

## **Government and Opposition in Kenya, 1966-9**

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LITTLE exists to document the widespread repression of opposition in Africa since independence. Current studies of the rise of capitalism and the post-colonial state largely ignore institutionalised authoritarianism, which characterises the political side of this process.<sup>1</sup> This article discusses the restraints placed on opposition in Kenya up to 1969. Its salience continues with the creation of a *de jure* one-party state since the abortive coup of 1982.<sup>2</sup>

### INTRODUCTION

It appears that many of the tools of repression which were articulated under colonialism, and then refined by a new ruling class following independence, are still being used to consolidate the state against its detractors. Hence, the relevance of this article, which examines the historical roots of the Kenyan state as well as its success in eliminating its opponents. Its focus is the suppression of an opposition party, the Kenya People's Union. Specifically, it examines why the K.P.U. was so weak and so easily eliminated, and suggests that this stemmed primarily from the Kenya African National Union's monopoly of key coercive sanctions and economic resources. The study argues that it was this inequitable distribution, inherited from the colonial period and

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<sup>1</sup> Some recent studies of political economy have focused more on debates concerning the development of capitalism and class formation than on the maturation of the post-colonial state and the political side of this process. These include Colin Leys, *Underdevelopment in Kenya: the political economy of neo-colonialism, 1964-71* (Berkeley, 1974); Nicola Swainson, *Corporate Capitalism in Kenya, 1918-1961* (Berkeley, 1980); Gavin Kitching, *Class and Economic Change in Kenya: the making of an African bourgeoisie* (New Haven, 1980); Sharon Stichter, *Migrant Labor in Kenya: capitalism and African responses, 1895-1975* (London, 1981); 'Kenya: the agrarian question', in *Review of African Political Economy* (London), 20, 1981; 'Debate on Dependency in Kenya', in *ibid.* 17, 1980; and Judith Heyer et al., *Rural Development in Tropical Africa* (London, 1981).

<sup>2</sup> For a discussion of the attempted coup and events leading to it, see *Africa Now* (London), September 1982; Patricia Stamp, 'Kenya's Year of Discontent', in *Current History* (Philadelphia), March 1983, pp. 102-27; 'Kenya: the politics of repression', in *Race and Class* (London), xxiv, 3, 1983; and Frank Furedi's political analysis in the *Journal of Commonwealth and Comparative Politics* (London), forthcoming.

consolidated afterwards, rather than the K.P.U.'s ethnic base among the Luo, that really explains the party's demise.<sup>1</sup>

The general point concerning the effect on political competition of 'statism' – namely, a state-owned or controlled economy – supports the assertion that

The circumstances most favorable for competitive politics exist when access to violence and socio-economic sanctions is either dispersed or denied to both opposition and government. The least favorable circumstances exist when violence and socio-economic sanctions are exclusively available to government and denied to oppositions.<sup>2</sup>

More particularly, the study maintains that the effect of statism in Kenya was to endow the new ruling class with an enormous degree of authority which it could effectively use to blunt opposition on a country-wide basis. The argument forces us to challenge one bit of conventional wisdom: that Africa's paucity of economic resources and its underdeveloped technology have limited political authority in the 'periphery'. Such a view fails to take account of the way in which a régime's monopoly of resources and sanctions, the small scale of most rural communities, and the consequent lack of anonymity, all work to facilitate political control in the countryside as well as in the cities.<sup>3</sup>

<sup>1</sup> Some might argue that the K.P.U. was a 'radical' populist party articulating many of the same demands put forth in the Arusha Declaration of 1967. Cf. Susanne D. Mueller, 'The Historical Origins of Tanzania's Ruling Class', in *Canadian Journal of African Studies* (Ottawa), 15, 3, 1981, pp. 459–97. From this perspective, the K.P.U. might be regarded as a struggle between an emerging bourgeoisie (largely Kikuyu) attempting to consolidate its hold over the state and the economy, and its petit-bourgeois opponents (led by Luos) from parts of the country where capitalism was less developed – e.g. Central Province versus Nyanza.

<sup>2</sup> Robert A. Dahl, *Polyarchy: participation and opposition* (New Haven and London, 1971), p. 51.

