size of the Cabinet from 34 ministers and assistant ministers representing 17 districts

¹⁰⁸ Interview with Thomas Okelo-Odongo, Nairobi, October 2, 1969.

¹⁰⁹ Hakes, *The Parliamentary Party . . .*, op. cit., p. 262.

in 1963 to 54 representing 31 districts in 1969.¹¹⁰ The two major increases were in December 1964, after Kenya became a Republic and in mid-1966 following the formation of the opposition party when the Cabinet was increased to 50: 22 ministers and 28 assistant ministers. At the time of the second increase, Dennis Akumu, a spokesman for the K.P.U. described the new Cabinet "as extravagant and expensive and an attempt to create 'jobs for the boys.'"¹¹¹ A few months later in Parliament, an opposition M.P. asked the Minister of State in the President's Office if he was "not aware that the people of this country are blaming this Government for creating jobs for Members of Parliament in this country, so as to persuade them not to join the KPU?"¹¹²

The KANU Government not only increased the size of the Cabinet, but it also distributed these appointments to key

¹¹⁰ Ibid., p. 242.

¹¹¹ EAS, May 5, 1966, p. 3.

¹¹² Official Report, 28 September 1966, col. 104. In speaking more generally about Parliament, one author has also noted the following: "There are 173 people sitting in the National Assembly. This seems rather high in a country with over 9,000,000 people. Kenya, in fact, has the largest parliament in black Africa. If the United Kingdom had in the House of Commons the same ratio of legislators to population as does Kenya, she would have 1,003 members instead of 630. If the United States had as many members of both the Senate and the House of Representatives in proportion to population as does Kenya, she would have 3,630 members of Congress instead of the present 535. The pay of Kenya's representatives in the National Assembly is £1,200 per year in a country whose average per capita income is £30.5. Allowances and expenses add another £849 per member. Service in the legislature also leaves members time to earn additional income in private life The ministers each receive £3,555, plus housing allowances, passages and leave expenses, foreign trips, and other benefits." Jacob Oser, Promoting Economic Development, With Illustrations from Kenya, Nairobi: East African Publishing House, 1967, p. 204.

members of former opposition parties as well as to KANU's stalwarts. In December 1964, following the dissolution of KADU and the declaration of the Republic, Moi, the former National Chairman of KADU and the leader of the strategic Kalenjin tribe, became the Minister of Home Affairs, thereby relieving Odinga of this portfolio.¹¹³ At the same time, Ngei, the former leader of the APP and the Kamba, was appointed as the Minister for Cooperatives and Marketing. These nominations increased the number of Ministers to 19. The number of Assistant Ministers went from 18 to 24 and all the new posts went to members of former opposition parties: Oloitipiti, Matano, Munoko and Murgor of KADU, Mutiso, of the APP, and Godana of the Northern Province United Association. Following the emergence of the K.P.U. in mid-1966, the number of Ministers increased to 22 and the number of Assistant Ministers to 28. More significant than the increase in numbers, was the fact that 13 new backbenchers had been added to the Government, 12 as Assistant Ministers and one as a full Minister.¹¹⁴

¹¹³This was part of the early attempts to isolate Odinga. Although he was still Vice-President, most of the key responsibilities were turned over to Moi. A good deal of the material which follows comes from Hakes, *The Parliamentary Party . . .*, *op. cit.*, pp. 233-42.

¹¹⁴In 1965, Nyamweya rose from an Assistant Minister to the Minister of State in the President's Office, thereby increasing the number of Ministers to 20. In 1966, when Oneko and Odinga left the Government upon joining the K.P.U. the number of Ministers was down to 18. The reason that the absolute number of Assistant Ministers increased by only 4, although there were 12 new backbenchers among them stemmed from vacancies in the Assistant Ministerial Ranks due to (a) promotions from Assistant Minister to Minister--Argwings-Kodhek, Murumbi, Kibaki, Nyagah, Osogo = 5; (b) vacancy due to Nyamweya's promotion in 1965 = 1; (c) the resignation of Okelo-Odongo due to his joining the K.P.U. = 1; and (d) the dismissal of Senator Machio = 1; totaling 8 plus 4 new positions.

The Luos who did not join the K.P.U. and stayed with KANU were rewarded. Argwings-Kodhek, a KANU M.P. from Gem, was promoted and became the Minister for Natural Resources. Two other Luo, Omolo-Agar and Oselu-Nyalick, were given assistant ministerial posts.¹¹⁵ At the same time, a number of M.P.s who had formerly supported KADU joined the ranks of the Government: Ngala, the former leader of KADU at the Coast, was brought up from the backbench to become the Minister for Cooperatives and Social Services, while the Ministry of Housing was being left vacant for Ngei, who was temporarily being reprimanded for his part in the Maize scandal. Discounting the two Luo who became Assistant Ministers, 7 of the remaining 10 new Assistant ministerial posts went to former KADU M.P.s: Kase, Khasakhala, Masinde, Tipis, Rurumban, Malinda, and Kerich. The one M.P. who was dropped as an Assistant Minister was Senator Machio, who had been a personal secretary to Odinga at one time.¹¹⁶ In 1966, there were 7 Kikuyu and 3 Luo Ministers, whereas in the first Cabinet there were 5 Kikuyu and 4 Luo. In January 1967, there was a reshuffle in the Cabinet in the process of which Moi was appointed as Vice-President of the country to replace Joseph Murumbi who had left "politics to go into commerce."¹¹⁷

¹¹⁵ Jay Hakes maintains that these appointments were an attempt at ethnic arithmetic to compensate for the loss of Luo in the Cabinet due to Oneko's and Okelo-Odongo's joining the K.P.U. Hakes, *The Parliamentary Party . . .*, op. cit., p. 238.

¹¹⁶ Ibid., p. 239.

¹¹⁷ For the changes in the Cabinet see Reporter, January 13, 1967, p. 1. At the time there were some rumours that Murumbi would join the K.P.U., however, he did not. See EAS, October 24, 1966, p. 5.

Kenyatta continued to attempt to consolidate support among the Luo. In November 1967, he created a new post, Minister to the East African Community, and filled it with Odero-Jowi, a Luo, who had formerly been an Assistant Minister in the Ministry of Finance.¹¹⁸ In 1969, two Luo Ministers died, Argwings-Khodesh in a car accident and Tom Mboya by assassination, bringing the number of Luo ministers down to two temporarily. Kenyatta quickly appointed Odero-Jowi as the Minister of Economic Planning and Development, Mboya's former post, and put Robert Ouko, a Luo who had formerly been a Permanent Secretary, in place of Odero-Jowi in the Ministry to the East African Community. Later, Okwanyo, a Luo backbencher, received a position as the Assistant Minister for Foreign Affairs. Consequently, the number of Luo Ministers remained constant at three.

After the general election in December 1969, which followed the banning of the opposition party and the arrest of its M.P.s, a new Cabinet was formed. Included among the new Assistant Ministers were 4 ex-K.P.U. M.P.s. Three, Anyieni, Khalif, and Choge, had "crossed the floor" and lost in 1966 and had later returned to the dominant party. The other, Kioko, had retained his seat in 1966, but had returned to KANU in 1968. Altogether there were at least 9 M.P.s who were elected in 1969 who had been associated with the K.P.U.

¹¹⁸At the same time Kenyatta created an assistant ministerial post to the ministerial one. Other changes, fairly minor, took place in 1968. See Hakes, *The Parliamentary Party . . .*, op. cit., p. 241. There were also some reshuffles in January 1968. See Reporter, January 12, 1968, p. 14.

at one time or another. Six were former M.P.s who had lost their seats in the Little General Election: Bonaya, Jilo, Anyieni, Choge, Khalif, and Gichoya. One was Kioko. The two others were Dennis Akumu, a former K.P.U. party spokesman who had been detained, released, and then brought back into the ranks quite early when he was appointed as the head of the Central Organization of Trade Unions (COTU) in 1966, and Grace Onyango, the former Mayor of Kisumu, a relative of Odinga's and a K.P.U. activist up until the party was banned.¹¹⁹ In addition, 7 other K.P.U. M.P.s (Kaggia, Sadalla, Rotich, Lorimo, and Godana--who had run and lost in the Little General Election, Oduya--who had returned to KANU in 1968, and Rading Omolo--who had been detained, returned to KANU and fought the Gem by-election unsuccessfully) ran in the 1969 general elections and lost.¹²⁰ Even before the ministerial appointments following the 1969 elections the message was clear; those who returned to the fold would be rewarded and it was never too late to return. Clearly the KANU Government's inducements were enticing and it is more than likely that this monopoly of rewards reduced the opposition party's appeal in all parts of the country except for Central Nyanza, both at the national and the local level. Although KANU's marginal strength increased at the K.P.U.'s expense, some individuals nevertheless stayed with the opposition

¹¹⁹The reason I say at least 9 is that there may have been others whose names I might not recognize.

¹²⁰The Kenya Gazette, 9 January 1970, pp. 26-28, 16 January 1970, p. 51; EAS, November 28, 1969, p. 5.

until the end. The question of why they did will be considered in the next chapter.¹²¹

Parliament

Outside of its realm as employer, the Government was also able to monopolize the existing resources in other arenas including Parliament, thereby enhancing the relative strength of the dominant party. Although the original standing orders of Parliament did not "deal expressly with the position of opposition parties" in the House, the K.P.U. was recognized as an official opposition party until the orders were revised in late 1967.¹²² According to the revised Standing Orders of 1967, a group of M.P.s wishing to sit as a party in the National Assembly were required to be "at least seven in number," whereas the minimum number of M.P.s needed to constitute an Official Opposition party was thirty.¹²³ The only difference between the rights of an opposition and an official opposition party was that the latter was entitled to insist on holding the Chairmanship and the majority of seats on the Public Accounts Committee and to obtain a salary from public funds for

¹²¹Also see Chapter VI.

¹²²Y. P. Ghai and J.P.W.B. McAuslan, Public Law and Political Change in Kenya. A Study of the Legal Framework of Government from Colonial Times to the Present, Nairobi, London, New York: Oxford University Press, 1970, p. 353; also see Official Report, 28 April 1966, col. 1993.

¹²³C. J. Gertzel, "The Constitutional Position of the Opposition in Kenya: Appeal for Efficiency," East Africa Journal, Vol. IV, No. 6, October 1967, p. 9.

its leader and whip. Whereas, Opposition parties with less than thirty M.P.s were only entitled to present party sponsored motions in the House and to have time set aside for such motions to be determined by the Sessional Committee.¹²⁴ In discussing the position of the K.P.U. in the House, in 1968, the Speaker noted

. . . we are not concerned only with the absolute rights conferred by Standing Orders. We are concerned also with the precedents and practice of this and other democratic Parliaments.

It is a common and essential principle of such precedents and practice that minority parties, however small . . . must be given not only a fair hearing but also a fair share in the work of their Parliament

Therefore, for instance, it is a common and essential feature of such precedents and practice of democratic Parliaments that every parliamentary party is represented in every Select Committee of the House.

Likewise . . . the Sessional Committee is expected, in the exercise of its important discretions, such as that of allocating time for party motions, to be scrupulously fair; . . . and ignoring the dangerous temptation of a majority to abuse its power.¹²⁵

As the Speaker implied in the quotation above and as Cherry Gertzel later noted, in October 1967, it was

technically . . . possible for the Sessional Committee to appoint a senior Government Member of Parliament to the chairmanship of the Public Accounts Committee; and to refuse to allow any Opposition motions to be brought to the floor of the House. . . . [T]he present Opposition . . . has enjoyed the privileges accorded to it not by right but by the goodwill and fair mindedness of the present Sessional Committee¹²⁶

¹²⁴Official Report, 29 February 1968, col. 164.

¹²⁵Ibid.

¹²⁶Gertzel, "The Constitutional Position . . .," op. cit., p. 11.

Although the opposition complained from time to time that it was inadequately represented on the key committees of the House,¹²⁷ it nevertheless sat on all committees until July 1969, and Odinga continued to Chair the Public Accounts Committee as Leader of the Opposition until that time. In July 1969, the Government nominated a new Sessional Committee consisting of twenty-four KANU M.P.s. When it came time for the new Sessional Committee to nominate the other parliamentary committees, it included K.P.U. M.P.s only on two relatively unimportant committees: Odinga on the Speakers Committee and Okelo-Odongo on the Standing Orders Committee. The other committees, including the important Public Accounts Committee were relieved of all opposition M.P.s. Although there was a vigorous debate on the Government's nominations to the Sessional Committee, the motion for their approval nevertheless passed.¹²⁸

This purge of opposition M.P.s seemed to verify the precarious nature of the opposition's existence both within and outside of the National Assembly. In an earlier debate concerning a nomination to the Sessional Committee, Tom Mboya had stated in reply to an opposition M.P.'s criticisms that "[w]hatever the opposition now has . . . is merely an act of

¹²⁷See, for example, Official Report, 5 July 1966, also see 27 March 1968, cols. 1162-70.

¹²⁸Official Report, 2 July 1969, cols. 1887-1906. One KANU M.P. said "I do not agree we should remove the Opposition. They are there and there is no reason why we should pretend they do not exist. I challenge the Government to amend the Constitution and declare a one-party state so that we do not go on fooling ourselves." Ibid., col. 1880.

Opposition M.P.s on Parliamentary Committees
out of Total Number--1966-69

Sessional Committee

April 1966-----	Odinga, Kaggia, Makokha.....	3/24
July 1966-----	Kioko, Okelo-Odongo.....	2/23
March 1968-----	Okelo-Odongo, Oduya.....	2/27
*October 1968-----	Okelo-Odongo, Obok.....	2/28
July 1969-----	0/24

*After Oduya returned to KANU, Obok was appointed to the Sessional Committee to give the K.P.U. another slot. After leaving the K.P.U., Oduya, nevertheless remained on the Committee.

Public Accounts Committee

July 1966-----	Odinga (Chrmn.), Bala, Kioko, Okelo-Odongo.....	4/ 7
February 1967-----	Odinga (Chrmn.), Bala, Chillo, Kioko, Nthula, Okelo-Odongo...	6/11
April 1968-----	Oduya, Odinga (Chrmn.), Okelo- Odongo.....	3/10
July 1969-----	0/10

Estimates Committee

September 1968-----	Okelo-Odongo.....	1/13
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Catering Committee

March 1967-----	Bala.....	1/ 9
April 1968-----	Bala.....	1/ 9
July 1969-----	0/ 8

Speakers Committee

March 1967-----	Odinga.....	1/11
April 1968-----	Odinga, Kioko.....	2/11
July 1969-----	Odinga.....	1/11

Powers and Privileges Committee

March 1967-----	Kioko.....	1/11
April 1968-----	0/10
July 1969-----	0/10

Standing Orders Committee

March 1967-----	Chillo, Okelo-Odongo.....	2/ 7
July 1969-----	Okelo-Odongo.....	1/14

Source: Official Reports, 1966-1969. Opposition M.P.s were also represented on a number of the Select Committees.

generosity on the part of the Government and there is a saying that beggars cannot be choosers."¹²⁹ The history of committee appointments in Parliament showed once again that the opposition's position in many spheres was to a large extent dependent on how the Government chose to use the resources that it controlled. The K.P.U.'s insecurity in this respect worked to the advantage of the dominant party, in Parliament and elsewhere.

Control of Information

From its inception, the K.P.U. complained that it was denied equal access to the media and that the radio, the press, and the Government's control over freedom of expression all worked to "propagate . . . the views of only one party in a multi-party state."¹³⁰

The Radio

In 1964, the Kenya Broadcasting Corporation was nationalized by the Government and brought under the Ministry of Information and Broadcasting.¹³¹ "The monopoly of broadcasting, whether of sound or television, [was] vested in the Government and exercised through its agency, the Voice of

¹²⁹Official Report, 3 June 1968, col. 355.

¹³⁰Press Statement by B. M. Kaggia, "Lessons of the Bye-Elections," 15 June 1966, p. 1. Mimeo. KADU made similar complaints against the V.O.K. in 1964. See EAS, October 2, 1964, p. 17, October 31, p. 5.

¹³¹Ghai and McAuslan, op. cit., p. 452. "Prior to this the Corporation was financed in part by the Government and in part by private firms." Ibid.

Kenya."¹³² Immediately after its formation, the opposition party began to assert that the broadcasting station was in fact the Voice of KANU and not the Voice of Kenya.¹³³ It charged the Government with "discriminating openly, to keep people listening to one side and not to hear the other."¹³⁴ Later it maintained that "the Government-controlled radio [was] being used to carry out anti-opposition party propaganda and [that the V.O.K.] [was] trying to destroy the opposition."¹³⁵

The Minister for Information and Broadcasting not only did not deny the V.O.K.'s partiality but defended it on several occasions. He maintained that when the V.O.K. "was a private corporation, it gave fair play to both sides," however, now that it was "a Government voice . . . [it would] only convey the voice of the Government."¹³⁶ He went on to argue that although the V.O.K. would "give . . . a hearing" to "constructive criticism," there had been "no fair criticism of the Government since the breakaway." When asked what he meant by saying that he wished to "maintain complete impartiality and

¹³²Ibid.

¹³³Official Report, 2 December 1966, col. 2353.

¹³⁴Ibid., 8 July 1966, col. 1602.

¹³⁵Ibid., 2 December 1966, col. 2349. For an example of the V.O.K.'s attack on the opposition see EAS, February 14, 1969, p. 1.

¹³⁶Interview with the Minister for Information and Broadcasting in Gertzel, Goldschmidt, and Rothchild, op. cit., p. 497.

objectivity," he answered that the V.O.K. would "be impartial as far as foreign policies are concerned, [but] not internal policies."¹³⁷ In commenting on the exclusion of the K.P.U.'s views from the air, at a later date in Parliament, the Minister for Information and Broadcasting said,

[s]tatements by K.P.U. have for the most part gone far beyond the boundaries of fair comment and have offered nothing constructive. If such statements had been taken up with enthusiasm by the Voice of Kenya this would be tantamount to the Government's agreeing to the policy whose ideas and proposals are completely contrary to the whole of its policy and African Socialism.¹³⁸

It is not clear that the Government's use of the Voice of Kenya as a propaganda machine worked to favour KANU in any direct sense. Discussions during Parliamentary debates suggest that some people were so bored with the Government's presentation of the news that they either turned their radios off or switched to a non-Kenyan station, such as the B.B.C.¹³⁹ Indirectly, however, the Government's control of the V.O.K. favoured KANU, if only marginally. While the dominant party's activities received continuous coverage, the K.P.U. was denied the use of the public broadcasting system and was referred to only in a negative context.¹⁴⁰ Furthermore, during the Little General Election, the opposition party maintained that none of its activities were publicized.

¹³⁷ Ibid.

¹³⁸ Official Report, 8 July 1966, col. 1618.

¹³⁹ Ibid., 8 July 1966, cols. 1596-1622.

¹⁴⁰ Ghai and McAuslan, op. cit., p. 452. EAS, August 16, 1966, p. 3, August 20, p. 5, February 14, 1969, p. 1.

The Press

The opposition also complained that it was denied adequate coverage in the newspapers and that the press was biased in favour of the Government. Although the main newspapers in Kenya, The East African Standard, the Nation, and Baraza, were owned by foreign subsidiaries, they were under enormous pressure not to go too far in their criticisms of the Government's policies. Underlying these pressures was the possibility that the press would be nationalized or that the Government would "cancel a licence to a particular paper if it [felt] this would be in the general interest."¹⁴¹ The Government claimed that it was not unreceptive to "constructive criticism" but also maintained in a manner reminiscent of the Colonial Government's attitude that the press should not be used to "confuse the masses."¹⁴²

In an effort to demonstrate the restrictions under which the press operated in Kenya, Luke Obok, a K.P.U. M.P., submitted a copy of a memorandum allegedly sent from the editor of the Nation group of newspapers to its editorial staff. The memorandum, Obok said in a parliamentary debate, "clearly indicate[d] that something [was] wrong." It said, "Please let me

¹⁴¹ Interview with the Minister for Information and Broadcasting in Gertzel, Goldschmidt, and Rothchild, op. cit., p. 498.

¹⁴² Ibid. On more than one occasion the Colonial Government maintained that "the effect of an unbridled Press amongst uneducated and politically immature Africans was infinitely more serious than that which could be achieved by inflammatory articles in newspapers in England." The Origins and Growth of Mau Mau, op. cit., p. 191.

see all K.P.U. stories as soon as they arrive in the office and as soon as the copy is done. If you are not sure they have been brought to my attention, please leave them out."¹⁴³ In September 1969, it became more directly apparent that the threat to the freedom of the press was not idle. In the months following Mboya's assassination, the press had been extremely active in ferreting out news concerning the renewed oathings of Kikuyu in Central Province and elsewhere in the country. In September 1969, three ex-patriate Nairobi journalists in key positions in the Nation and the Standard were deported from Kenya.¹⁴⁴ In spite of the Government's denials, it was generally believed that the detailed reporting of the oathings had been the cause of their deportations. Immediately following the journalists' exit, there was virtually no news of the oathings although they continued.¹⁴⁵ Less than a month after the deportations, Vice-President Moi stated that

[e]veryone who is subversive must be kicked out. I, as Minister for Law and Order will not hesitate to withdraw work permits of any foreigner who behaves in a manner dangerous to law and order.¹⁴⁶

The newspapers in Kenya were foreign owned presses whose continued dependence on the Government for operating

¹⁴³EAS, July 15, 1968, p. 7.

¹⁴⁴Ibid., September 27, 1969, p. 1.

¹⁴⁵For the newspapers' understanding of these deportations see EAS, August 18, 1969, p. 4.

¹⁴⁶Nation, October 9, 1969, p. 24.

licenses and work permits for some employees made them vulnerable to its pressure. This vulnerability was another of the Government's resources. Given the Government's attitudes towards criticism and opposition parties in general, and the K.P.U. in particular, its pressures on the press clearly worked to favour KANU. Although the newspapers were clearly more objective in their presentation of the news than the V.O.K., the media gave more publicity to KANU than to the K.P.U. and had a more favorable attitude towards the former than the latter.

Censorship

In addition to the Government's control of the media, there were also laws which could be used more generally to curb freedom of expression and to ban certain publications from Kenya. Chief among these was the Penal Code. Under it any person who "prints, publishes, sells offers for sale, distributes or reproduces any seditious publication or imports any seditious publication unless he has no reason to believe that it is seditious is guilty of an offence and liable to imprisonment."¹⁴⁷ In 1967, the maximum penalty was raised from three to ten years.¹⁴⁸ In addition, any person in possession of a seditious publication,

¹⁴⁷The Penal Code, Chapter 63, Laws of Kenya, Revised Edition, 1962, p. 37.

¹⁴⁸Ghai and McAuslan, op. cit., p. 451.

unless he did not know that it was a seditious publication or unless he turned it over to the nearest administrative or police officer as soon as he became aware of its nature, is also guilty of an offense and liable to imprisonment.¹⁴⁹ In 1967, the maximum penalty was also raised, in this case from three to seven years.¹⁵⁰ Furthermore the printing machine used in "connection with printing or reproducing of a seditious publication" can be confiscated for up to one year.¹⁵¹ Finally, the Minister for Home Affairs is entitled to prohibit all past and future issues of any publication or periodical if it "appears to the Minister that it is necessary in the interests of public order, health or morals, the security of Kenya, the administration of justice or the maintenance of authority and impartiality of the judiciary to do so"¹⁵² As Ghai and McAuslan have noted, "[t]he Government has not hesitated to make use of these powers, and in many of these instances it would be difficult to prove that the publications in question posed any real threat which would justify the ban."¹⁵³

¹⁴⁹The Penal Code, op. cit., p. 37.

¹⁵⁰Ghai and McAuslan, op. cit., p. 451.

¹⁵¹The Penal Code, op. cit., p. 37.

¹⁵²Ibid., p. 34. Ghai and McAuslan note that up until 1966 this law concerning past and future issues applied only to imported publications and periodicals, but that in 1966 it was amended to incorporate those which were published locally. Ghai and McAuslan, op. cit., p. 451.

¹⁵³Ibid., p. 452.

Prior to independence the section of the Penal Code quoted above was used to ban a number of anti-colonial and leftist publications including the Guardian, materials issued under the auspices of the Communist Party, D. H. Rawcliffe's book, The Struggle for Kenya, Richard K. P. Pankhurst's book, Kenya: The History of Two Nations, a book by Mbiyu Koinange, who was the Minister of State in the President's Office in 1969, entitled The People of Kenya Speak for Themselves, Montagu Slater's now famous book, The Trial of Jomo Kenyatta, and many others.¹⁵⁴ As J. F. Scotton has noted,

[t]he common law curbs on government suppression of speech or press were well-established in Britain before British colonial regimes were established in East Africa. However, these restrictions did not apply in Africa. Instead, tightly constructed criminal codes and narrow judicial interpretations of them made it relatively easy for colonial authorities to control African political expression. It was only outside pressure arising out of a new ranking of political values after World War II, which made it no longer possible for colonial governments to control political speeches and publications through judicial action. The reaction of the colonial governments was that of any government whose internal enemies appear to be getting out of control. They turned to extra-legal or at least extra-judicial controls--emergency laws, detentions, deportations, and censorship. . . . Numerous scholars have pointed out that British colonialism brought to much of Africa the basic English law . . . [However], English law in Africa was a 'truncated, narrow law whose juristic theme was Contract unrestrained by either welfare state legislation or democratic institutions.'" 155

Pressures from England apparently made it more difficult for the

¹⁵⁴The Penal Code, op. cit., "Subsidiary Legislation," "Publications prohibited under section 52," pp. 1-6.

¹⁵⁵Scotton, op. cit., p. 3.

colonial administration "to institute legal proceedings for seditious publication under the Penal Code during the five years immediately preceding the declaration of the Emergency in 1952."¹⁵⁶ However, the invocation of the Emergency Regulations from 1952-60, increased the Colonial Government's control over African political expression.

Under new legislation passed by the Legislature . . . , some 50 African newspapers and news sheets were quickly suppressed. Presses were confiscated and newspapers which carried little more than Kikuyu translations of the East African Standard, a staunch supporter of the colonial government, were banned. Suppression of the vernacular press was so complete that African leaders asked the Kenya government to establish a system of censorship to allow some publication. The complete ban simply gave extremists a free hand in spreading anti-government information, they argued. By the time of the 1957 elections, . . . [there were] only three independent African language newspapers publishing in Kenya.¹⁵⁷

With the emergence of the K.P.U., the Penal Code was used once again to ban publications such as The African Communist, Africa and the World, W. Atwood's The Reds and the Blacks, several African publications some emanating from Dar es Salaam, Who Rules Kenya?, Quotations from Chairman Mao Tse-Tung, and for a short period, Playboy and U. S. News and World Report.¹⁵⁸ Articles in The African Communist such as "Uhuru's Bitter Fruits," and others in Africa and the World

¹⁵⁶ The Origins and Growth of Mau Mau, op. cit., p. 198.

¹⁵⁷ Scotton, op. cit., p. 13. Also see The Origins and Growth of Mau Mau, op. cit., pp. 191-99.

¹⁵⁸ Chai and McAuslan, op. cit., p. 452.

criticized a number of the Government's policies as well as its treatment of the K.P.U. In February 1969, a nineteen year old boy who possessed a copy of Mau's quotations and "five men who [had] studied in China and admitted possessing 145 prohibited publications" were convicted and imprisoned under certain sections of the Penal Code.¹⁵⁹

Since a number of the publications that were banned were to the left of the Government's policies and since the K.P.U. was to the left of the Government, attempts were often made to associate the K.P.U. with the "seditious" publications, thereby implying that the K.P.U. was also seditious. In October 1969, for instance, when a man who had obtained a number of books having to do with Mao Tse-Tung was arrested following a cocktail party given by the Chinese Embassy, it was noted that he had been invited by "an official of the K.P.U."¹⁶⁰ Aside from attempting to disparage the opposition with suggestions of guilt by association, the laws concerning what could be considered seditious were so broad that as Ghai and McAuslan have noted it was "difficult for the opposition or even sympathetic critics

to

¹⁵⁹For discussions of the situations that led to a number of the other publications' banning see EAS, February 12, 1966, p. 1, February 16, p. 1, February 17, p. 4, December 23, p. 17, December 24, p. 5; "Kenya Bans 'Africa and the World,'" Africa and the World, Vol. 2, No. 18, March 1966, pp. 3-4, 41-42; "The Split in Kenya," Ibid., May 1966, pp. 3-4; EAS, May 6, 1967, p. 1, May 12, p. 17, May 15, p. 7, November 4, p. 6, December 9, p. 5, March 7, 1968, p. 7, April 19, p. 3.

¹⁶⁰EAS, October 22, 1969, p. 9. The newspaper also noted that the Speaker of the House was also in attendance at the same party. Ibid.

to express themselves freely, and communicate to the public."¹⁶¹

Furthermore, since the judiciary in pre-independence Africa worked to stifle free expression rather than to protect it, the present attempts by some courts (which are still largely manned by non-Africans) to find defendants innocent of the Government's charges of sedition, have been "viewed with suspicion" and often circumvented by the Government concerned, much as they were during the post-war colonial period.¹⁶² What Scotton has described as the relationship between the Government, the judiciary, and the press in various East African countries is applicable more broadly to understanding the tensions between free expression and censorship in countries like Kenya. As he puts it,

. . . the courts alone cannot favour this press without in the long run additionally jeopardizing their own tenuous freedom from government interference. The problem is clearly a legacy from the colonial era. For it was then that British colonial courts might have laid some common law foundations for protection of political expression.¹⁶³

The laws having to do with sedition and the use to which they were put were not only part of the colonial legacy but were

¹⁶¹Ghai and McAuslan, op. cit., p. 454. Also see Ibid., p. 453. It is also worth noting that the present definitions of what can be considered seditious according to the Penal Code (op. cit., pp. 36-38) are very similar to the definition of sedition in the pre-independence Penal Code (The Myth of Mau Mau), op. cit., pp. 191-94.

¹⁶²Scotton, op. cit., pp. 1-3 and passim.

¹⁶³Ibid., p. 19.

additional resources of the Government which could be used to stifle free expression, suppress criticism by the K.P.U., impugn its motives, and marginally benefit political control by the dominant party, KANU.

Summary and Conclusions

It is clear from the points discussed in this chapter that the dominant party's marginal strength and the opposition party's marginal weakness stemmed in part from the KANU Government's monopoly of the key socio-economic resources in the society. The tendency for the state to be the chief dispenser of patronage from employment on down, developed under colonialism and was reinforced in the post-colonial period. The attractions of employment within the Public Sector as compared to the Private Sector contributed to the KANU Government's hold over its employees particularly those within the civil service. The threat of being dismissed from the civil service if one displayed any sympathies towards the opposition party created pressures for civil servants to steer clear of the K.P.U. as well as to actively aid the Government in restricting the opposition's ability to participate in politics. Furthermore, the threat of dismissal which loomed over civil servants may have also influenced who received the various rewards that the Administration was responsible for distributing at the local level. It is likely that these

actions which emanated from such threats, as well as the perception by individuals, that they would be less likely to receive a loan or other amenities if they supported the K.P.U., decreased the attractions of the K.P.U. especially in areas outside of Central Nyanza.

The dependence of politicians on the Government for the additional amenities that stemmed from their appointments to statutory boards and ministerial positions, also increased the KANU Government's marginal strength. The indebtedness of the entire middle class including politicians increased its feelings of insecurity and its reliance on the state. This in turn decreased the likelihood that M.P.s would defect from KANU to join the K.P.U. A history of statutory board and ministerial appointments demonstrates how the Government's control of these key rewards enabled it to reward its friends and to punish its enemies. It coopted potential and actual critics. Furthermore, by its treatment of former opposition M.P.s who had returned to KANU, the Government showed not only that it would not discriminate against ex-APP, KADU, and K.P.U. M.P.s, but that they could expect to be rewarded in one way or another. In addition the potential promise of these appointments decreased the chance that KANU dissidents would join the K.P.U. There is also some evidence that the amenities and influence received from some of these appointments may have increased an M.P.'s ability to distribute certain kinds of patronage at the local level. Clearly, this sort of influence, even if it was incorrectly perceived to exist, did nothing to

increase the attractions of the K.P.U.

If the freedom to distribute information can be considered a type of socio-economic resource, the KANU Government also demonstrated that it monopolized the existing resources in this arena too. It decreased the likelihood of the opposition's access to information and its ability to exert any control over the Government by gradually refusing to appoint K.P.U. M.P.s to certain important parliamentary committees. Furthermore, the Government's control over the media as well as over more general sorts of publications clearly worked to benefit the dominant party, and to the detriment of the opposition.

Chapter VI

K.P.U. PARTICIPANTS: ELECTORS, SUPPORTERS, AND MILITANTS

Being in opposition is like middle class morality. As Mr. Doolittle said, it is all very well for those who can afford it. Those who cannot afford it are tempted to make their peace with the ruling party in order to enjoy some of the benefits which association with the ruling party provides. Thus, though open opposition parties are sometimes coerced into amalgamation with the dominant party, the parties and their individual members are also sometimes tempted into amalgamation. The alternatives which face a feeble opposition party are extinction and exclusion and possible persecution on the one side, and a share in income and eminence on the other-- with perhaps a little influence as well.

Shils, "Opposition in the New States of Asia and Africa," op. cit., p. 187.

The K.P.U.'s chances in Central Province are those of a snowball in hell Letter from Michael Chege to The Daily Nation, September 21, 1967, p. 7.

Introduction

Given the regime's restrictions on the K.P.U.'s ability to engage in politics and its control over patronage, the opposition had a more difficult time recruiting and retaining followers than the dominant party. This chapter is a discussion of these followers: who they were, what groups they came from, why they joined with the opposition, and why in some cases they left and returned to KANU.

Duverger suggests that it is helpful to look at political party participation as being made up of "three concentric circles" consisting of "electors," "supporters," and "militants."¹ The electors constitute the "widest" circle and include all those who would vote for candidates at national and local elections. The supporters consist of all individuals who acknowledge their preference for a particular party, but may or may not be formal members. The key factor in distinguishing electors from supporters is the acknowledgment of political preference by the latter. The least active supporter may do only this, whereas the more active may read party publications, attend party meetings, contribute to the party financially, engage in propagandist activities, or join a party's ancillary organizations.² The most active supporter is also a member of the party. "[T]he inmost circle [of a party] is composed of the militants; they consider themselves to be members of the party, elements in the party community; they see to its organization and its operation; they direct its propaganda and its general activities."³

The previous three chapters have in part argued that the regime's response to the K.P.U. threatened the opposition's ability to recruit and retain "supporters" in Duverger's sense of the word. By making it extremely difficult for K.P.U.

¹Duverger, op. cit., p. 90.

²Ibid., pp. 101-09.

³Ibid., p. 90.

participants to engage in supportive activities, the regime also diminished both the number of militants and electors in the party. However, the regime's response to the K.P.U. did not extinguish all of the opposition's activists and it had little way of anticipating the electors' response to the forthcoming general election.⁴ The opposition's ability to produce a country wide slate of nominations for the 1968 local elections increased the regime's uncertainty as to the K.P.U.'s strength and demonstrated to the KANU Government that the K.P.U. still had a following.

After these "elections," Kenyatta and Mboya appealed to Odinga and other K.P.U. militants to return to the dominant party.⁵ When they refused to do so, the regime was faced with the following choices: (1) to continue to attempt to wean away supporters and militants, (2) to hold a free general election in 1969 or 1970 in which candidates from KANU and the K.P.U. would oppose each other, (3) to rig the election, (4) to ban the K.P.U. and hold a free election. The KANU Government chose options one and four. It undoubtedly preferred not to rig the first general election in Kenya since independence and may also have felt that banning the K.P.U. would create less antagonism than manipulating the forthcoming election.

⁴By law the general election--the first since 1963--had to be held before 1970.

⁵EAS, November 1, 1968, p. 1, November 2, p. 1, November 15, p. 1, August 17, p. 1, August 19, p. 1.