<sup>3</sup> The terms 'centre' and 'residual sector' or 'periphery' were coined by Aristide R. Zolberg to suggest that although dominant party régimes might have a certain institutional presence in the geographic capital of a country, they simply did not have enough resources to make themselves felt in the 'periphery' – 'The Structure of Political Conflict in the New States of Tropical Africa', in *The American Political Science Review* (Washington, D.C.), LXII, 1, March 1968, pp. 70–87, and *Creating Political Order: the party-states of West Africa* (Chicago, 1966), pp. 128–34. This argument fails to distinguish between the distribution of resources for economic development and the rather more limited set needed to control political opposition, both in the towns and the countryside.

This article suggests that precisely because of the statist nature of most African economies, and the highly inequitable distribution of the fundamental resources of sanctions and patronage, it is impossible to argue that the institutions of party and state have been confined to a narrow geographic domain within these societies. It maintains, rather, that the régime in effect 'penetrates' the entire countryside – no matter how rural, backward, and distant from the capital – precisely because districts and individuals are dependent on the state for so very much: for development funds, jobs, trade licenses, loans, famine relief, the ability to register party branches, to hold public meetings, and so on. This sort of penetration 'counts' because of the régime's monopoly over these fundamental resources; there are no alternative institutions which individuals, geographic areas, or opposition parties can use to survive economically, to accrue the resources they would need to effectively compete with the régime or to ignore it.

## THE HISTORICAL ORIGINS OF STATISM AND ITS LEGACIES

In Kenya, the inequitable distribution and resources between government and opposition was ensured with the inception of colonial rule.

*Sanctions*

With the imposition of a 'common authority',<sup>1</sup> the colonial government developed a highly authoritarian set of institutions, laws, and tactics designed to administer the country and to repress emerging African associations opposed to its rule. It was this 'common authority' and this centralised authoritarian apparatus that was transferred from whites to blacks at independence. In Kenya and elsewhere in Africa, one of the most important legacies of the colonial period was the creation of 'institutions of governance with a near monopoly of authority' and 'absence of countervailing institutions'.<sup>2</sup> The origin and total impact of 'common authority', as well as the nature of its transfer, all suggest that it is the 'inherited colonial rather than traditional institutions' which are critical in understanding post-independent political patterns between government and opposition in Kenya.<sup>3</sup>

The persistence of institutional legacies from the colonial period is acknowledged in most discussions of post-independence politics in Kenya. Few authors have failed to mention the inherited centralised administration which continues to act as the arm of the executive, the weak district-oriented faction-ridden political parties which were kept from organising at the national level during the colonial period, and the verbally vigorous, but politically impotent legislature.<sup>4</sup>

The most important aspect of these colonial legacies was not simply the transfer of institutions, as is often argued, but their nature. African nationalists were bequeathed a legacy designed to provide the government with a monopoly of coercive sanctions and resources that could be used to maintain law and order, to repress opponents, and ultimately to discourage dissent or politics itself. It is the authoritarian nature of the institutions and laws – and the similar ends for which they

<sup>1</sup> Immanuel Wallerstein (ed.), *Social Social Change: the colonial situation* (New York, 1966), p. 2.

<sup>2</sup> Fred G. Burke, 'Public Administration in Africa: the legacy of inherited colonial institutions', in *Journal of Comparative Administration* (Beverly Hills), 1, 3, November 1969, p. 356.

<sup>3</sup> *Ibid.* p. 375.

<sup>4</sup> There is some dispute as to the nature of the legislative legacy. Some have emphasised its verbal vigour. See especially Cherry Gertzel, *The Politics of Independent Kenya, 1963-68* (Nairobi, 1969). Others have dwelled on its importance – e.g. B. E. Kipkorir, 'Kenya's Colonial Legacies', in *East Africa Journal* (Nairobi), December 1971, pp. 10-14. See also the review of Gertzel in *The Journal of Modern African Studies* (Cambridge), 10, 3, October 1972, pp. 481-4, by Susanne D. Mueller.

are used – rather than the mere fact of their transfer, which is of more than passing interest. As B. E. Kipkorir has noted,

it is useless for the pundits of the Western press to accuse Kenya, or for that matter, other African states of not practising Westminster democracy. It was not practised by the Westminster men themselves when they were in control.<sup>1</sup>

The civil service which was created under colonialism was, for instance, never apolitical, being designed to ensure stability and the continuation of British rule. As such, one of its main goals was to control and contain African politics within an administrative framework. To the extent that early associations appeared threatening, civil servants had a vast array of laws and tactics which were used to stifle and, in some cases, to eliminate political groups. These measures included controls over the licensing of public meetings, the registration of political parties and their branches, the issuance of permits to travel to 'outlying districts', and requests to solicit funds on behalf of various groups. Civil servants were also encouraged to inform the executive of any 'bad hats' which should be detained, or any subversive groups which should be banned.