The insecurity of the incumbent elite made option two an improbable choice for the KANU Government. It became even less probable in 1969 in the face of evident antagonism towards the Government following the assassination of Tom Mboya and the renewed oathings of Kikuyu. Mboya's death appears to have increased the solidarity of the Luo, since they felt that his assassination had been carried out on the orders of the Kikuyu elite in the Cabinet. Furthermore, the response of other tribes to the oathings was to increase the fear of Kikuyu domination. This fear led to at least two efforts to form and register a third political party. In Western Province, an ex-KADU official unsuccessfully attempted to reregister the defunct opposition party,⁶ and in Mombasa a businessman announced that he was "forming a new political body called the Kenya Pan-African Party."⁷ By not registering these parties, the possibility that the seriously disaffected would turn to the K.P.U. in an election increased. Although the likelihood of this happening was small, the KANU Government preferred to take the maximum insurance against such a possibility and banned the opposition in late October 1969.

⁶KADU was refused registration by the Registrar of Societies on the grounds that "according to the Societies Act of 1968 he could refuse registration of a society whose name was identical to that of any other which is existing or has existed." Daily Nation, July 1, 1969, p. 4. Later in September there was an attempt to register the same group under the name of the Kenya Democratic Congress. Daily Nation, September 16, 1969, p. 12. As of October 12, 1969, the group still pending registration and was refused on October 30, 1969. Sunday Nation, October 12, 1969, p. 3, October 30, p. 1.

⁷Daily Nation, August 6, 1969, p. 9.

Between the period of its registration and its banning, the K.P.U. continued to appeal to certain individuals and groups who constituted potential electors, supporters, and militants. What follows is a discussion of these people, who they were, what was their strength, and what were the circumstances that led to the suppression of the K.P.U.

The Electors

Opinion polls conducted by Marco Surveys in May 1968, indicate that only 19% of those interviewed wanted a one party system, whereas 76% preferred two or more parties. When asked who they would vote for if an election were held at the time of the survey, 49% of the sample answered KANU, 20% K.P.U., and 20% remained undecided.⁸ In November 1967, when asked the same question, 45% of the interviewees said they would vote for KANU, 18% for the K.P.U., and 6% claimed that they were undecided.⁹ Because the entire sample for these surveys was drawn in Nairobi and because of an acknowledged fear of stating a preference for the opposition party, the information generated by these polls is only marginally useful and must be viewed with caution.¹⁰ The percentage of those who said that

⁸Marco Surveys, Public Opinion Poll 18, op. cit., p. 7.

⁹Kenya Leadership, Public Opinion Poll--No. 17, Nairobi: Marco Surveys, November 1967, p. ii.

¹⁰The authors have argued in the preface to another of their surveys that "Nairobi represents all tribal groups from Kenya in approximately the same proportions as their

they would vote for the K.P.U. might both exaggerate a preference for the K.P.U. because the sample was an urban one and underrate such a preference because individuals were not always willing to say that they would vote for an opposition candidate. The increasing indecisiveness among those sampled is of some interest; however, given the limitations of the surveys, it may be more profitable to discuss the groups from which the K.P.U. could expect to draw its electoral support than the percentage of the vote the K.P.U. was likely to receive in a general election.

For a variety of reasons the K.P.U. could expect to obtain more support in Luo than in non-Luo areas. Odinga's position as the "boss" of Central Nyanza, the Government's decision to in effect concede this area to the opposition, and KANU's inability to establish a competing party network here were factors that were not duplicated outside of Central Nyanza. Thus, the K.P.U.'s organizational strength was strongest among the Luo of Central Nyanza and it was here that the opposition could count on the electors to vote for the K.P.U.

The alleged "tribalism" of the K.P.U. was also to some extent a self fulfilling prophecy. As people began to

tribal population and therefore a probability sample in Nairobi adequately reflects political opinions of Kenyans." Kenya's Little General Election K.P.U. vs. KANU 1966-67, Public Opinion Poll--No. 15, Nairobi: Marco Surveys, June 1967, p. xx. In view of the possible differences between the urban and rural sectors of the population and among various regions, this seems a somewhat questionable premise.

feel more and more threatened because of their tribal affiliation, they were probably more likely to vote along ethnic lines. Thus, one might expect Mboya's assassination and the oathing among the Kikuyu to have increased ethnic solidarity among the Luo. Kenyatta continually appealed to the Luo not to cut themselves off from the mainstream of Kenyan political life by following the K.P.U. However, many felt that they already had been cut off. Furthermore, there is some evidence that the events of summer 1969 very much increased anxieties among the Luo and intensified existing feelings that they were threatened as a group. In Nairobi, for instance, stories circulated that some Luos who had eaten in Kikuyu restaurants had been poisoned and a number of Luo refused to buy food from Kikuyu 'dukas (stores) because they genuinely felt that this story might be true. This perceived threat probably increased the likelihood that Luos outside of Central Nyanza, in Nairobi, Mombasa, Nakuru, Eldoret, and South Nyanza (Mboya's former stronghold), were increasingly likely to vote along ethnic lines, whereas before they might have been dissuaded from doing so by the K.P.U.'s ideology, Odinga's personality, or the futility of voting for a small opposition party.¹¹ As more Luos were drawn to the K.P.U. on the grounds of ethnic affiliation, it is also likely that certain non-Luos, especially the Kikuyu, would be less likely to vote for the K.P.U., because

¹¹ It is interesting to note in this respect that in October 1969, 50 KANU members from South Nyanza announced that they were joining the K.P.U. Daily Nation, October 15, 1969, p. 3.

they would be increasingly prone to perceive the opposition as a tribal front. Thus, when Odinga, Mboya's longtime political enemy, led the latter's funeral procession, it was interpreted in part as a confirmation of Kenyatta's allegation that the K.P.U. was nothing more than a tribal clique.¹²

The KANU Government's intimidation and cooptation of K.P.U. supporters and militants also increased the likelihood that K.P.U. electors would be Luos rather than nonLuos. When men like Oduya and Kioko returned to KANU in 1968, the K.P.U. organization in Busia and Kioko's part of Machakos simply disappeared. As the chart below demonstrates, the K.P.U.'s voting strength in 1968 in these two districts was miniscule compared to what it had polled in the Little General Election of 1966.

Comparison of KANU and K.P.U. Voting Strength in Oduya's
and Kioko's Constituencies in 1966 and 1968

	<u>1966</u>	<u>1968</u>
*Busia North, Busia District, Western Province	KANU -- 4,521 K.P.U. - 5,237	13,945 692
*Mbooni, Machakos District, Eastern Province	KANU -- 1,603 K.P.U. - 3,970	8,760 679

*Prior to the merging of the House and the Senate in 1966 the Busia North constituency was called Elgon West and the Mbooni constituency was named Machakos East.

Source: Marco Surveys, Public Opinion Poll--No. 15, op. cit., p. 11. EAS, September 2, 1968, p. 5; October 17, p. 9.

¹²I wish to thank Apollo Njonjo for this observation.

It might be argued that voting in Kenya is less a response to a party's ideology and its stance on particular issues than it is to the personality of a particular person and his position of authority at the local level. If this is so then the loss of K.P.U. supporters and militants like Kioko and Oduya was very severe. It wasn't simply the loss of particular individuals, but of entire district branches and large blocs of potential voters. The reports of K.P.U. branches folding and opposition leaders returning to KANU indicate that the Government's efforts at intimidation and cooptation were most successful in areas outside of Central Nyanza. This suggests that over time the K.P.U. was less likely to obtain votes among the Luhya from palces like Busia and the Kamba from parts of Machakos than from among the Luos. By mid-1969, seven out of eight K.P.U.'s M.P.s were Luo. Of the remaining twenty-nine M.P.s who "crossed the floor" in 1966 only four--Oneko from Nakuru, in the Rift Valley, Kali from Nairobi, Lorema from Pokot, also in the Rift Valley, and Makokha from Bungoma in the Western Province--were still with the K.P.U.¹³

It appears that the K.P.U.'s organizational strength and hence its ability to cut across ethnic lines in obtaining electors was profoundly affected by two events. First, the abortive 1968 local elections apparently were a turning point for a number of K.P.U. sympathizers. Many felt that they had

¹³Interview with Thomas Okelo-Odongo, Nairobi, October 3, 1969, and EAS, 1966-1969.

reached a dead end, and this may have made it more difficult for the K.P.U. to find candidates to run on its ticket in the future.¹⁴ Second, in August 1969, Kimani Waiyaki and Bildad Kaggia, two important Kikuyu K.P.U. supporters from Central Province, announced their return to KANU.¹⁵ Although neither man held a seat in Parliament, both "lent the Opposition Party [a] much-needed national character, and . . . probably constituted a constant embarrassment to the Kanu Government which derived much of its support from the Kikuyu tribe."¹⁶ Kaggia's loss was especially damaging for the K.P.U. He was the national Vice-President of the party and had long been known for his principled radical agitation along class rather than ethnic lines. When Kaggia returned to KANU, "he swung almost the entire Central Province K.P.U. dissidents to the fold of the ruling party."¹⁷ At the same time that Kaggia announced his exit from the K.P.U. so did K.P.U. branch chairmen from other parts of Central Province including Embu, Murang'a, Nyeri, and Kirinyaga.¹⁸ When asked how he thought Kaggia's return to KANU affected the K.P.U. in Central Province, Thomas Okelo-Odongo answered:

¹⁴Interview with Thomas Okelo-Odongo, Nairobi, October 3, 1969.

¹⁵Daily Nation, August 2, 1968, p. 1.

¹⁶Sunday Nation, August 24, 1969, p. 6.

¹⁷Daily Nation, August 2, 1969, p. 1.

¹⁸Ibid.

It affects us very much because Kaggia was a symbol there and is supposedly the leader of all the Kikuyus who went into the forest and those who are dissatisfied with Kenyatta's policies. We have lost all these elements in Central Province. Now we have to create a new organization there. Presently we don't have any definite group to address. The problem is that KPU people are not from this area and the issues which rallied people around Kaggia are local issues. The only way we could succeed is if we got someone else. Now, if we go in there and say things it is like interfering in domestic affairs. 19

Aside from the importance of ethnicity in predicting who would be a K.P.U. elector, a second hypothesis might argue that the "have nots" and the "marginal men" in the society constituted potential opposition party voters. In this context, "have nots" and "marginal men" can be viewed more specifically as the landless, the urban unemployed, the rural poor, and the KANU dissidents.

A recent study of political participation in Nairobi demonstrates on the basis of survey data that in the pre-independence period, political activists were more likely to be "drawn from the most disadvantaged groups in society, whereas post-independence participation is a function of special skills such as education and wealth." The study concludes that as a consequence of this change in participatory patterns, "individuals mobilized for political activity because of their alienation from the colonial political system are unable to be active on a continuing basis."²⁰ One might go on from this

¹⁹ Interview with Thomas Okelo-Odongo, Nairobi, October 21, 1969.

²⁰ Marc Howard Ross, "Urbanization and Political Participation: The Effect of Increasing Scale in Nairobi,"

study to hypothesize that those who are least equipped to participate in post-independence politics because of a lack of "special skills" are also likely to be least able to process their demands, and hence more alienated from the political process than those who possess these skills. As Ross himself notes,

[p]articipation in the post-independence pattern . . . often requires certain special skills. Literacy is necessary, although not essential, to follow the news about politics in the papers or for writing to government officials It is also useful in dealing with and understanding the workings of the bureaucracy. Social status may also be important in that many Africans still feel a great gap between themselves and governmental officials, something which many African bureaucrats have taken advantage of in the same way as their colonial predecessors. In Kenya, for example, a man who enters a government office without a tie or clean suit or without being able to conduct his business in English is often quickly made to feel inferior. 21

It is furthermore arguable that those who were most alienated from the political process as represented by the KANU Government, would be most likely to drop out of the political process altogether and not vote in elections or to vote for an opposition party candidate. Thus, it seems that the K.P.U., which presented itself to the electorate as the party of the "have nots" would be most likely to draw on the "have nots" for its

unpublished paper, prepared for presentation at the Annual meetings of the African Studies Association, Boston, Massachusetts, October 21-26, 1970, p. 23. Also see pp. 10-11.

²¹Ibid., p. 12. In this context it might also be noted that there are two spectator galleries in the House, one for those who have a coat and tie and another for those who don't.

electoral support.

Although this argument is persuasive and probably true to a limited extent, it is too simple. Other factors were at work and the discussion below attempts to show why the "have nots" and the "marginal men" could not necessarily be counted on to support the K.P.U.

In Central Province, for instance, the K.P.U. felt that it would be able to cut across ethnic cleavages by appealing to the landless through their most articulate spokesman, Bildad Kaggia. Chapter III suggests, however, that Kaggia's defeat in Murang'a in 1966 may not have been due only to fraudulent counting, but that the actual "landless" were in the minority, and that Kaggia's appeals to them as well as Kenyatta's prophecy that a K.P.U. victory would turn Kenya into a giant commune, threatened all those who perceived that they had something to lose.²²

A second group of "have nots" that might be expected to vote for the K.P.U. were the urban poor and unemployed. It was in the cities such as Nairobi, Mombasa, Nakuru, and Eldoret

²²Kaggia's defeat in the 1969 general elections may or may not have been a confirmation of this point. Colin Leys has also argued in a recent paper that many of the so-called landless are only landless in the strict sense of the word. Those who do not themselves hold title to a piece of land have traditional means of coping with the problem: living as "tenants-at-will" off of their employers' land or using the extended family relationship to gain a plot from landed relatives. Leys suggests that "this [pattern of coping with landlessness] will enable the peasant economy to absorb a large portion of the new entrants to the labour force who would otherwise be driven into the 'reserve army' of the rural unemployed." Colin Leys, "Politics in Kenya: The Development of Peasant Society," unpublished paper, 1969, p. 18 and passim.

that the K.P.U. felt it had a mass base. It perceived the towns as "melting pots" where the opposition could "gain the support of those who [thought] of themselves as the have nots and the forgotten men, irrespective of tribal differences."²³ It is likely that the K.P.U. would have had greater success in obtaining votes from urban centers rather than from the rural areas outside of Central Nyanza, however, the "melting pot" hypothesis is dubious and does not adequately account for the differences in appeal. It suggests that the K.P.U.'s program would have appealed to many of the urban poor and unemployed regardless of their tribal affiliation because the "cross cutting" cleavages of class would have been more salient in determining their voting preferences than ethnicity. Thus, the argument continues, although a rural Kikuyu might not have voted for the K.P.U. on the grounds that he believed that it was led by a Luo clique who wished to oust Kenyatta, the urban Kikuyu would have found the K.P.U.'s appeal to him as a "have not" more significant than the fact that many of the K.P.U.'s leaders were Luos. Underlying the "melting pot" hypothesis is the additional assumption that "to know is to love"--that traditional prejudices which ethnic groups have about each other will disappear when they come into contact with each other in a city. The hypothesis avoids the alternative assumption that ethnicity may be exacerbated by increased contact.

²³ Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

If anything, the literature on urban Africa and in particular on Kenya suggests that tribalism does not necessarily diminish in the cities and that it may in fact be heightened there. Harbeson's study of the Little General Election in Nairobi and Nakuru notes that the large migration of Kikuyu into these areas may have been one factor which hindered the K.P.U.'s ability to obtain votes in these areas.²⁴ Furthermore, another study by John Okumu, suggests that the tribal prejudices of the unemployed who migrate into the cities are intensified rather than diminished. The unemployed who come into an urban area may have very little contact with members of other tribes to begin with. Initially, they turn to a relative or to a tribal association for help and their haphazard relations with members of other ethnic groups may serve only to reinforce their prejudices.

In the cities and towns they move into the ghettos provided by the tribal associations where they gain temporary security before they return to their homes after failing to find work. But while they are guests of tribal associations in the cities and towns, they assimilate with horror, stories relating to the nature of ethnic competition and favouritism in the civil service and in other sectors of the economy. Within the confines of the associations they get to know how many senior members of their tribe have failed to get jobs, promotions, or have been fired because of 'brotherisation' and 'nepotism.' Their world becomes one in which success or failure is a direct function of ethnic favoritism or the lack of it As meeting grounds between the intelligentsia and the common man, the tribal associations, their urban based branches in particular, become mechanisms through which ethnic stereotypes are

²⁴Harbeson, "The Kenya Little General Election," op. cit., passim.

solidified and communicated to the rural population who usually receive a distorted picture of inter-ethnic intercourse. Migrant labourers play a very major role in communicating rumours from urban centres to the country side, and are a major factor in the deteriorating ethnic condition of Kenya. 25

Thus, it seems unlikely that a "have not" who felt negatively about the K.P.U. on ethnic grounds would have been more likely to vote for the K.P.U. because of his residence in an urban area. In addition, following the oathings of the Kikuyu in 1969, the poor urban Kikuyu would have been even less likely to vote for the K.P.U. than he had been previously.²⁶ Furthermore, there is some suggestion that the K.P.U. branch in Nairobi may have been factionalized along ethnic lines,²⁷ thereby diminishing its strength and hence its ability to reach the "have nots" as well as other potential voters.²⁸

In spite of the objections raised to the "melting pot" hypothesis there are nevertheless other reasons why outsiders of Central Nyanza, the K.P.U. might have had greater

²⁵ John Okumu, "The Problem of Tribalism in Kenya," unpublished paper, 1970, pp. 15-16.

²⁶ However, members of other tribes than the Luo or the Kikuyu might have been drawn to the K.P.U. during this period because they saw the oathings as a prelude to a takeover by the Kikuyu.

²⁷ EAS, October 26, 1966, p. 9, November 7, p. 7.

²⁸ Factionalism along ethnic lines such as between the Luo and the Kikuyu or the Luo and the Kamba, for instance, would simply be one more source of information that could be used to confirm one group's prejudices about another group and have an overall effect of decreasing the K.P.U.'s ability to attract electors.

success in obtaining voters from the "marginal men" in the urban areas. First of all, in a city, the unemployed and the poor are likely to be a more fluid source of voting support than those who have jobs. The man who is employed in Nairobi, for instance, is more likely to be satisfied with the status quo and hence less likely to vote for an opposition party candidate than an unemployed person with little stake in the existing order. The K.P.U. would also be more likely to appeal to urban rather than rural electors regardless of whether the former were "marginal men" or not. The reason for this was that the K.P.U. was better organized and more visible in the urban rather than the rural areas. The Government's restrictions on political participation threatened the very existence of rural opposition party branches, diminished their ability to find candidates who would run on the opposition's slate, and hence decreased the likelihood of K.P.U. electoral support.