To the extent that the colonial government permitted African politics outside of the quasi-representative bodies known as Local Native Councils, its laws, manpower, and intelligence networks were used by senior administrators to encourage what they perceived as the more conservative groups, and to discourage those radical organisations which in their eyes threatened to undermine the stability of British rule. Of course, the civil-service apparatus was not confined to Nairobi, and a vast array of officials, including provincial and district commissioners, district officers, and locational chiefs, effectively penetrated the rural areas, and indeed they finally forced underground most organised political groups opposed to the colonial government during the 1940s and 1950s.

The idea that parties, pressure groups, and representative organs should become separate arms of government was never more than a myth. First and last they were adjuncts of the colonial system. When they acted to buttress the régime, political groups were sometimes tolerated and used by the administration as supportive devices; when they threatened as challengers, they were stifled.

It is sometimes argued that 'Mau Mau' was the catalyst which ensured the creation of a more political, more authoritarian civil service

<sup>1</sup> Kipkorir, *loc. cit.* p. 11.

which could effectively control opposition on a country-wide basis. The enlarged civil service known as 'closer administration',<sup>1</sup> and the vast battery of laws, including those which first prohibited parties from forming at all, and later confined them to the district level, were surely means to this end. However, one of the reasons that several political groups were forced underground prior to 'Mau Mau' was that the colonial administration was already an effective and highly authoritarian instrument of control. The period after 1952 simply elaborated methods which had been used earlier to blunt political opposition. Following the banning of the East African Association in the 1920s, political organisations were allowed to form, providing that they limited their membership to a single tribe. Only in 1944, after the first African representative to the Legislative Council had been appointed, was a country-wide political group allowed to be organised. Even then, it was initially forced to parade as an advisory group to Eliud Mathu and to call itself the Kenya African Study Union, before it was legitimised by the colonial government.

Not only did a provision surrounding the formation of country-wide political groups pre-date the Emergency period from 1952-60, but many of the laws and techniques devised to manipulate and stifle politics at the national and the local level had already been well-developed. The legalistic tools to control political opposition were in effect prior to 'Mau Mau'. The 'Outlying Districts Ordinance' came into operation in 1902, and effectively made it impossible for groups to organise unless individuals were granted permits to move from one District to another by the colonial administration. Provisions to disallow or control political meetings were contained early on in both the Native Authorities and Police Ordinances. Consequently, the colonial administration had in these and other laws the ammunition to control African politics on a country-wide basis down to each small locality.

Initially, the colonial administration had hoped that African political associations would channel their grievances through the Local Native Councils, and that they would become independent *foei* for opposition themselves. A letter during 1930 from the Provincial Commissioner to the District Commissioner of Kikuyu voiced a common sentiment: 'the Local Native Council . . . is a representative body which now makes Associations unnecessary and if the Kikuyu Association can be allowed to die by agreement the sooner the better I say'.<sup>2</sup> Of course, these early

<sup>1</sup> Called the 'second colonial occupation' by several Cambridge historians.

<sup>2</sup> Letter of 16 May 1930, p. 16, Kikuyu Association; Kenya National Archives, PC/CP8/5/1.

political associations did not 'die by agreement'. As they continued to circumvent 'proper channels' and to raise issues that were viewed as subversive of good order, they came to feel the heavy hand of the administration,<sup>1</sup> which initially used its common legal authority to exert political control and finally to ban some of them.

The 'representative' bodies which were established during the colonial period in Kenya were perversions of their British counterparts. At best, they were sometimes forums of discussion; at worst, they were mere extensions of the executive. At no time were they designed to act as independent legislative bodies or genuine pressure groups. Representation was controlled by the colonial administration at the local level, and was non-existent at the national level until very late. The Local Native Councils (which were established in 1924) had some elected posts, but were generally dominated by chiefs and headmen appointed by the Governor, and were presided over by the District Commissioner. The first African was appointed to the Legislative Council in 1944, but direct representation began only in 1957. Even then their number was limited to eight, and the franchise was exceedingly limited. Aside from the matter of representation, Africans found that the Local Native Councils could not be used to air certain issues. The colonial authorities attempted to limit the scope and subject matter of what was discussed, even when Africans were prepared to direct their grievances through the 'proper channels'.<sup>2</sup> When differences were aired, Africans had no means of ensuring that their preferences would be followed. Consequently, the Local Native Councils provided only the most minimal avenues of expression. At the national level, Africans used the Legislative Council as a forum of lively debate; however, as Kipkorir notes, 'the government was bound to the resolutions of the house'.<sup>3</sup>

At independence, African nationalists inherited a centralised adminis-

<sup>1</sup> When colonial administrators were petitioned directly by Associations which were attempting to bypass the 'proper channels' of the Council, it was suggested in *ibid.* that 'the reply should be addressed to the signatory by name and the Association should not be mentioned'.

District Commissioners were advised that 'the proper media of discussion with natives are . . . the Local Native Council meetings and locational *barazas*'. Letter of 17 October 1936, p. 9; K.N.A., PC/NZA2/565. For example, the Kavirondo Taxpayers Welfare Association was informed by the District Commissioner that he had been unwilling to receive their deputation because they had bypassed 'your proper and constitutional method of bringing these matters to my notice [which] is through the Local Native Council.'

<sup>2</sup> For example, as the Provincial Commissioner informed the Secretary-General of the Kavirondo Taxpayers Welfare Association on 30 December 1977: '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 be set down on 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 . . . it will be open for any member of the Local Native Council to ask that the matter be discussed.'

<sup>3</sup> Kipkorir, *loc. cit.* p. 10.

tration, district-oriented parties, and a relatively impotent legislature. Over 60 years of admittedly authoritarian rule had created a certain familiarity with the existing system of government, and a lack of experience with alternative forms of common authority to put in their place. The resources needed to devise new state-wide institutions were meager, and in any case there seemed to be more pressing problems which demanded immediate attention, after independence. Furthermore, the anti-colonial struggle was considered by many to be primarily against a racially dominated régime and not the system itself. Consequently, certain groups found that colonial ways of doing things were admirably suited to the retention of political power. Indeed, when this appeared to be threatened, many of these pre-independence laws and institutions were used to the same ends as they had been during the colonial period.

The legacy of a statist economy helps to explain why the inherited authoritarian apparatus was kept and used so effectively to blunt political opposition, and why it was so important to retain political power. In both pre- and post-independence periods, patronage as well as coercion was monopolised by the state.

### *Resources*

During the pre-independence period, the colonial government attempted to create a moderate middle class, not only to stabilise its rule but also to guarantee continuity after 1963. That this class grew with a relatively weak independent entrepreneurial base was no accident,<sup>1</sup> being tied to the state by virtue of the latter's monopoly over the means of production, jobs, and other economic rewards. Political moderation and economic mobility were thus married, with politics providing access to wealth rather than the reverse. Consequently losing power or the state's favour had economic consequences which highlighted the essential poverty and fragility of the middle class. Early on Harry Thuku was told to 'choose between his job and politics',<sup>2</sup> and headmen at the local level were warned that 'adverse criticisms of government actions or politics cannot be permitted and will endanger their position'.<sup>3</sup>

After independence, the economic reasons for the retention of political

<sup>1</sup> The question of the relative strength or weakness of Kenya's emerging class of capitalists is much disputed in the literature mentioned on p. 399, fn. 1.

<sup>2</sup> Carl G. Rosberg, Jr. and John Nottingham, *The Myth of 'Mau Mau': nationalism in Kenya* (New York, 1966), p. 46.

<sup>3</sup> K.N.A., PC/CP3/5/1, Kikuyu Association, 1921-31, letter from Senior Commissioner to Hon. Chief Native Commissioner, 20 January 1928, p. 10.

power and the suppression of opposition became extremely important. As Apollo Njonjo has noted,

political power at independence devolved not to an indigenous propertied class, but to a social stratum of property hunters. . . . Although this class appears wealthy and is renowned 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] relinquished political power would leave a member of this class saddled with debts.<sup>1</sup>

With political and economic mobility wedded to the rise of an 'indebted' middle class, Kenya developed into what Chem Lim Kim has called a 'high risk system . . . where both the rewards of victory and the costs of defeat are great',<sup>2</sup> and where the typical response of office holders is to repress opposition.<sup>3</sup> Consequently, there were good economic reasons to retain the coercive apparatus inherited from the colonial era. One of many examples was a decision made in 1963 to keep an Ordinance requiring the licensing of public meetings. Although some M.P.s argued that the continuation of such provisions was 'a confirmation of imperialists' techniques by the government',<sup>4</sup> the Chief Commissioner advised Jomo Kenyatta's Office concerning his interpretation of the intentions and purposes of the licensing provisions:

1. 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.<sup>5</sup>

The Cabinet met a day later, and agreed that the licensing of public meetings should continue.<sup>6</sup>

A further legacy of statism in Kenya after 1963 was that dependence on the state by one means or another was the most important avenue

<sup>1</sup> Apollo L. Njonjo, 'Kenya: the crisis of succession and the armed forces', January 1971, p. 14.