Furthermore, it is likely that the advantages that Shils maintains a dominant party usually has in an electoral contest with an opposition party--"[i]gnorance, apathy, a traditional submissiveness to established rulers as well as loyalty and fear of loss of coercion"--would be intensified in electoral contests in rural areas.²⁹ Firstly, it seems probable that as it became more difficult for the K.P.U. to establish branches and hold meetings, it was also more difficult for the opposition

²⁹Shils, "Opposition in the New States of Asia and Africa," op. cit., p. 188.

to reach the rural areas and to dissuade the people from believing the Government's propaganda about the K.P.U. Secondly, in areas which were not intensely faction-ridden and where KANU had a strong district boss--such as Seroney in the Nandi District of Western Province and Moi in the Rift Valley--the K.P.U. had a difficult time finding candidates who could present a strong electoral challenge to the incumbents.³⁰ Thirdly, the small scale of rural societies meant that it was somewhat easier for the Government to detect and suppress K.P.U. activity in the country than in the cities. This in turn, hindered the opposition's ability to win over electors in the rural areas. The following comments by Thomas Okelo-Odongo on the difficulties of reaching the disaffected rural voter are illustrative of some of the above points:

Ignorance [is a problem]. If you go to the Rift Valley for example and tell a common man that the K.P.U. is fighting for him all a KANU man has to

³⁰As Cherry Gertzel has noted, "[t]he stability of local-central relations . . . depend[s] upon the ability of the district boss, first to survive in his district and, secondly, to maintain a national position through which he could benefit his local base In the little general election of 1966 the voting results in Central Nyanza and Kandara, the Luo and Kikuyu seats, indicated the continued influence, on the one hand, of Odinga and, on the other, of Kenyatta in determining local political attitudes. In the Rift Valley constituencies in the same election, the available evidence suggests that the determining factor was, again, the influence of the Kalenjin leaders, Moi, Moss Murgor, all of them long-established in the area, and able now to keep their districts with them behind KANU as previously they had taken them into KADU. Gertzel, "Local Central Relations . . . , op. cit., p. 96.

say is that the K.P.U. means Odinga will be President and a Luo will be in power and then the K.P.U. will be perceived as not only being anti-KANU but anti-Kenyatta. 31

The people can't see the opposition therefore it has no direct open contact with the people. 32

The K.P.U. does depend on rural village elders and women for support. In Central Nyanza it is they who support us. In other areas where the K.P.U. is strong it is through these people that the K.P.U. gets its strength. Traditionals are a source of weakness in places remote from Central Nyanza because of the propaganda of tribal affiliations, e.g., a typical Kalenjin woman will be more ready to listen to Moi than to Odinga. 33

K.P.U.'s ideology is . . . used as propaganda among the Kalenjin and the Masai to whom land is very important. The land is all they have and is precious to them. They are told if the K.P.U. comes to power they will take all the land and give it to the Luos. 34

K.P.U. has more support in the towns than in the rural areas like Baringo [in the Rift Valley] Tribalism in Kenya is given more life by politicians and leaders who fall back on it to gain support among the people Tribalism will probably last for some time in the rural areas 35

The difficulties in places like the Masai areas and Samburu are that the people there are following certain people who are still in KANU. It seems that certain people who are there and contested seats against the present KANU people might now think of running on the K.P.U. ticket. In this respect it is easier for the

31 Interview with Thomas Okelo-Odongo, Nairobi, October 2, 1969.

32 Ibid.

33 Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

34 Ibid.

35 Ibid.

opposition, but communication is still difficult. The problem is that the things that people are thinking about are not political, but local issues. 36

In addition to the landless, the urban unemployed and the rural poor, a fourth group of potential opposition electors could be classified as KANU dissidents. The term "KANU dissident" might be used rather generally to refer to all those who had lost out within the KANU organization at the national or the local level. In other words KANU's losers and their followers would be more likely to vote for the K.P.U. than those who had been successful within KANU. Anthony Downs has stated this idea rather well. He maintains that

[r]ational men are not interested in policies per se but in their own utility incomes. If their present utility incomes are very low in their own eyes, they may believe that almost any change likely to be made will raise their incomes. In this case, it is rational for them to vote against the incumbents, i.e., for change in general. 37

In areas where KANU dissidents were organized as factions it is likely that the K.P.U. would have been more successful in building an organization, finding opposition party candidates, and reaching potential electors, than in areas where those who had lost out in KANU were simply isolated individuals. It is also likely, however, that as a group, KANU dissidents would not represent a stable voting bloc for the K.P.U. Political

³⁶Interview with Thomas Okelo-Odongo, Nairobi, October 21, 1969.

³⁷Anthony Downs, An Economic Theory of Democracy, New York: Harper and Row Publishers, 1957, p. 42.

maximizers or electors who hoped to better their "utility incomes" were likely to be highly susceptible to the Government's efforts at diminishing the K.P.U.'s electoral support by intimidation and cooptation. Not bound to the opposition because of its ideology or issue orientation, KANU dissidents would probably be inclined to vote for the K.P.U. only when the benefits of doing so clearly outweighed the costs. It is difficult to know to what extent the K.P.U. could count on votes from dissident KANU supporters, although there were a number of threats to this effect prior to the 1968 local elections.³⁸ Precisely because they represented a fluid and fluctuating source of potential electors, KANU dissidents who threatened to turn their votes over to the opposition increased the Government's insecurity and were in part responsible for the latter's decision to keep the K.P.U.'s candidates from running in the 1968 local elections.

It is difficult to say much more about the K.P.U.'s electorate. Turning to the "haves" rather than the "have nots" for a moment, it seems fair to conclude on the basis of material presented in Chapter V that the sectors of the community which were most dependent on the KANU Government for employment and rewards would be least likely to vote for the K.P.U. Thus, one

³⁸For instance, in 1968, a defeated Nakuru sub-branch official wrote a letter to Moi, the Vice-President and leader of the Kalenjin, "threatening that KANU members in Nakuru might be forced to vote for K.P.U. in the coming local government elections as a protest against the present sub-branch officials." EAS, April 5, 1968, p. 3.

might hypothesize that businessmen, civil servants and teachers would be far less likely to cast their ballots for the opposition party than university professors or students, for instance. In addition, as the next section attempts to demonstrate, the dependence of certain key groups on the Government decreased the ability of their members to support as well as to vote for the K.P.U.

The Supporters

Chapters IV and V have essentially argued that the KANU Government's use of the "carrot and the stick" made it increasingly difficult for the K.P.U. either to recruit or to retain its supporters, whether they were individuals who simply acknowledged a preference for the party, worked for it, or were members of it. The Government's constant harassment of K.P.U. supporters was apparently too much for most of them to bear.³⁹ Within this general context of diminishing support, the K.P.U. undoubtedly drew most of its activists from Central Nyanza, the next most support from areas where it had registered branches, and the least support from districts in which it had neither M.P.s nor branches.

Unfortunately, there are no figures available which compare membership in the two parties on a district by district basis. Each of the Marco Surveys asked its interviewees whether

³⁹Interview with Thomas Okelo-Odongo, Nairobi, October 3, 1969.

or not they were members of a party and if so, which party. The results cannot be used to generalize about party membership outside of Nairobi and even then they tell one very little beyond the following: that the K.P.U. had fewer people who were acknowledged members of the party than KANU; that both parties increased their membership figures prior to the Little General Election in 1966 and the local elections of 1968; and that a high percentage of the interviewees were not members of either party.⁴⁰

Professed Membership in KANU and the K.P.U.

<u>Date</u>	<u>KANU</u>	<u>K.P.U.</u>	<u>NONE</u>
May 1968.....	33%	12%	44%
November 1967.....	24%	6%	69%
March 1967.....	31%	6%	60%
March 1966.....	36%	18%	40%

Source: Ibid.

In May 1967, Marco Surveys cross-tabulated its figures on party membership with some socio-economic data on the respondents, having to do with their age, sex, education, trade

⁴⁰Marco Surveys, Public Opinion Poll No. 17, op. cit., pp. ii-iii; Public Opinion Poll No. 18, op. cit., p. 17.

union membership and tribe. Except for tribe, the results showed that on these variables there were "no wide differences between the parties."⁴¹ To a certain extent, the remainder of this section attempts to challenge the finding of "no wide differences," but from another perspective. It suggests that the K.P.U. obtained differing degrees of informal support from key groups in the society including businessmen, Asians, university students, intellectuals, workers, and trade unionists. Furthermore, it argues that the amount of support the K.P.U. obtained from these groups was in part a function of how dependent its members were on the Government. Groups which were most dependent on the Government were more likely to support KANU than the K.P.U. and vice versa.

The majority of businessmen in Kenya were expatriates and for the reasons already suggested in Chapter V, they were not inclined to support the K.P.U. The emerging African business class was also unlikely to support the K.P.U., because much of their success depended directly on benefits received from government loan projects. Okelo-Odongo maintained that

⁴¹Marco Surveys, Public Opinion Poll No. 15, *op. cit.*, p. xvi, pp. 92-93. The report notes, "The tribal breakdown is what one would expect, over half of the K.P.U. are Luo or Abaluhya whereas K.A.N.U. membership more closely approximates the tribal percentages of the population of Kenya as a whole with a bias toward Kikuyu and away from Luo Other differences which are statistically significant but only to a marginal degree are that K.P.U. members tend to be younger and also tend to have a higher education than K.A.N.U. members." Ibid., pp. xvi-xvii.

"they show fear in dealing with the K.P.U. directly because they are afraid they won't get their loans or that they will lose their licenses."⁴² Furthermore, he added, "K.P.U.'s supposed Communistic tendencies might keep rising African businessmen and those who have been buying farms from being K.P.U."⁴³ Non-citizen Asian businessmen whose livelihood was increasingly threatened with the passage of a new Immigration Act in 1967 and the Trade Licensing Acts of 1967 and 1969, were discontented with the KANU Government, but were nevertheless not prepared to support the K.P.U.⁴⁴ Some parts of the Indian community apparently feared that the K.P.U. was Communist, was inspired by the Chinese, and would nationalize everything if they were given the opportunity. A more important factor in keeping many Indians from supporting the K.P.U. was their own precarious position in Kenya and their consequent fear of antagonizing those in power. Thomas Okelo-Odongo perceived the problem as follows:

⁴²Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

⁴³Ibid.

⁴⁴See Vincent Cable, "Help for the Kenya Asians," The World Today, Vol. 25, No. 3, March 1969, pp. 110-16; Vincent Cable, Whither Kenyan Emigrants? Young Fabian Pamphlet 18, London: Fabian Society, July 1969, passim; "The Asian Problem . . .," Daily Nation, September 26, 1969, pp. 19, 21; Rothchild, "Kenya's Africanization Program . . .," op. cit., pp. 737-53; Rothchild, "Ethnic Inequalities in Kenya," The Journal of Modern African Studies, Vol. 7, No. 4, December 1969, pp. 689-711.

The Indians are not exactly 'sons of the soil.' To be safe they feel they should side with those in power. Until the Asian deportations began the Indians made many declarations of loyalty to KANU. This is changing. They don't have the support of the Asian community, but when it comes to voting many say they will not vote. They don't want to vote for KANU but won't vote for K.P.U. because they fear they will be victimized if they do. Therefore fear is a factor which keeps the K.P.U. weak. 45

Essentially, the relationship of the expatriate, African, and Asian business community to the K.P.U. appears to confirm Shils' findings that both alien and indigenous businessmen are unwilling to support opposition parties. As he has observed, both the nationalist and the expatriate businessmen "are . . . usually prudent enough not to endanger their fortunes by intensifying the antagonism of the ruling party"46

Although university students and intellectuals were often sympathetic to the idea of more than one party, critical of the incumbent elite, and in agreement with certain aspects of the K.P.U.'s platform, it appears that neither group was unified enough nor had the organizational strength to give the opposition party a significant amount of support. The difficulty with the support that the K.P.U. got from intellectuals was that much of it was latent and could not "be translated into active participation." Apparently Kenya's intellectuals were not terribly different from the rest of the middle class

⁴⁵ Interview with Thomas Okelo-Odongo, Nairobi, October 2, 1969.

⁴⁶ Shils, "Opposition in the New States of Asia and Africa," op. cit., p. 186. Also see Ibid., p. 192.

in that they feared that active support of the K.P.U. might cost them their jobs. According to one summation of their position, "[a]s much as they would like to see the present situation change they are not prepared to risk losing what they have accumulated or to get in badly with the Government."⁴⁷ If more detailed evidence were available it might verify Shils' conclusion that although intellectuals are often "discontented with their governments . . . they are afraid to express themselves openly" and, in any case, "do not have organs through which they can [do so]."⁴⁸

Both KANU and the K.P.U. were interested in obtaining the support of university students, but neither party had a branch on the campus of the University College in Nairobi. (However, the national headquarters of both parties was in Nairobi within easy walking distance of the campus.) It is therefore difficult to know how active students were in national politics and whether or not this activity was influenced by ethnic affiliations. The one occasion when students became active as a group over a political issue was in January 1969, when Odinga was refused permission to speak at the University. The second cancellation of Odinga's talk in late January prompted a student boycott of lectures that continued in spite of warnings from Kenyatta and a directive from the Ministry of Education that they cease. The response of the

⁴⁷Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

⁴⁸Ibid., p. 193.

Government was to close the University until mid-February. When it reopened, students who sought readmittance were required to sign the loyalty pledge that is reprinted below.⁴⁹

APPLICATION FOR RE-ADMISSION TO UNIVERSITY COLLEGE, NAIROBI

1. I*, wishing to apply for re-admission to University College, Nairobi, wish to express my sincere apology to the Government of the Republic of Kenya for the defiance by the student body of the Government's directive and the demonstration against the order issued by the Government on 25th January, 1969.
2. I wish to assure the Government of the Republic of Kenya and the College Authorities that, if allowed to resume studies I shall:
 - (a) abide by all the laws, regulations and directives of the Kenya Government,
 - (b) obey all the regulations and instructions issued by the College Authorities,
 - (c) dissociate myself from any demonstrations or processions for which permission has not been given by the College or the Kenya Government,
 - (d) attend all the lectures and classes laid down for my course and any others which the College may require me to attend as part of my studies at the College, unless exempted by the Principal or such other person or body as may be authorized by him,
 - (e) recognise that all decisions or rules of any student organisation in the College are subordinate to the College Authorities and the laws of the Republic of Kenya.

.....
(Date)

.....
(Signature)

*Your name should be printed in block capitals and should be the one which you use in the College and which appears on your admission forms.⁵⁰

⁴⁹Bienen, "Kenya and Uganda: When Does Dissent Become Sedition?" *op. cit.*, pp. 10-13.

⁵⁰Ibid., p. 11.

Only a few university students refused to sign the statement of apology and College activities were soon resumed.

By 1969, members of the university community were increasingly critical of the Government and a number of them also harboured sympathies for the opposition. However, the student boycott of classes in January was largely a reaction to Government interference in academic freedom and was not an affirmation of support for Odinga in particular, or for the K.P.U. Nevertheless, KANU issued a press statement which charged that "students had been unruly, mistaking political involvement for academic freedom" and that they "had allowed themselves to be used as tools by the K.P.U. which is a dying horse anyway."⁵¹ The Government's translation of an issue of academic freedom into a political issue, its ability to use rifle carrying members of the General Service Unit to evict students from their dormitories once the university was officially closed, and its success in getting the overwhelming majority of students to sign the application for readmission, demonstrated that students like other groups in the society were in a position of marginal weakness when confronted with the relative strength of the KANU Governemtn. In addition, the incident suggested that over time it was increasingly difficult to even reach the student community let alone to gain their organized support. As Okelo-Odongo noted,

[t]he students of East Africa generally give K.P.U. their support. In the past there has been no difficulty reaching students because they have invited

⁵¹ KHQ, Press Statement, 27 January 1969.

the K.P.U. to their colleges and the K.P.U. has come. Recently, however, the Government has introduced rules and regulations curbing the freedom of students to invite politicians on their campuses. Now only the Minister for Education can speak at any time at any school without permission. 52

Undoubtedly, there were individual students who gave active support to the K.P.U., however, there is no information available to elaborate on this point.

Almost immediately after the K.P.U. was formed in 1966, thirteen trade unionists demonstrated their support for the opposition by resigning from KANU and joining the K.P.U. This was the culmination of a long series of ideological and factional splits that to some extent revolved around the issue of Mboya's leadership both within and outside the trade union movement. Because Mboya "built his early reputation and derived much of his influence from his control of the unions," Mboya's political enemies were anxious to undermine his union base. "Conversely, union leaders opposing Mboya or his successors in the central union organization or his supporters in the individual unions would naturally seek assistance from his political opponents."⁵³

From 1963 until 1965, when it was deregistered, the Kenya Federation of Labour (KFL), was led by Clement Lubembe, "a staunch Mboya supporter."⁵⁴ Prior to becoming Minister of

⁵²Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

⁵³Richard Sandbrook, "The Struggle to Control Kenya's Trade Unions," Africa Report, Vol. 15, No. 3, March 1970, p. 25.

⁵⁴Ibid., p. 25.

Justice and Constitutional Affairs in 1963, Mboya was the Secretary General of the KFL, a position he relinquished, but nevertheless continued to influence. Even before 1964, several attempts were made to "oust the KFL from its position as head of the labor movement,"⁵⁵ and to form alternative central trade union organizations. The most successful of these challenges was from the Kenya African Workers' Congress (KAWC), which was formed in April 1964. The KAWC drew its support from the following groups: Those who were opposed to the KFL's affiliation with the "'American-dominated'" International Confederation of Free Trade Unions (ICFTU) and those within and outside the trade union movement who were "[a]nxious to eliminate Mboya's union power base."⁵⁶ The KAWC was formed by Akumu, Ottenyo, and Mak'Anyengo, after they had been dismissed from office in the KFL "for issuing press statements critical of the policy of ICFTU affiliation."⁵⁷ For a brief period the KAWC also had the support of Odinga and Kenyatta, both of whom were interested in curtailing Mboya's power.⁵⁸

This unholy alliance was shortlived, however, and with the rise of the Odinga faction in 1965, Kenyatta realigned himself with Mboya to oppose the KAWC. Following this realignment

⁵⁵ Ibid., p. 25.

⁵⁶ Ibid., p. 25.

⁵⁷ Ibid., p. 26.