<sup>2</sup> Chem Lim Kim notes that, in part, 'the high costs of status loss may be attributed to the fact that political positions traditionally confer high prestige and control access to wealth' - 'Toward a Theory of Individual and Systemic Effects of Political Status Loss', in *The Journal of Developing Areas* (Macomb, Ill.), January 1971, p. 194.

<sup>3</sup> *Ibid.* p. 205.

<sup>4</sup> *House of Representatives. Official Report* (Nairobi), 18 July 1963, col. 1086.

<sup>5</sup> Letter from R. E. Wainwright to the Permanent Secretary, Ministry of Internal Security and Defence, Prime Minister's Office, Nairobi, 9 July 1963.

<sup>6</sup> Similar decisions were taken, in the years that followed, to retain the Societies Ordinance which governed the registration of political parties and their branches; the Public Order Ordinance, which governed the holding of public meetings and gathering; and laws having to do with sedition, detection, and many other restrictions.



available for economic mobility – whether for an individual, a group, or a district. James Coleman and Carl Rosberg have suggested 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.<sup>1</sup>

Since the colonial government had curtailed the formation of a middle class with an independent entrepreneurial base until very late,<sup>2</sup> Kenya's economy was irrevocably tied to the metropole after 1968. What this meant in terms of a legacy was that the private sector was predominantly foreign owned, and hence dependent on the state for licenses to operate. Consequently, it could not act as an independent source of power for political dissidents in search of employment or other economic goods, or for areas seeking development funds.

The upshot was that the régime in Kenya effectively monopolised the control of key socio-economic resources: it became a major employer of salaried labour, the chief and sometimes the sole disperser of development funds, trade licenses, and other amenities, and it influenced the circulation of information through its control of the communications media. With few economic alternatives to the state, political opposition continued to be expensive. And potentially, the price of recalcitrance could be felt at every level of society by every class, mainly because of the state's country-wide monopoly over sanctions and resources. The nature of the costs differed, but they were not confined to Nairobi or to the middle-class élite: for a civil servant or a teacher, it might be the loss of a job; for a small shopkeeper, the refusal to award a trade license; for a local farmer, the inability to obtain a small loan; for a peasant, the unwillingness to grant famine relief; and so on.

#### THE GARROT AND THE STICK: THE GOVERNMENT'S RESPONSE TO THE K.P.U., 1966–9

In March 1966, the 'Odinga faction' broke with the Kenya African National Union, the party of independence. The formation of an

<sup>1</sup> James S. Coleman and Carl G. Rosberg, Jr. (eds.), *Political Parties and National Integration in Tropical Africa* (Berkeley and Los Angeles, 1964), p. 665.

<sup>2</sup> The fact that the colonial state sometimes attempted to discourage entrepreneurship amongst Africans did not keep them from arising, but merely slowed down their emergence. See M. P. Cowen, 'Differentiation in a Kenya Location', East African Universities Social Science Conference, Nairobi, 1972, and David Throup, 'The Governorship of Sir Phillip Mitchell in Kenya, 1944–52', Ph.D. thesis, University of Cambridge, 1983, chs. 1 and 10.

opposition was the culmination of ideological differences, leadership struggles, and the repression of dissent within K.A.N.U. Ideologically, the new party appeared to be to the left of the Government on key issues concerning nationalisation, the distribution of scarce resources – including land, health, and educational services – and foreign policy.<sup>1</sup> The climax of disillusionment came at K.A.N.U.'s famous Limuru Conference – a long overdue, but hastily contrived party meeting which used constitutional engineering and electoral fraud to manoeuvre the dissidents out of their offices. In the wake of these moves, 29 M.P.s, led by the former Vice-President, Oginga Odinga, 'crossed the floor' and formed the Kenya People's Union. The Government responded by concocting and passing a constitutional amendment which forced all M.P.s who had left K.A.N.U. to contest their seats in what became known as the 'little general election'. Only nine K.P.U. M.P.s were returned: six, including Odinga, were Luos from Kenya's second largest tribe – of the remaining three (two Kamba, one Kikuyu), two returned to K.A.N.U. before the K.P.U. was banned in 1969.