⁵⁸ Kenyatta's support was the beginning of an attempt by the Kiruyu clique in KANU to see that Mboya would not become Kenya's next President.

certain legislative amendments were passed which increased the Government's supervision over trade unions. This loss of independence from the Government culminated in September 1965, when both the KFL and the KAWC were forced to deregister immediately and a new organization, the Central Organization of Trade Unions (COTU), was established to take their place.⁵⁹ According to Sandbrook, "Cotu's constitution, which was completed in January 1966, entrenched state supervision of the organization's internal affairs."⁶⁰

The first election of COTU officials in November 1965, was the culmination of a struggle in the unions between the Odinga radicals and the Mboya faction, which was backed by Kenyatta. When the results of the election were submitted to Kenyatta by the Governing Council, he attempted to conciliate the two groups by "appointing all three candidates to Cotu offices": Mboya's candidate Clement Lubembe, who had the highest number of votes, became Secretary General, while Akumu and a third man, who were supported by Odinga, were given "the newly created posts of deputy-secretary general and assistant secretary-general."⁶¹

⁵⁹ Sandbrook, op. cit., p. 26.

⁶⁰ Ibid., p. 27. "Its governing council, executive board and finance committee include a government supervision. Elections are to be held every three years under government representative supervision. The President of the Republic appoints the secretary-general, deputy secretary-general and assistant secretary-general from a panel of names submitted to him by the governing council after the triennial conference. At any time the labor minister desires, the conduct of three officials may be investigated. In addition, the President may revoke the appointments of any or all of the three principal officials." Ibid.

⁶¹ Ibid.

However, the divisions which had beset the KFL continued within COTU and were if anything intensified following the 1965 election of union officials. Immediately after Odinga joined the K.P.U. in 1966, thirteen trade union officials resigned from KANU and followed Odinga into opposition. They were: Akumu, the Deputy Secretary General of COTU, Mak'Anyengo, General Secretary of the Kenya Petroleum and Oil Workers' Union, Otieno Ooro and Onudi, Organizing Secretary and President of the Kenya National Union of Sugar Plantation Workers, Ojiayo and Akama, Secretary Nairobi Branch and General Secretary of the Kenya Engineer Workers' Union, Awuonda, General Secretary of the Quarry and Mineworkers' Union, Miruka, Nairobi Branch Secretary of the Chemical Workers Union, Inguka, General Secretary of the National Union of Musicians, Omido, General Secretary of the Kenya Motor Engineer Workers' Union, Wachira, General Secretary of the Game Hunting and Safari Workers' Union, Awich, General Secretary of the Kenya Shoe and Leather Workers' Union, and Obonyo, the Assistant General Secretary of the same union.⁶² Two days later Akumu, Mak'Anyengo, Wachira and Omido were suspended from their positions in COTU.⁶³ Of these four, the first three were later detained as were several other trade union officials who had also joined the K.P.U.⁶⁴

⁶²EAS, April 18, 1966, p. 1.

⁶³Ibid., April 20, 1966, p. 1.

⁶⁴See the section on detentions in Chapter IV.

It is difficult to know how much support union leaders and their followers gave to the K.P.U. following these detentions. However, as Richard Sandbrook has noted,

[b]esides demonstrating the power of the government to deal with opposition, the restriction of the union leaders was a blow to the organizational activities of the KPU. These men and their socialist views had widespread appeal among the urban workers, as was shown by the large, enthusiastic congress rallies of 1965. 65

Furthermore, the suspensions and the detentions probably worked to discourage unionists from supporting the K.P.U. by giving credence to the informal rule that COTU leaders were "to be loyal to the ruling party, as well as to the government."⁶⁶ A man like Mak'Anyengo, who was fearless enough to return to the K.P.U. after being detained and who was popular enough to be reinstated as the General Secretary of the Kenya Petroleum and Oil Workers' Union following his release,⁶⁷ was nevertheless unable to run for office in COTU in the February 1969 elections because of his involvement with the K.P.U.⁶⁸ and was detained once again when the K.P.U. was banned in October 1969.⁶⁹

⁶⁵Sandbrook, op. cit., p. 27.

⁶⁶Ibid., p. 21.

⁶⁷EAS, October 16, 1968, p. 9.

⁶⁸Richard Sandbrook, "The State and the Development of Trade Unionism," in Hyden et. al., Development Administration . . . , op. cit., p. 283.

⁶⁹The Kenya Gazette, Vol. LXXI, No. 49, 4 November 1969, Gazette Notice 3475.

Unlike Mak'Anyengo, Akumu apparently decided that the costs of remaining in opposition were too high and returned to KANU a month before the 1969 COTU elections, when he deposed Lubembe and won the Secretary Generalship.⁷⁰ Akumu's return to KANU must have hindered the K.P.U.'s ability to obtain support in the trade unions and in Mombasa, which was Akumu's political base as well as the headquarters of many important unions.

Commenting on the difficulties of getting the backing of trade unionists in 1969, Okelo-Odongo noted, the

K.P.U. is not getting direct support from trade unionists as such. Any support there only comes from the workers as individuals. It is possible that there are a few trade union leaders who are sympathetic to K.P.U. policies. However, the nature of the trade unions in Kenya today means that they can't openly support the opposition. The changes that took place put the trade unions under Government control. COTU has leaders appointed by the President and owing to the policies of the Government, when Akumu gives speeches etc. he must say that he is loyal to Kenyatta and the ruling party KANU In better circumstances, Akumu would be back with the opposition. 71

Aside from the increasing problems of obtaining support from trade union leaders, the K.P.U. apparently felt it was also hindered from reaching workers as individuals because it had no security to offer them.⁷² Certain trade unionists continued

⁷⁰According to Sandbrook, Akumu's victory in February was due in large part to the backing he received from the Kikuyu group within the KANU Cabinet--Njonjo, Mungai, Koinange, etc.--who were anxious to dislodge Mboya from his power base in the trade union movement by ousting Lubembe as the Secretary General of the trade union movement. This move was also part of the succession battle between the pro and anti Mboya factions in the Cabinet.

⁷¹Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

⁷²Ibid.

to support the K.P.U. until it was banned, however, there is no information available to discuss the intensity of their support or the kind of influence they exerted within the K.P.U. or among their followers.

In general, the above discussion appears to confirm Shils' observation that trade unions have a difficult time becoming independent of the ruling parties in new states. Governments view them as a potential source of opposition and accordingly seek to control them.⁷³

The Militants

The previous three chapters discussed in some detail the difficulties experienced by the K.P.U.'s militants or leaders.⁷⁴ Both intimidation and cooptation led to a considerable attrition away from the opposition party. By late Summer 1969, the party at the national level was supported primarily by a hard core of Luo M.P.s and Nthula, a Kamba M.P. from Machakos. Of the original group of M.P.s who left KANU

⁷³Shils, "Opposition in the New States of Asia and Africa," op. cit., pp. 191-92. For other studies of Kenya's trade unions see A. H. Amsden, "Trade Unions and Politics: Kenya," in University of London, Institute of Commonwealth Studies, Collected Seminar Papers on Labour Unions and Political Organizations, No. 3, October 1966-March 1967, pp. 122-53; MaKhan Singh, History of Kenya's Trade Union Movement to 1952, Nairobi: East African Publishing House, 1969; Clement K. Lubembe, The Inside of Labour Movement in Kenya, Nairobi: Equatorial Publishers, 1968.

⁷⁴Here the term militants will be used to refer to all of the M.P.s who "crossed the floor" in 1966 and the K.P.U.'s national officials.

in 1966 only a few others stayed with the K.P.U. until it was banned: J. D. Kali, a Kamba who lost his Nairobi East seat in the Little General Election and who became Deputy Secretary of the party in 1968, following Anyieni's return to KANU, Oneko, a national official and the former Luo Minister for Information and Broadcasting, who lost his seat in Nakuru in 1966, Lorema, a Pokot, who was also defeated at that time, and Makokha, an Abaluyia from Bungoma, who lost his seat in 1966, was detained, returned to KANU, and then came back to the K.P.U. At the local level, it is difficult to say any more about what happened to the K.P.U.'s militants beyond what has already been stated earlier.

K.P.U. militants who left the opposition party appear to have done so for at least three reasons. First, many could not bear the costs of being in opposition which were always high and increased over time. This was evident as early as 1966, when thirteen of the M.P.s who had "crossed the floor" attempted to return to KANU.

Second, as the costs of being in opposition increased, so did the perceived futility of doing so in the eyes of many K.P.U. militants. With the abortive 1968 local elections, came a spate of returns by K.P.U. militants that included Oduya in July 1968, Kioko in September, Anyieni in November, and Makokha and Choge in December of that year.⁷⁵ Donal Cruise O'Brien has

⁷⁵ See EAS, July 9, 1968, p. 1, July 12, p. 17, September 6, p. 1, November 28, p. 4, December 9, p. 7.

noted from his study of opposition in Senegal that when the opposition lost hope of succeeding through elections, it was "faced with an alternative between increasing hardship in opposition, or acceptance of government overtures." He found that, "[m]ost of the leaders of opposition . . . favoured the latter option, albeit sometimes with reluctance. They defend[ed] their choice by pointing to the futility of oppositional activity at present, and to the possibility of effecting a change from within the government."⁷⁶

Thus in a press conference following his resignation from the K.P.U., Oduya stated that part of the reason for his return to KANU was that the "KPU [could] never be a party capable of serving Kenya as an alternative Government." He therefore concluded that "[t]he best way to serve the country and the people who elected him to parliament was to leave KPU and join KANU."⁷⁷ When Kioko returned to KANU he also told the press that "his decision had been taken to benefit the Kamba and the people of Kenya."⁷⁸ In 1969, when he rejoined KANU, Kaggia voiced many of the same sentiments as Oduya and Kioko. He claimed that he "had left K.P.U. because he realised the party could never "deliver the goods" . . . [and that] [h]owever sweet the K.P.U. manifesto had been, the party was

⁷⁶ Donal Cruise O'Brien, "Political Opposition in Senegal: 1960-67," in Government and Opposition, Vol. 2, No. 4, July-October 1967, p. 563.

⁷⁷ EAS, July 12, 1968, p. 17.

⁷⁸ Ibid., September 6, 1968, p. 1.

not in a position to translate it into practical benefits for the people."⁷⁹ Given the restrictions on their political activities and the personal hardships suffered by K.P.U. militants, it became increasingly difficult for them to justify the purpose of staying in opposition. Not only was the K.P.U. unlikely to form an alternative government in the near future, but it was also very difficult for it to perform most of the functions ordinarily attributed to an opposition party in the face of the restrictions on the K.P.U.'s ability to participate in politics and its relative lack of patronage when compared with KANU.⁸⁰

Third, the reason that some K.P.U. militants left the party appears to have been related to factionalism within the opposition party itself. Although the information is not readily available on this point, there are some suggestions that personality clashes, leadership disputes, and allegations of tribalism within the party encouraged some K.P.U. militants to leave the opposition. Comments from K.P.U. militants themselves upon their return to KANU indicate that factionalism

⁷⁹Ibid., August 8, 1969, p. 15. At the time of his resignation, there was also some speculation that the oathings of Kikuyu in Central Province in 1969 had put a good deal of pressure on Kaggia to leave the K.P.U.

⁸⁰Apter maintains that the three functions of an opposition party are (1) the representation of interests, (2) the provision of information, and (3) constructive criticism. See D. E. Apter, "Some Reflections on the Role of a Political Opposition in New Nations," Comparative Studies in Society and History, Vol. IV, No. 2, January 1962, pp. 154-68.

within the K.P.U. was a problem, however, it is difficult to know (a) how intense it was, (b) how influential it was in persuading militants to leave the K.P.U. compared with other factors, and (c) whether or not all of what was said was in fact true:

Jilo, November 1966: Unless there was an improvement in the leadership of the K.P.U. and an end to the internal power struggles the party could collapse There is a complete mess in K.P.U. There was dissatisfaction in many places at the way the party was run and there was a power struggle going on among candidates to replace those officials who had been detained Until the position of the national headquarters was sorted out it would be useless to claim that the K.P.U. existed as a party 81

Daliti, December 1966: He said he had observed carefully the activities of the party and found they were tribalistic and selfish The party had failed to open and maintain an office in Eldoret despite his repeated requests. National officials concentrated only on some areas, while they told the President of the party they were organizing it. 82

K. N. Gichoya, February 1967: . . . while it was expected that a national outlook as opposed to parochialism should be the principle guiding the K.P.U. it was now clear that only Nyanza people were regarded as Socialists and that K.P.U. activities were being centered on individuals I have found it pretty difficult to reconcile the practice of regarding . . . K.P.U. affairs as entirely those of Mr. Oginga Odinga and his tribesmen with the principle of collectiveness among equals K.P.U. with all its good policy and with the present parochial leadership dressed in nationalist uniform is bound to achieve nothing more than national frustration

⁸¹ EAS, November 18, 1966, p. 9.

⁸² Ibid., December 24, 1966, p. 5.

Mr. Odinga has worked with his chosen disciples leaving me with nothing else but a title and an office with no responsibility 83

Oduya, July 1968: . . . K.P.U. was riddled with tribalism and clanism. 84

Kaggia, August 1969: My opposition to tribalism is a well known fact in Kenya politics It is because of my nationalistic outlook and of my political maturity that I have been able to remain in K.P.U. for so long despite so many Luo tribalistic tendencies in K.P.U. which many K.P.U. members have been complaining about. 85

Although many K.P.U. militants returned to KANU for the reasons discussed above, a certain segment of the leadership stayed with the party until it was banned and they were detained. By the late Summer 1969, the K.P.U. still had scattered supporters throughout the country, however, its leadership was primarily Luo. The reasons why K.P.U. M.P.s from Central Nyanza did not give up and return to KANU are probably varied and can only be surmised here.

First, to disband the opposition at this point would have been an admission of defeat. Odinga's political history under colonialism was consistently one of radical agitation even during the darkest periods. It was simply not in character for Odinga to acknowledge defeat and many of the Government's overtures to him had an air of concession about them. In November 1968, for instance, Vice-President Moi stated publicly that

⁸³Ibid., February 2, 1967, p. 5.

⁸⁴Ibid., July 12, 1968, p. 17.

⁸⁵Ibid., August 8, 1969, p. 15.

if . . . Mr. Odinga rejoined Kanu he should do it 'unconditionally and be fully prepared to swallow the Kanu policy as it is today . . . [H]ow [could] a man with only a small army . . . ask for a compromise with a man commanding an army of 10 million. 86

Second, as Chapter III noted, many of the K.P.U. M.P.s from Central Nyanza did not have an independent following apart from Odinga. Hence, it would have been difficult for them to leave the opposition as individuals even assuming they had wanted to do so.

Third, the events of Summer 1969--especially the oathings and Mboya's assassination--did not produce a climate which encouraged K.P.U.'s militants to return to KANU. In fact, these events may have had just the opposite effect. The oathings produced a widespread fear of Kikuyu domination throughout the country especially since many individuals felt that the instructions for the instigation as well as the continuation of the oathings, had come from the very top. In the face of Government acquiescence, unsuccessful attempts were made to form third parties and elders from a number of tribes sent delegations to Kenyatta to express their concern to him. It is possible that K.P.U. militants felt that this discontent would mature into support for the opposition that could then be translated into votes in the next general election.⁸⁷ When

⁸⁶ Ibid., November 15, 1968, p. 1.

⁸⁷ It seems that the K.P.U. did not anticipate being banned. Second, although they did not think that the opposition would be as free to run candidates as KANU, they felt that it was unlikely that the election would be rigged as it had been in 1968. Interview with Thomas Okelo-Odongo, Nairobi, October 2, 1969.

asked what he thought the opposition party's future was in October 1969, just a few weeks before the K.P.U. was banned, Okelo-Odongo said that over the long run he was optimistic. He stated that he thought that the K.P.U. could "increase its numbers to a level at which it could be an effective counter adversary." He felt that the opposition had a good deal of latent support, that eventually it "could get fifty to sixty seats," and that since Kenyatta "would not last forever," things would be "bound to change."⁸⁸ In the short run, Okelo-Odongo thought that the K.P.U. "was likely to meet administrative obstacles" in the forthcoming general elections. However, in that case, he maintained that

all that the K.P.U. would be interested in would be to organize to such an extent that for the Government to squash the K.P.U. it would have to do really drastic things which the people would resent greatly. Then the K.P.U. would not have lost completely. Or even if a number of the K.P.U. people are returned to Parliament then at least they [could] plan for the future. 89

A fourth reason for staying in opposition was that some individuals in the K.P.U. were persuaded that although one party states were not by definition undemocratic, "there [was] a great tendency for one party to become dictatorial"⁹⁰ These opposition leaders claimed that their ideas concerning the possibilities of democracy within one party had

⁸⁸ Interview with Thomas Okelo-Odongo, Nairobi, October 8, 1969.

⁸⁹ Ibid.

⁹⁰ Ibid.

"changed because they [had] seen so much in a short period."⁹¹

They argued that in spite of the K.P.U.'s smallness, it had nevertheless performed certain important functions. One such statement of the K.P.U.'s positive functions maintained that

[i]t is good as a watchdog on the ruling party. It reminds them of their shortcomings and blunders which may arise from negligence or other antisocial factors. It keeps the Government on their toes with regard to development. 92

There was an additional feeling that it was necessary to have a parliamentary opposition which would not only criticize the Government but would vote against it unlike the backbench. As Okelo-Odongo noted,

[i]n certain instances where the backbenchers have been loud in their criticisms you will find that finally when it comes to voting, the Government manages to win [W]hen the backbenchers disagree with the Government, there is an attempt to keep them in line. It meets, the President comes and then people like the backbenchers are steam-rolled. 93

Regardless of the difficulties the K.P.U. encountered in performing many of the functions of an opposition party it was apparent that the K.P.U. did not intend to fold and that it was anxious to contest the forthcoming general election.

⁹¹ Ibid.

⁹² Interview with Thomas Okelo-Odongo, Nairobi, October 9, 1969.

⁹³ Ibid.

Banning the K.P.U.

By late Summer 1969, the political climate in Kenya had become extraordinarily tense. The mass oathings which had allegedly begun at 'Gatundu,' Kenyatta's home, spread throughout Central Province and into other parts of the country where there were pockets of Kikuyu. The Kikuyu who were oathed were required to pledge that no other tribe would rule Kenya and that if necessary they would use violence to carry out their vows. Stories of forcible oathings were substantiated in the National Assembly by concerned KANU and K.P.U. M.P.s. The press and several church groups provided further documentation, as the Government continued to deny the existence of or its complicity in the oath-taking. At the same time, there were isolated reports of inter-tribal clashes and of Kikuyu traders in the Western Province and the Rift Valley whose businesses had been boycotted.⁹⁴ Simultaneously, two delegations, one from Western Province and another from the Luo elders of Nyanza presented Kenyatta with memoranda that alleged tribal discrimination in the civil service, and other Government bodies.⁹⁵ Soon after these delegations, President Kenyatta announced that he would pay an official visit to Nakuru, Eldoret, Kakamega, and Kisumu.⁹⁶

⁹⁴EAS, October 16, 1969, p. 5, October 21, p. 5, October 24, p. 3.

⁹⁵Ibid., October 11, 1969, p. 1, October 16, p. 5.

⁹⁶Ibid., October 23, 1969, p. 1.

The last time that Kenyatta had visited Kisumu was in July 1966, when he opened the Nyanza Show and warned the people that "if they wanted to oppose the Government they would be dealt with properly."⁹⁷ In spite of his many trips throughout the country, Kenyatta did not return to Kisumu until October 1969, when he came to officially open a Soviet built hospital that had been completed and functioning since 1967. His refusal to open the hospital at the appropriate time two years earlier and his long absence from Kisumu, where he had a provisional state house, generated a certain amount of antagonism.

Although the Luo elders who had gone to Kenyatta expressed a desire for the President to come to Nyanza, many people felt that the timing of Kenyatta's October visit to Kisumu was peculiar given the antagonism generated by Mboya's assassination and the subsequent oathings. Nevertheless, some 5,000 people were at the Kisumu hospital on October 25th waiting for Kenyatta to arrive. As the President's motorcycle escorts moved along the drive towards the hospital, the crowd began to shout the opposition party's slogan, "dume," "dume," and gestured at the passing brigade with the K.P.U.'s sign of clenched fists and thumbs stuck up in the air. The shouting and gesturing continued as Kenyatta's car approached the hospital. Within a split second, the crowd erupted, chairs went flying, and people ran in all directions, stampeding each other in the process. The crowd resumed order quickly, Kenyatta appeared on the platform unhurt and ready to proceed with his speech. The President

⁹⁷ Ibid., July 2, 1966, p. 1.

delivered a fiery oration in which he denounced the opposition, announced that the only reason he had not detained Odinga was that he was a personal friend, and assured his listeners that "[a]nybody who plays with our progress such as KPU tries to do will be crushed like locusts."⁹⁸ Kenyatta then went into the hospital, signed a book commemorating the opening, and left. At this point people alongside the road continued to shout and throw stones at the presidential motorcade, whose armed escorts responded by firing into the crowd.

Less than two days later on October 27th, all of K.P.U.'s M.P.s and a number of other opposition leaders were arrested and detained in a pre-dawn roundup.⁹⁹ Following the Kisumu Hospital incident in which it was reported that eleven died and seventy were injured, a dawn to dusk curfew was imposed in Nyanza. A few days later, on October 30th, the Government issued the following statement announcing that it had banned the K.P.U.:

Since the K.P.U. was first registered as a party, it has become progressively more subversive both in its nature and in its objectives. It has been increasingly responsible for the deliberate fomenting of inter-tribal strife, and for employing propaganda rooted in lies, rumours and suspicions calculated to undermine national stability.

Apart from earlier contributions, substantial sums of foreign money have been made available to--and

⁹⁸Sunday Nation, October 26, 1969, p. 1.

⁹⁹Daily Nation, October 28, 1969, pp. 1, 24. Initially Odinga and Nthula, K.P.U.'s Vice-President were put under house arrest and were not detained until several days later.

utilised by--the K.P.U. during this calendar year. Leaders of the proscribed party have paid frequent visits to certain embassies, both in Kenya and in nearby countries. Such visits have supplemented journeys made to more distant countries since the K.P.U. was formed.

Seditious literature from foreign sources has in recent months been distributed in certain areas of Kenya. The various books or subversive pamphlets concerned have been traced to the activities and contacts of the K.P.U.

Correspondence of a subversive nature has also come to light, between the leaders of K.P.U., more especially Mr. Odinga, and certain foreign diplomats in East Africa. It has been established that the K.P.U. was seeking active assistance for its essential purpose--to overthrow the lawful and constitutional Government of the Republic of Kenya.

In Kisumu on October 25 an attempt was made not merely to undermine the dignity, but to threaten the very person of the Head of State. This was calculated to become a critical milestone in an unfolding programme of disorder and chaos, from which the K.P.U. and their external promoters would have hoped to benefit.

In the period since the K.P.U. was first registered, the Kenya Government allowed that party every opportunity to behave and to represent its views in a responsible and democratic manner. This tolerance has been abused, and only vigilance at Kisumu warded off a challenge that would have represented national disaster. The K.P.U. has thus been proscribed, in furtherance of the Government's primary duty--above all else--to uphold the national integrity of Kenya, preserving the freedom and good orders in which all the people of Kenya may go about their lawful business.

An order under the Societies Act has been made declaring K.P.U. and all its branches and sub-branches to be societies dangerous to the good government of the Republic of Kenya. 100

¹⁰⁰EAS, October 31, 1969, p. 1.

There was never any satisfactory explanation for the Kisumu Hospital incident. It seems unlikely that the Government would have jeopardized Kenyatta's safety and planned the incident as a pretext for banning the K.P.U. It appears equally unlikely that the incident was organized by the opposition party; it had absolutely nothing to gain from such a provocation and its history was a nonviolent one. The Voice of Kenya Commentary on October 27th suggested that the disorder at Kisumu may have been spontaneous, however, all other Government statements following this one charged the K.P.U. with organized subversion.¹⁰¹ The most consistent report of what happened suggests that the crowd erupted spontaneously after someone shouted "where is Tom Mboya?" at the motorcade and youthwingers from both KANU and the K.P.U. began to jostle each other in the crowd. This in turn prompted the use of teargas by the General Service Units and sent the crowd fleeing.

The timing of the incident was extremely propitious since the detentions and the banning of the K.P.U. paved the way for general elections in which KANU was not challenged as a party. Had the Kisumu incident not occurred, it seems probable that the Government would have found a means to keep K.P.U. from contesting the election. At least two KANU M.P.s in the National Assembly urged the Government not to ban the K.P.U., arguing that such an action would make Kenya "a laughing stock in the Continent of Africa," and it would be wise to let the K.P.U. "die a natural

¹⁰¹ Daily Nation, October 28, 1969, p. 24. Also see Official Reports, 28 October 1969, cols. 1163-89.

death at the polls."¹⁰²

Following the elections, a few detainees were freed in the Spring of 1970, however, all of the K.P.U.'s top leaders remained in detention until July 31, 1970, when Kenyatta released twelve men, five of whom were ex-K.P.U. M.P.s: Okelo-Odongo, Obok, Odero Sar, Okuta Bala, and Nthula.¹⁰³ Odinga, Chillo, Sijeyo, Oneko, and Kali stayed in detention well on into the following year.

In April 1970, the KANU Government released letters that had allegedly been written by Odinga to the Soviet Embassy in Nairobi, requesting funds for the K.P.U.'s political activities in the local elections of 1968.¹⁰⁴ If the K.P.U. actually received financial assistance from countries in the Eastern bloc it would be interesting to know whether or not this was a longstanding relationship or whether it began as a consequence of the opposition's inability to organize, to hold political meetings, and to instigate fundraising activities within Kenya. However, because of a lack of information these questions cannot be answered here. Whether or not and to what extent KANU was dependent on funding from the United States and Great Britain are also interesting questions that must also remain unanswered. Suffice it to note as Arthur Lewis has that

[t]hose who fear the effect of party competition on independence presuppose that if there is more than

¹⁰²Official Report, 28 October 1969, cols. 1179-82.

¹⁰³EAS, August 1, 1970, p. 1.

¹⁰⁴Ibid., April 3, 1970, p. 1, April 4, p. 1.

one party the opposition party will become a foreign satellite, but an opposition is not necessarily more susceptible to foreign influence than a government party. 105

Finer has observed that there has been no significant difference in the incident of coups in single party and multi-party systems in Africa.¹⁰⁶ Shils has gone one step further and concluded that the relationship between the suppression of an opposition party and the probability of it actually subverting the Government is virtually nil. Given the history of the KANU regime's response to the K.P.U., Shils' discussion of this point seems pertinent. He has claimed that

[t]he assessment of danger to the security of the state is a subjective phenomenon. It is often unconnected with any realistically assessed high probability of a successful effort of the opposition party to displace the ruling party. 107

Summary and Conclusions

The above discussion examined the composition and the strength of the K.P.U.'s electors, its supporters, and its militants. On the basis of limited information, it concluded that over time the K.P.U.'s electors were more likely to be Luos than non-Luos. This appeared to have happened not because the K.P.U. was inately a tribal front, but because (a) perceived instances of tribalism increasingly encouraged

¹⁰⁵Lewis, op. cit., p. 49.

¹⁰⁶Finer, op. cit., p. 506.

¹⁰⁷Shils, "Opposition in the New States of Asia and Africa," op. cit., p. 177. Also see Ibid., p. 178.

individuals to vote along ethnic lines and (b) the KANU Government's ability to diminish the K.P.U.'s organizational strength by co-optation and intimidation was most successful in non-Luo areas, which, in turn hindered the K.P.U. from cutting across ethnic lines in obtaining electoral support. A further discussion of the K.P.U.'s electors attempted to show that the K.P.U.'s appeal to the "marginal men" and "have nots" in the society could not always be translated into votes for the opposition party. Some of the supposed landless were apparently responsive to the KANU Government's interpretation of the K.P.U.'s ideology, which they felt was a threat to the little that they had. The urban poor were probably more likely to vote for the K.P.U. than the rural have nots. This was so, not because the cities were "melting pots," but because the K.P.U. was better organized and more visible in the urban areas and because the K.P.U. was more susceptible to the Government's restrictions on political participation in the rural areas. The scale of the rural communities was smaller and hence easier to control. Furthermore, the K.P.U. could not even get to some of the rural areas to dissuade individuals from believing the Government's propaganda about the party. KANU dissidents were likely to be K.P.U. electors; however, their commitment to the party was not great or dependable. They represented a fluid and fluctuating source of votes, rather than a stable bloc and were primarily interested in maximizing their "utility incomes." Groups which were dependent for employment were probably least likely to vote for the K.P.U.

Intimidation and cooptation made it increasingly difficult for the K.P.U. to recruit or retain its supporters. It appears to have had the greatest amount of support in Central Nyanza, and the least amount of support where it had neither M.P.s nor registered branches. Unfortunately very little can be said about the party's actual membership in terms of numbers or its distribution throughout the country. Cooptation and intimidation probably decreased the geographic spread and the intensity of support for the K.P.U. The KANU Government's response to the K.P.U. made it increasingly difficult for the opposition to gain the support of key sectors of the community: businessmen, Asians, university students and intellectuals, trade unionists, and workers.

The Government's response to the opposition also led to a considerable attrition away from the K.P.U. and back to KANU, especially after the abortive local elections of 1968. K.P.U. militants left the party for a variety of reasons: they could not bear the increasing costs of staying in opposition, many felt that it was futile to continue to do so, and factionalism within the K.P.U. may have encouraged others to leave. Odinga did not return to KANU because it would have been perceived as an admission of defeat, and because Mboya's assassination and the oath-taking both alienated certain K.P.U. militants from the KANU leadership and made Odinga as well as others think that the generalized discontent which stemmed from these two events might be translated into votes for the K.P.U. in the

next general election. Other militants who did not have an independent following apart from Odinga were unlikely to leave the K.P.U. as long as he stayed. Still others genuinely felt that it was important for the country to have an opposition party regardless of its smallness.

The banning of the K.P.U. was a very specific response to a somewhat ambiguous incident and was more of a reflection of the KANU Government's attitude towards opposition parties, than to the K.P.U. itself.

CONCLUSION

This study has found that the most influential factors in explaining the demise and suppression of opposition parties in Kenya were the colonial legacy and the inequitable distribution of socio-economic sanctions and resources in the society.

The preceding study goes much further than most contemporary authors in its suggestions about the nature and intensity of the colonial government's influence on post-independence politics. The discussion in Chapter V concerning the KANU Government's attitudes towards the K.P.U. and the means which were used by the dominant party to suppress its opposition, lent support to the argument of the first Chapter which was: that by the time of independence, African politicians had inherited colonial legacies which encouraged the development of certain types of political parties, certain attitudes towards politics, and certain styles of dealing with political opposition.

Zolberg has correctly noted that "as of now, 'tradition' in Africa includes the colonial experience."¹ Furthermore, he has maintained that one of the reasons that there are such gaps in our knowledge of this period is that "many of the studies of colonialism have been concerned with policy and political controversy rather than with the understanding of a system of government in operation"²

¹Zolberg, Creating Political Order, *op. cit.*, p. 154.

²Ibid., p. 152.

In Kenya, the colonial administration created a highly authoritarian and repressive system of government which was a caricature of British government at home, rather than an image of it. This fact and the consequences of it for post-independence politics have barely been explored. Chapters I and V argue that it is this repressive system of government which must be studied if we are to understand the response of the post-independence government in Kenya to its opposition and the reasons for the similarities between its response and that of its colonial predecessors. Chapter V attempted to demonstrate that the post-independence regime in Kenya inherited and retained many of the same institutions, laws, and styles of dealing with political opposition as its colonial predecessors.

Chapter I suggests that this happened for several reasons. At independence, the colonial system was the only nationwide set of institutions, structures, and laws which could effectively be used to govern the entire country. Given the new regime's limited resources and the increasing demands that were placed on it, it was clearly easier to retain the existing system rather than to attempt to create a new one. In addition, political socialization was an important if not crucial factor in setting the norms and practices of political participation. Post-independence politicians could not simply abstract themselves at will from their colonial heritage and become instant democrats. Furthermore, as time went on, the ruling elite's increasing dependence on the state for all of its rewards, including employment, prestige, and more direct

monetary benefits, meant that the political threat presented to it by the formation of an opposition party represented the possible loss of an entire way of life and not simply a job.³ To avert this possibility, the KANU Government was prepared to repress opposition and dissent whenever it could. It found that the tools of the colonial system were admirably suited for such tasks. Consequently, there was never a strong incentive to dismantle the repressive apparatus of the colonial system, even assuming for a moment that it could have been done. In general, this view concerning the importance of the colonial period (irrespective of its consequences) supports Wallerstein who has argued that

If . . . a society is defined not as a unit which shares a common culture but one which shares a common authority capable of maintaining itself and propagating its values and whose legitimacy is recognized by peer authorities elsewhere, then it is the colony and not the traditional unit that is the unit worthy of study. . . . It is within the framework of such a common authority . . . that the participants will begin to identify more and more with the nation-in-creation, first by the medium of the nationalist movement and even more, after independence in many different ways. 4

³Hofstadter has noted that in America, "for many of the top leaders, politics was far from an exclusive concern. Political leaders were merchants, planters, lawyers, men of affairs with wide interests and with much capacity for taking pleasure in their private lives. Many of the best of them looked upon politics as a duty and not a livelihood or a pleasure. Richard Hofstadter, The Idea of a Party System, Berkeley and Los Angeles: University of California Press, pp. 131-32. The fact that politics in early America was an avocation and not a vocation may have accounted for the fact that political patronage was not used by the Jeffersonians to purge the Federalists from office when the former took over power from the latter in the first transit of power between parties in the United States. Ibid., pp. 155-56.

⁴Immanuel Wallerstein, Social Change The Colonial Situation, New York: John Wiley and Sons, Inc., 1966, p. 2.

Aside from the importance of the colonial period, this study suggests that the weakness and suppression of opposition parties in Kenya can also be explained as a consequence of the inequitable distribution of sanctions and resources in the society. This point supports Dahl who has argued that "[a] governing group will use the coercive powers of the government to deny opponents the opportunity to oppose it, in every instance where the governing group expects that coercion has a fair chance of succeeding and the gains of a successful denial will exceed the costs."⁵ Dahl maintains that these conditions are likely to occur and the consequent chances for competitive politics are likely to be least favorable, when the key sanctions and socio-economic resources of a society are monopolized by the government and denied to the opposition.⁶

What Chapters IV-VI of this study attempted to show was that one of the reasons the K.P.U. was not difficult to suppress was that the KANU regime monopolized the key coercive sanctions and economic resources of the society. the KANU Government was thereby able to restrict the K.P.U.'s ability to participate in politics and to wean away potential and actual opposition followers by its selective use of patronage. Due to the statist nature of the society, the state was the chief dispenser of patronage, both as the major employer of salaried

⁵Dahl, Political Oppositions in Western Democracies, op. cit., p. xiv.

⁶Robert A. Dahl, Polyarchy, New Haven and London: Yale University Press, 1971, pp. 48-53.

labor and as the principal distributor of other types of economic rewards, including ministerial and statutory board appointments, and amenities such as loans and trade licenses.

During the early years of the Republic in the United States, the Federalist Government's attitudes towards opposition and its attempts to restrict the Republicans were in many respects similar to the KANU Government's pattern of response to the K.P.U. A number of authors have noted that the Federalists' inability to suppress the opposition, was not due to any innate restraint or special tolerance on its part, but rather to other factors. First, in eighteenth and early nineteenth century America, access to instruments of coercion were "widely diffused" and were consequently not monopolized by the dominant party government of the day.⁷ One of the major reasons that the Sedition Act could not be used effectively against the Republicans was that the Federalist Government simply did not have "sufficient force" to make it work.⁸ Second, unlike the K.P.U. in Kenya, the Republican opposition "was no small or paltry minority." As Hofstadter has noted,

[i]t was already at least equal to the administration in numbers. It was better organized, it was growing in strength, [and] it had a stronger potential appeal to the mass of voters⁹

⁷Dahl, Political Oppositions in Western Democracies, op. cit., p. xv.

⁸Hofstadter, op. cit., p. 109.

⁹Ibid.

Undoubtedly, part of the Republicans' strength was due to its popular appeal. An equally important factor, however, was that the dominant party regime did not have the power to keep it from organizing or growing.

In Kenya, unlike the United States, the KANU Government did have "sufficient force" to keep the K.P.U. weak and eventually to eliminate it. In Parliament KANU M.P.s passed restrictive legislation which was both designed to stifle the K.P.U. and to enhance the strength of KANU. The administration was the handyman of the dominant party when it came to enforcing this legislation against the K.P.U. and aiding KANU in harassing the opposition. As a product of KANU's ability to pass this legislation and as a by-product of its ability to use the administration to its own ends, the dominant party demonstrated that it had an enormous relative strength compared to any political opponent, including the K.P.U.

The regime's willingness to use its strength in this manner appears in part to have been a consequence of the institutional and organizational legacies from the colonial period as well as its socialization in the pre-independence period to a pattern of responses which (at the very least) did not encourage a tolerance for opposition. In addition, however, KANU sympathizers as well as members of the administration had other reasons for restricting the K.P.U.'s ability to participate in politics. The costs of not following the KANU Government's bidding were simply too high, and the potential losses were too severe. The ruthlessness with which the regime utilized its

monopoly over socio-economic resources to consolidate support for KANU and to wean support away from the K.P.U. meant that whatever desires individual administrators or KANU followers had to treat the opposition fairly, were probably overridden by the realization that actions of this sort would entail great losses.

Beyond singling out certain factors which appear to explain the demise and suppression of opposition parties in Kenya, the findings of this study also cast doubt on some of the arguments that scholars have made about political parties in Africa.

In its discussion of the KANU Government's use of the "carrot and the stick" in Chapters IV and V, the previous study not only explained why the opposition was so weak and easy to suppress but also attempted to challenge some of the current ideas concerning the weakness of dominant party regimes in Africa and Kenya, in particular. Having at one time overstressed the strength of dominant political parties in Africa by mistaking ideologies for realities and calling them "revolutionary mass-movement" and "mass mobilization" parties, political scientists then became aware of their mistakes through events and moved to the other extreme of overemphasizing the weaknesses of governing parties in Africa. In the second case, what appears to have happened was first, an overzealousness to correct previous errors and second, a failure to see that the capabilities of political parties varied as a function of the tasks that parties

attempted to perform. Because almost all political parties in Africa were objectively weak in terms of their ability to respond to the tasks of economic development and the various economic demands that were made on the regime, many scholars concluded that political parties and political regimes were weak in almost all respects. What this conclusion failed to acknowledge was that the dominant party regime's monopoly over the key socio-economic sanctions and resources in most of these societies provided it with an enormous relative strength compared to its political opponents. This relative strength was task specific. It could not cure the country's economic ills. Nor could it be marshalled to perform most of the functions associated with "mass-mobilization parties," as Chapter II in part demonstrated. It could, however, be used to eliminate opposition parties.

The case of Kenya suggests that one of the reasons this was so, was that it was far easier for the dominant party regime to eliminate its opposition than to make the radical increases and shifts in the use of resources that would have been needed both for the tasks of political mobilization and economic development. Essentially, the government could suppress its opposition without drastically altering its use of non-abundant resources. On the other hand, to feed, clothe, house, educate, and employ an entire population required both more resources and a more equitable distribution of those that existed. The changes in the use of existing resources that were needed to restrict the K.P.U.'s ability to participate in politics were

simply not of this magnitude. Orders to this effect could be sent to local P.C.s and D.C.s with the expectation that they would be carried out. The KANU regime did not have to build a strong centralized administration from scratch. One of the colonial legacies was such an administration, which even survived a brief period of official decentralization, from 1963-1965, without losing many of its earlier characteristics.

The amount and nature of the patronage that was needed to wean support away from the K.P.U. and to make it costly for KANU sympathizers to turn to the opposition party also appears not to have been great. Although further research is needed on this point, Chapters II and V suggest that patronage was narrowly and selectively distributed. What appears to have kept a number of individuals and districts from turning to the K.P.U. was primarily the fear that the regime had a demonstrated capacity to narrowly and selectively redistribute its patronage to their disadvantage.

Aside from the task specific nature of dominant party regimes' strengths and weaknesses, this study also found that a characteristic of African societies which is often cited to explain the weakness of political parties can be seen from another perspective as a factor which has contributed to the relative strength of the dominant party. It is sometimes argued that African societies are so large and their resources so meager, that they have neither the technology nor sufficient

personnel to control their followings. This picture of African political parties has some truth to it and may in part account for the independence of party branches from central headquarters. What it fails to take account of is that while the size of an entire society may be very large, the individual communities within it (aside from a few cities), are, on the whole, quite small. As this study attempted to point out, once headquarters decides to go to a branch or once the dominant party decides to restrict the ability of the opposition to engage in politics at the local level it is in part this smallness which enables it to carry out its decisions. Chapters IV-VI demonstrated how difficult it was for individuals at the local level to display any support for the K.P.U. without being found out. Since individuals who supported the K.P.U. were penalized, this lack of anonymity which stemmed from the smallness of these communities, facilitated the dominant party's ability to control its opposition and thereby diminished the K.P.U.'s relative strength. What this suggests, is that students of African politics should be more discriminating in their analyses concerning the importance of technology for the development of strong political parties. Once again, it may be that a more advanced technology would ease the ability of political parties to perform some tasks, while it might not be necessary for others.

Another finding of this study, suggests that we re-examine some of the explanations given for the weakness and consequent demise of opposition parties in Africa. A number of authors have attributed the weakness of opposition

parties to certain characteristics of the parties themselves, whether it is their aggressiveness¹⁰ or their association with a particular tribal, regional, extra-territorial, or personal base.¹¹ While the weakness of some parties in Africa can probably be explained by reference to some of the above factors, the previous study of Kenya has attempted to show that the KANU Government's response to the K.P.U. was more influential in keeping the opposition weak than any inately restrictive features of the K.P.U. itself. KANU's leaders were primarily interested in ridding themselves of the K.P.U., both when it was a faction within KANU and later when it became a political party. Chapter III argued that the initial decision to allow the K.P.U. to form was essentially a means to this end. The K.P.U. undoubtedly was characterized by many of the same internal weaknesses that beset KANU, including

¹⁰Shils has noted that where third world opposition parties have been permitted to exist, this has sometimes occurred because they "maintain a discreet and modest attitude." Shils, "Opposition in the New States of Asia and Africa," op. cit., p. 182. Others have put the same point somewhat differently. Dahl has argued, albeit circumspectly, that evolutionary reformist opposition parties are more likely to survive than parties which challenge the socio-economic and political structures of a society. Robert A. Dahl, Political Oppositions in Western Democracies, op. cit., pp. 341-47. Apter has maintained that opposition parties in new nations will be eliminated unless they exercise an enormous degree of "discipline and self-control in keeping disagreements over specific interests from turning into conflict over fundamental values which "challenge the foundations of a society." D. E. Apter, "Some Reflections on the Role of A Political Opposition in New Nations," Comparative Studies in Society and History, Vol. IV, No. 2, January 1962, pp. 164, 169.

¹¹Coleman and Rosberg, op. cit., p. 655. Hodgkin, op. cit., pp. 62-80.

poverty and a fluid, factionalized following. The difference was that the opposition's weaknesses could be exploited by the KANU Government to destroy the K.P.U., whereas the reverse was not true. When the Luo Union referred to Odinga as their "undisputed leader," the KANU Government had the machinery to keep the K.P.U.'s following to a minimum outside of Central Nyanza. KANU, however, could afford to have Kenyatta act the part of the traditional Kikuyu leader using anti-Luo tribal idioms in his blandishments against the K.P.U.

Whether or not the K.P.U.'s tribal base among the Luo of Central Nyanza independently contributed to its weakness and consequent demise, is difficult to say. One might argue, for instance, that the K.P.U. led itself down an inevitable road of self-destruction by making Odinga its leader. Opposition party politics was thereby wed to ethnicity, since Odinga was perceived by many as the Luo's leader and he himself often acted as though he was the sole guardian of their political interests. Odinga's long term association with the Luo Union and his rather unwise decision in 1969 to lead Mboya's funeral procession clearly alienated a number of individuals and "play[ed] directly into the hands of the government."¹² The problem with this line of argument is that the role of ethnicity in keeping the K.P.U. weak is confounded by the fact that the KANU Government worked to suppress the opposition from its inception.

¹²Apter has maintained that what often happens is that the leaders of the politically dominant party, "taunts . . . and goads" its opposition "with displays of power," thereby leading the latter "into acts which play directly into the hands of the government." Apter, "Some Reflections on the Role . . .," op. cit., p. 164.

Consequently, exactly what we do not know, as Chapters III-VI of this study have attempted to show, is how successful the K.P.U. would have been, had it been able to participate freely in politics. Almost immediately after the K.P.U. was formed, the Government clamped down on its ability to hold political meetings, establish party branches, and contest elections. When the K.P.U. won seats in Busia, Machakos, and Kitui in the 1966 Little General Election and when the opposition was able to round up candidates for the abortive 1968 local elections, the mere possibility that the K.P.U. might solidify its following outside of Central Nyanza was very upsetting to KANU's leaders. By responding to the K.P.U. as it did, the KANU Government essentially averted this possibility before it could happen. This appears to confirm Dennis Austin's point that opposition parties which "lack both the immediate and distant prospects of power" are sometimes tolerated "because they are not successful and were they to look like [they were] becoming successful they might not be tolerated."¹³ What the above discussion implies is that we have very little evidence to gauge the transtribal appeal of a party such as the K.P.U. What this suggests by inference, is that studies of opposition parties in other African nations should reconsider the question of whether or not the narrowness, weakness, and demise of these parties are a consequence of characteristics relating primarily

¹³D. Austin, "Opposition in the African States," Collected Seminar Papers on Opposition in the New African States, No. 4, London: University of London, Institute of Commonwealth Studies, October 1967-March 1968, pp. 2-3.

to the nature of the party itself or to the government's response to it.

In Kenya, there is some reason to think that had the KANU Government decided not to bludgeon its opposition by restricting its ability to participate in politics and by selectively distributing key forms of patronage, the K.P.U. might have been able to broaden its base of appeal. Chapters III and VI suggest that the bases for opposition support differed from one part of the country to another and from one group to another. A number of K.P.U. followers in Central Nyanza were simply creatures of Odinga, whereas in Central Province support for the K.P.U. was on the whole more tied to a radical criticism of the Government's economic policies and, in particular, its decisions concerning the distribution of land. In other parts of the country, especially in some of the less developed provinces and districts, individuals who initially joined the K.P.U. were in part opportunistic. Their ties to the opposition party were that as a new party, it had the potential of offering them mobility, visibility, and the recognition they had been unable to obtain in the dominant party. In still other parts of the country, entire factions, which had lost out in KANU were prepared to offer their support to the K.P.U. What appears to have kept a number of these individuals and groups from strengthening their followings under the umbrella of the K.P.U. was that the KANU Government was able to make the costs of doing so prohibitive.

The KANU Government's uncertainty as to what various regions, factions and groups would do if they were freely allowed to support the K.P.U. was in part what dictated its response to the opposition. It was probably not fearful of a shift of power from KANU to the opposition, at the national level. However, dominant party leaders were aware that KANU had not built a committed following in the years immediately following independence, and that the party was poor, undisciplined and factionridden. In addition, after independence, KANU never had a strong hold over its followers because of its ideology or orientation on specific issues. With the formation of the K.P.U., youth wingers who felt neglected because party officials never visited their branches, local leaders who claimed that they had not been given "prizes" for years of dedicated work, and national officials who had been squeezed out of important party positions, both within and outside of Parliament, could now turn to the K.P.U. The uncertainty that this fluidity posed rather than the certainty that the K.P.U. would actually win big and pose a real threat to KANU's power as a party was, in part, why the K.P.U. was never allowed to freely participate in politics.

In addition to the points raised above, parts of Chapters II, V, and VI attempted to discuss the relationship between patronage and political alignments in Kenya. The study demonstrated that the enormous dependence of Kenya's middle class on the state and its indebtedness to it, made it extremely

costly for such individuals to support the K.P.U. The KANU Government's position as the most important patron in the society clearly worked to keep the K.P.U. weak. Although this point was discussed in some detail, it is clear that studies of politics in Africa have given us few answers to a basic political question: who gets what, when, and how. This kind of information is obviously difficult to obtain. However, a study which could tell us how much, of what kinds of patronage, had what kind of a political effect, on whom, at what levels of society, would significantly increase our understanding of political party alignments in Africa.

APPENDIX I

Relationship Between Number of Potential Party
Branches and Number of Constituencies
in the House and Senate,
1963-1965

Source: Daily Nation, May 28, 1963, pp. 5-8.

<u>Western Region or Province</u>	<u>Total Number Constituencies</u>
<u>Administrative</u>	
<u>Districts:</u> Bungoma, Kakamega, Busia	3
<u>Constituencies:</u>	
<u>House:</u> Mount Elgon, Elgon West, Elgon Central, Elgon East, Elgon Southwest, Mumias, Lurambi, Ruwamba, Emukhaya, Ikolomani, Butere, Vihiga, Hamisi	13
<u>Senate:</u> Kakamega, Bungoma, Busia	3
<u>Total:</u>	<u>16</u>
 <u>Nyanza Region or Province</u>	
<u>Administrative</u>	
<u>Districts:</u> Central Nyanza, South Nyanza, Kisii	3
<u>Constituencies:</u>	
<u>House:</u> Ugenya, Alego, Gem, Bondo, Kisumu Rural, Kisumu Town, Winam, Nyando, Lambwe, Homa Bay, Karachuonyo, Kasipul-Kabondo, Migori, Kuria, Wanjare-South, Mugirango, Kitui West, North Mugirango, Kitutu East, Nyaribari, Majore-Massi	20
<u>Senate:</u> Central Nyanza, South Nyanza, Kisii	3
<u>Total:</u>	<u>23</u>
 <u>Rift Valley Region or Province</u>	
<u>Administrative</u>	
<u>Districts:</u> Turkana, Samburu, West Pokot, Trans- Nzoia, Elgeyo-Marakwet, Baringo, Laikipia, Uasin Gishu, Nandi, Kericho, Nakuru, Narok, Kajiado	13
<u>Constituencies:</u>	
<u>House:</u> Korossi, West Pokot, Trans Nzoia, Marakwet, Uasin Gishu, Nandi North, Nandi South, Elgeyo, Baringo East, Baringo North, Baringo South, Laikipia-Nanyuki, Belgut,	

Buret, Bomet, Kericho East, Nakuru West, Nakuru East, Nakuru Town, Narok West, Narok East, Kajiado, Turkana North, Turkana South	24
<u>Senate: Ibid.</u> , Administrative Districts	13
<u>Total:</u>	<u>37</u>
<u>Central Region or Province</u>	
<u>Administrative</u>	
<u>Districts:</u> Nyandarua, Nyeri, Kirinyaga, Fort Hall, Kiambu, Thika	6
<u>Constituencies:</u>	
<u>House:</u> Aberdares, Nyeri, Mathira, Othaya/South Tetu, Ndia, Gichugu, Thika-Gatundu, Githunguri, Kiambaa, Limuru, Kikuyu, Kandara, Kiharu, Kangema, Kigumo	15
<u>Senate: Ibid.</u> , Administrative Districts	6
<u>Total</u>	<u>21</u>
<u>Eastern Region or Province</u>	
<u>Administrative</u>	
<u>Districts:</u> Marsabit, Isiolo, Meru, Embu, Kitui, Machakos	6
<u>Constituencies:</u>	
<u>House:</u> Machakos North, Yatta, Machakos Central, Machakos West, Machakos East, Machakos South, Kitui North, Kitui Central, Kitui East, Kitui South, Embu South, Embu North, Nyambene North, Nyambene South, Meru West, Meru Central, Meru South, Tharaka, Marsabit-Moyale, Rendille, Isiolo	21
<u>Senate: Ibid.</u> , Administrative Districts	6
<u>Total:</u>	<u>27</u>
<u>North Eastern Region or Province</u>	
<u>Administrative</u>	
<u>Districts:</u> Mandera, Wajir, Garissa	3
<u>Constituencies:</u>	
<u>House:</u> Wajir North, Mandera, Garissa South, Wajir South, Garissa North	5
<u>Senate: Ibid.</u> , Administrative Districts	3
<u>Total</u>	<u>8</u>

Total Number
ConstituenciesCoast Region or ProvinceAdministrative

<u>Districts:</u>	Tana River, Lamu, Taita, Kilifi, Kwale, Mombasa	6
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Constituencies:

<u>House:</u>	Mombasa Island North, Island South, Main- land, Kwale East, Kwale West, Kilifi South, Kilifi North, Malindi, Tana River, Lamu, Wundanyi, Taveta-Voi	12
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<u>Senate:</u>	<u>Ibid.</u> , Administrative Districts	6
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<u>Total:</u>		<u>18</u>
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Nairobi Area

<u>Administrative Area:</u>	Nairobi	1
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Constituencies:

<u>House:</u>	Nairobi North East, North West, West, Central, East, South, Doonholm	7
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<u>Senate:</u>	<u>Ibid.</u> , Administrative Districts	1
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<u>Total:</u>		<u>8</u>
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Grand Total:

<u>Districts:</u>	41
<u>House Constituencies</u>	117
<u>Senate Constituencies</u>	41

Relationship Between Number of Potential Party
Branches and Number of Constituencies
in the National Assembly
1966-1970

Source: EAS, November 28, 1969, p. 5.Total Number
ConstituenciesWestern Province--3 Districts

<u>Kakamega District:</u>	Lurambi North, Lurambi South, Mumias, Ikolomani, Vihiga, Hamisi, Butere, Emukhaya	8
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	<u>Total Number Constituencies</u>
<u>Bungoma District:</u> Mount Elgon, Bungoma East, Bungoma South, Bungoma Central	4
<u>Busia District:</u> Busia East, Busia North, Busia South, Busia Central	4
<u>Total</u>	<u>16</u>
 <u>Nyanza Province--4 Districts</u>	
<u>Kisii District:</u> Wanjare-Mugirango, Mjore Bassi, Nyaribari, Kitutu East, Kitutu West, West Mugirango, Borabu North Mugirango	7
<u>*Kisumu District:</u> Kisumu Town, Nyakach, Kisumu Rural, Winam, Nyando	5
<u>South Nyanza District:</u> Kuria, Ndhiwa, Migori, Mbita, Homa Bay, Kasipul- Kabondo, Karachuonyo	7
<u>*Siaya District:</u> Gem, Bondo, Ugenya, Alego	4
<u>Total</u>	<u>23</u>
*Formerly Central Nyanza District	
 <u>Rift Valley Province--13 Districts</u>	
<u>Nakuru District:</u> Nakuru East, Nakuru Town, West, East	4
<u>Eldoret (Uasin Gishu) District:</u> North	1
<u>Kericho District:</u> Bomet, Chepalugu, Buret, Belgut, Kericho	5
<u>Kajiado District:</u> North, South	2
<u>Baringo District:</u> South, Central, North, East	4
<u>Elgeyo Marakwet District:</u> Kericho North, Kerio South, South	4
<u>Narok District:</u> South, North, West	3
<u>Nandi District:</u> Mosop, Aldai, Tinderet	3
<u>Kitale (Trans Nzoia) District:</u> East, West	2

	<u>Total Number Constituencies</u>
<u>Laikipia-Nanyuki District:</u> West, East	2
<u>Turkana District:</u> West, South, East	3
<u>Pokot District:</u> West, East	2
<u>Samburu District:</u> East, West	2
<u>Total:</u>	<u>37</u>
 <u>Central Province--5 Districts</u>	
<u>Kiambu District:</u> (Formerly Kiambu and Thika Districts): Gatundu, Githunguri, Kiambaa, Kikuyu, Limuru, Lari, Juji	7
<u>Kirinyaga District:</u> South, East, West	3
<u>Nyandarua District:</u> South, North	2
<u>Nyeri District:</u> Nyeri, Mathira, Othaya, South Tetu	4
<u>Murang'a District:</u> Kangema, Mbiri, Kigumo, Kandara, Makuyu	5
<u>Total:</u>	<u>21</u>
 <u>Eastern Province--6 Districts</u>	
<u>Marsabit District:</u> Moyale, North, South	3
<u>Isiolo District:</u> South, North	2
<u>Meru District:</u> Nyambene North, Nyambene South, North-West, South-West, Central, South, South-East	7
<u>Embu District:</u> North, East, South	3
<u>Kitui District:</u> North, Central, West, East, South	5
<u>Machakos District:</u> Yatta, Kangundo, Iveti North, Iveti South, Mbooni, Kiungu, Makueni	7
<u>Total:</u>	<u>27</u>

Total Number
Constituencies

North-Eastern Province--3 Districts

<u>Garissa District:</u> South, Central, North	3
<u>Wajir District:</u> South, West, East	3
<u>Mandera District:</u> West, East	2
<u>Total:</u>	<u>8</u>

Coast Province--6 Districts

<u>Tana River District:</u> South, North	2
<u>Lamu District:</u> East, West	2
<u>Kilifi District:</u> South, North, Malindi, Malindi North	4
<u>Mombasa District:</u> West, North, South, Central	4
<u>Kwale District:</u> East, Central, North	3
<u>Taiti District:</u> Taveta, Wundanyi, Voi	3
<u>Total:</u>	<u>18</u>

Nairobi Area--1 District

Kamakunji, Starehe, Langata, Dagoretti, Parklands, Mathari, Embakasi, Bahati	8
<u>Total:</u>	<u>8</u>

APPENDIX II

Source: Reporter, September 24, 1965, pp. 9-10.

POLITICS

THE DOCUMENT

Who issued it?

Not since a booklet entitled *Revolution in Africa* was circulated in East Africa has the Kenya Government shown such concern as it has over the anonymous document printed on this and the following page of *Reporter* which was posted to newspapers, M.P.s and Kenya leaders last week. The Police Special Branch has been called in. Two Ministers have published their own views on it. And an official refutation has been

issued by the Government itself.

Despite all this, East Africans are still left in doubt, not only about the origins, but also about the motives of the document. Did it emanate from Eastern, or Western, sources? Does it signify a new move to heat up the cold war at Kenya's expense? These questions remain unanswered.

To enable the readers of *Reporter* to judge for themselves, we reprint its text fully, complete with its original punctuation, spelling and grammatical errors.

The Kenya Government issued its

THE PEOPLE'S FRONT OF EAST AFRICA

Friends and Comrades-in-Arms:

DAR ES SALAAM

The revolutionary movement of the peoples of Africa has great historic significance, not only for their own destiny, but also for the progress of mankind. It is already evident that imperialism and its followers, hostile to Asian-African solidarity, are very fearful of the revolutionary struggle and are trying to sabotage it by hook or by crook. The bourgeois reactionary Government of Kenya is making frenzied efforts to stem the revolutionary high tide of struggle and proclaim the erroneous view that the only alternative to imperialist-colonialist capitalism is the delusion of "African Socialism".

With deep indignation, the progressive socialist peoples of Africa feel duty-bound to sternly condemn the fascist counter-revolutionary actions taken by the Kenya Government to suppress the revolutionary movement of the broad masses of the Kenya people.

On April 30, the Lumumba Institute for the promotion of Scientific Socialism in East Africa, launched by Jaramogi Oginga Odinga in Nairobi to swell the ranks of those Kana members who uphold truth and justice and adhere to Marxism-Leninism and proletarian internationalism, was "placed under the general management of the Ministry of Education" by decision of the reactionary forces in the Kenya Parliament on the grounds that "it was being used as a political instrument to spread foreign ideology".

All true progressive socialists are reminded that an ideological institute is not an ordinary college or school, and its students are not ordinary students, but Party leaders with standing. To place an ideological institute in the hands of the Minister for Education "like any other educational institution" is to completely distort its correct orientation and purpose, which is to educate the Party cadres in the principles of Scientific Socialism on the basis of Marxism-Leninism and proletarian internationalism and to spread the revolutionary spirit throughout the broad masses of the people.

This action of the Kenya Government is a manifestation of the feeble attempts of the forces of reaction to save their tottering rule by suppressing the people's revolutionary struggle.

On May 3, reactionary members of the Kenya House of Representatives began to unleash a series of rabid attacks on Jaramogi Oginga Odinga, resolute African patriot and great revolutionary leader of the people of Kenya, whose alleged strong inclination towards China has been consistently interpreted by his political foes as a dilution of the Kenya Government "non-alignment" policy.

This is to wantonly distort China's policy towards Africa in general, and Kenya in particular. The principle followed by the government of the Chinese People's Republic in providing technical or material help to friendly emerging countries is that of equality and mutual benefit. China never regards aid as "one-sided charity" but always as mutual assistance for it knows that the stronger the new emerging nations become, the stronger are the people's anti-imperialist forces, and this in itself is a great help to China. Jaramogi has also been accused by the forces of reaction of not following the letter of "African Socialism" as enunciated in a recent treatise which was approved by the Kenya House of Representatives on May 4.

Now, it is only a fool who can support the theories which go under the name of "African Socialism" which are, in reality, claiming special African features as a cover for their lack of socialist understanding, and encourage illusions about political problems as well as economic problems. The term "African" is used to cover up the fact that the "socialism" advocated is in fact a negation of Socialism. It is used to flatter African intellectuals that the new ideology is of their own creation. All true progressive

THE DOCUMENT . . . Continued

socialists know that the so-called "African socialist" ideologies are nothing but a dishonest smoke-screen for capitalism and the ownership of property by individuals, and the only way to defeat them is to confront them and annihilate them.

The only Socialism valid the world over is Scientific Socialism based on Marxism-Leninism and proletarian internationalism in which ownership of property and resources is by the dictatorship of the proletariat and not by individual persons. A statement issued by 50 members of the Lumumba Institute Students' Union on April 29 declared: "Whatever exhibitions and definitions our Government might have expounded on African Socialism, it is our considered opinion that whatever adjective is put before the word socialism it does not exclude the logical and scientific meaning of socialism in the true sense".

Jaramogi's clear sighted understanding of socialism and fervent nationalism in the unrelenting struggle waged on behalf of the people and workers of Kenya has never been questioned except by the forces of reaction and their stooges in the pay of the imperialist-colonialists.

On May 5, a "petition" was presented by "Kanu representatives in Kandara" to sack the local member, Mr. Bildad Kaggia from parliament and to ban public meetings held by him. The same day saw the tablement of a motion of "no confidence" in Mr. Achieng Onyko, Minister for Information, Broadcasting and Tourism, relating to "generally unsatisfactory and unfair way in which his ministry had discharged its responsibility to the nation" and expressing "no confidence in its ability to inform the nation accurately of national policies based on 'African Socialism'".

There is no necessity to dilate on the crucial role played by these Heroes of Kenya who do not spare a moment in exposing fearlessly colonialist intrigues and any puppetish accomplices in monstrous schemes designed to negate the independence and freedom of the African peoples, and who do not see eye to eye with any falsified types of Socialism portrayed as a mask to shelter bourgeois incompetence to apply Scientific Socialist ideals for the good of the workers and the people. The progressive socialist forces of Kenya can only back a socialist Government which does not limit the power of the press.

On July 6, the Kenya Government arrested 27 new Kanu national chairman, secretaries and treasurers, including Mr. W. Ng'anga, lecturer at the Lumumba Institute, Mr. D. Muenyego, secretary of the Lumumba Institute's Students' Union, and Mr. W. Olondo, general secretary of Kanu's Central Nyanza branch. Those arrested also included a number of those brave and resolute patriots who have shown, in the Lumumba Institute Students' Union statement of April 29, that Marxism-Leninism will triumph even in an institute which misguidedly breeds revisionism.

These true patriots in the vanguard of the National Liberation movement were victimized and subjected to the humiliating "charge" of "forceful entry" into the Nairobi headquarters of Kanu, which, as national office bearers elected by the people of 17 Kanu branches throughout Kenya, they had indubitable right to occupy. This "charge" was a fig-leaf to cover up a political plot pure and simple, and the united progressive socialist forces of Africa extend their high regards and heartfelt sympathy to these comrades of Kenya in a surge of admiration and respect for their patriotic and just struggle against the forces of reaction.

These acts, unleashed by the stooges of the forces of imperialism led by U.S. imperialist stooges Mr. Tom Mboya and Mr. Ronald Ngala, have finally torn the mask off the present Kenya leaders and once again exposed their trick of "national reconciliation" and their true features before the Asian-African world. The Heroic Kenya people can not be cowed to submission, and such deceptive schemes. The peoples of East Africa who love freedom and justice should unite to fight these evils which seek to degrade both morally and politically.

The cyclone of change has left no stone unturned. Marxist-Leninists throughout the world have launched an irreconcilable struggle against imperialism, colonialism, neo-colonialism and modern revisionism, and Kenya progressives should have no truck with their reactionary stooges.

Friends and comrades-in-arms, these are the things you have got to remember: to hate imperialism-colonialism, modern revisionism, the forces of reaction and all their agents, and to fight them under the banner of the great revolutionary struggle of the Asian-African peoples and the peoples the world over who adhere to Marxism-Leninism!

to eschew those who support the "United Nations" manipulated by the U.S. imperialists, and who seek to make a pseudo "African socialism" with private ownership of property the ideology for Africa!

to be dedicated to the revolution in Kenya and East Africa and to militantly fight the enemy to the bitter end!

to have no truck with the revisionist Soviet Union which is bad because it divides and weakens the progressive forces in Kenya, in Africa, and the world over!

to be a true member of the newly formed people's revolutionary Kenya Socialist Party led by the true nationalists of Kenya, and rally behind them unquestioningly to prelate Jaramogi for a people's republic in Kenya!

The future holds the brightest prospects for the African peoples revolutionary struggle if we engage in the first step of closer unity with the people of Uganda and Tanzania, now liberating itself to become a true socialist society. The Revolution is forging ahead like an avalanche and the Kenya people's struggle under the leadership of Jaramogi Oginga Odinga, destined to become one of the midwives of a tremendous creative phase of history centred here in Africa, is a most magnificent and inspiring epic in the world peoples' revolutionary struggle.

It is our firm belief that Kenya's progressives will win final victory so long as they sharpen their vigilance, and remain unitedly behind the true revolutionary Heroes who oppose the forces of reaction. The disruptive schemes of imperialism and its flunkies will surely fail and the Asian-African peoples course of solidarity against imperialism, colonialism, neo-colonialism, modern revisionism and the bourgeois reactionary forces will surely triumph.

Kenyan, gird up your loins and toil for greater victories and achievements.

statement on the document the same evening that it was received in local newspaper offices. It said it had recently warned people who were responsible for circulating anonymous letters and documents attacking the Government and individual leaders. "There is no doubt that this is the work of a group whose purpose is to spread the seeds of discord and to create an atmosphere for frustration and confusion, leading to the demoralisation of the people", it declared.

It added: "The Government already has a pretty good idea as to who these people are and investigations will continue so as to enable appropriate action to be taken.

"The public itself cannot fail to detect the hand behind the latest document published by the 'People's Front'. The document contains the same language, slogans and clichés that have become identified with certain quarters who oppose Kenya's non-aligned stand, and seem to be intent on propagating the policies and ideas of foreign countries. Such self-appointed spokesmen of foreign ideologies and countries must be condemned as traitors to Kenya's true nationalism.

"The public will do well to remember the speech by the President on Madaraka Day and heed the warning contained therein. External forces hostile to our policies and our decision to reject foreign ideologies will try to create disaffection among the people. In this campaign they will try to use some of our own people who are willing and gullible enough to listen — or just those consumed with the fire of personal ambition seeking prestige or power at any price.

Whispering campaign. "The President's speech on Madaraka Day made clear Kenya's stand and the Government's determination to deal firmly with any forces of disruption whether these are from within or from outside the country. Anyone who is taking part in a whispering campaign to propagate the contents of the document is in fact untrue to KANU's Manifesto and the policies outlined by the Government.

"It is significant that the tone of this latest statement is consistent with that of documents that have come to light in these past months including the infamous booklet entitled *Revolution in Africa*. It is obvious that the people responsible have contacts in different parts of East Africa and meeting from time to time in different places.

United. "Inspired by the man who is today their President, the people of Kenya fought for too long and too hard for their national freedom and integrity to compromise their future.

APPENDIX III

Biographies of M.P.s who "crossed the f

NAME	Province District	Previous Party	Date of Attempt to Return to KANU	Results in LGE	
Chillo, O	Nyanza Central Nyanza	KANU	None	Won	
Ali, M. M.	Coast Lamu	KADU	April 28, 1966	Lost	
Daliti, E. M.	Rift Uasin Gishu	KADU	April 28, 1966 and December 1966	Lost	
Jilo, M. T.	Coast Tana River	KADU	April 28, 1966 and November 1966	Lost	
Nthula, J. M.	Eastern Machakos	APP	None	Won	
Poghisyo, G.	Rift West Pokot	KANU Indep.?	April 28, 1966	Lost	
Robaro, J. H.	Rift Turkana	KANU	April 28, 1966	Lost	
Rotich, W. K.	Rift Baringo	KADU	April 28, 1966	Lost	
Sijeyo, W.	Rift Nakuru	KANU	None	Lost	

APPENDIX III

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of M.P.s who "crossed the floor" in 1966

of Attempt to urn to KANU	Results in LGE	Tribe	Position Nationally	Position Locally
None	Won	Luo	Senator	
l 28, 1966	Lost		Senator	
l 28, 1966 and mber 1966	Lost		Senator	
l 28, 1966 and mber 1966	Lost		Senator	
None	Won	Kamba	Senator	
l 28, 1966	Lost		Senator	Didn't get KANU ticket in 1965 by election
l 28, 1966	Lost		Senator	Didn't get KANU ticket in 1965 by election
l 28, 1966	Lost		Senator	Opposed Moi
None	Lost		Senator	Lost position in Nakuru

NAME	Province District	Previous Party	Date of Attempt to Return to KANU	Results in LGE
Oneko, Achieng	Rift Nakuru Town	KANU	None	Lost
Anyieni, Z.M.	Nyanza Kisii	KANU Indep.	November 1968	Lost
Bala, O.	Nyanza Kisumu	KANU	None	Won
Bonaya, A. W.	Eastern Isiolo	KANU Indep.	April 28, 1966 Joined KANU January 1968	Lost
Choge, S. K.	Rift Nandi	KADU	April 28, 1966 and December 1968	Lost
Gichoya, K.N.	Central Kirinyaga	KANU	February 1967	Lost
Kaggia, B. M.	Central Murang'a	KANU	August 1969	Lost
Kali, J. D.	Central Nairobi	KANU	None	Lost
Khalif, A. S.	North-East Wajir	KANU ?	April 28, 1966	Lost
Kioko, S. M.	Eastern Machakos	APP	September 1968	Won
Lorema, J. P.	Rift Pokot	KADU	April 28, 1966	Lost
Makokha, C.C.	Western Bungoma	KANU	December 1968 but later retd. to K.P.U.	Lost
Obok, L. R.	Nyanza Siaya	KANU	None	Won

empt to KANU	Results in LGE	Tribe	Position Nationally	Position Locally
	Lost	Luo	M.P. House Min. of Broadcasting M.P.	Lost Position Nakuru
968	Lost		M.P. House	
	Won	Luo	M.P. House	
1966 U 68	Lost		M.P. House	
1966 968	Lost		M.P. House	
967	Lost	Kikuyu	M.P. House	
9	Lost	Kikuyu	Asst. Min. for. Ed. M.P. House	Lost po- sition in Murang'a
	Lost	Kamba	M.P. House Lost position as Whip in '65	Lost position in Nairobi Branch
1966	Lost		M.P. House	
1968	Won		M.P. House	
1966	Lost		M.P. House	
968 retd.	Lost		M.P. House	
	Won	Luo	M.P. House	

NAME	Province District	Previous Party	Date of Attempt to Return to KANU
Odero-Sar	Nyanza Siaya	KANU	None
Odinga Odinga	Nyanza Siaya	KANU	None
Oduya, G. F.	Western Busia	KANU	July 1968
Okelo-Odongo	Nyanza Kisumu	KANU	None
Tanui, J.K.K.	Rift Baringo	KADU	April 28, 1966
Sadalla, S.K.		KANU Specially Elected	April 28, 1966
Godana, E. D.	Eastern Marsabit	KANU indep.	April 28, 1966

Attempt to to KANU	Results in LGE	Tribe	Position Nationally	Position Locally
e	Won	Luo	M.P. House	
e	Won	Luo	Vice-President M.P. House	
68	Won		M.P. House	
e	Won	Luo	Assistant Min. of Finance M.P. House	
8, 1966	Lost		Asst. Chief Whip Lost in 1965	
8, 1966	_____		M.P. House	
8, 1966	Lost		M.P. House	

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