Beginning with the constitutional amendment, the Government's reaction was to use its country-wide monopoly of sanctions and resources inherited from the colonial period to suppress the K.P.U. The effects of this response were to restrict the new party's freedom to organise, to make it especially costly for non-Luo individuals or areas to support the opposition, and to bolster the strength of K.A.N.U. From 1966–9, the Government restricted the K.P.U.'s freedom to compete with the dominant party by refusing to register many of its branches and sub-branches, by prohibiting it from holding public meetings, and by passing a number of laws having to do with elections and detention that worked to the disadvantage of the opposition.

### *Party Registration*

The retention of the Societies Ordinance of 1952 after independence meant that all political parties, and each of their branches and sub-branches, were still required to obtain certificates of registration before they would be considered lawful, and hence be allowed to organise. The Registrar of Societies, who was appointed by the Attorney-General, had an enormous range of legal reasons he could use

<sup>1</sup> The phraseology 'the new party appeared to be to the left' is used because with hindsight it might be that the policies were simply a populist variant of post-independence nationalism.

either to refuse to register a society and its branches, or to cancel this status at any time.<sup>1</sup>

Registration at the national level was vital since societies were otherwise 'unlawful', and office-bearers, members, and sympathisers who engaged in activities on their behalf could be punished. Before 1968, it was important for the K.P.U. to have registered branches and sub-branches in order to recruit members, to establish a minimal presence in various areas, and to begin to organise a country-wide network of supporters. Furthermore, individuals could not apply to collect funds or to hold meetings in the name of a party branch or sub-branch unless it was registered. Local political organisations in Kenya took on an even greater significance after 1968, following the passage of a law which (i) required all candidates for local and national elections to be supported by a political party, and (ii) set down detailed procedures of nomination 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. Following the 1968 amendment to the electoral legislation, political parties could no longer put forward candidates either at the national or local levels if they did not have registered branches and sub-branches in the area concerned. Consequently, it was essential from 1968 onwards for the K.P.U. to obtain certificates of registration at the local level if it wished to contest elections.

The lengthy delay experienced by the K.P.U. in securing registration during 1966 kept the party from establishing branches and organising for the 'little general election' until shortly prior to the contest. Soon afterwards, the Government announced that 'the country would still be ruled as a one-party state', and on numerous occasions President Kenyatta threatened to 'trample. . . [the K.P.U.] like mud', or to

<sup>1</sup> All political parties and their branches are required to apply *individually* to the Registrar within 28 days of their formation. The applications for registration must include the objects of the society, the class(es) of persons to whom membership is restricted, the titles, names, occupations, and addresses of the officers, 15 matters concerning the organisation which are to be set forth in the society's rules or constitution, and a separate notification as to its location and postal address. Numerous general clauses give the Registrar the right of refusal on the grounds that the society would be prejudicial to 'good order' or otherwise repugnant or inconsistent with 'any law for the time being in force in Kenya'. Furthermore, once registered, the Registrar may call on a society to demonstrate proof of its existence or to furnish him with its rules, a true list of its office-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'. A failure to respond to these requests is an offense under the Ordinance, and is punishable by a fine or the cancellation of a society's regulations. See *Laws of Kenya, Revised Edition* (Nairobi, 1962), The Societies Ordinance, ch. 108, and also the Societies Rules.

'crush them like snakes'.<sup>1</sup> During the next three and a half years the Government refused to register an average of 42.7 per cent of the K.P.U.'s applications for branches and sub-branches, rising to a high of 57.9 per cent in 1969. By way of contrast, during the same period, the average refusal rate for K.A.N.U. was only 1.8 per cent.<sup>2</sup>

Even then, these percentages actually under-rate the magnitude of the bias against the opposition. At its inception, in mid-1966, the K.P.U. had no branches, whereas K.A.N.U., which had been in operation since 1960, had at least a vestige of organisation at the local level throughout the country. Furthermore, the figures do not measure how many K.P.U. groups did not make formal applications for registration for fear of reprisals, because they felt that the difficulties were too overwhelming, or because the chances of refusal seemed too obvious. Finally, it is doubtful if the K.P.U. still had 121 registered branches and sub-branches by 1969 since there is no way of knowing how many had 'folded' because of intimidation and governmental pressure. It is this kind of a bias emanating through the Registrar of Societies that gave K.A.N.U. an advantage over the K.P.U. and demonstrated the dominant party's marginal strength in comparison with its opposition.

The régime's effectiveness in limiting opposition party branches was not confined to Nairobi. In other words, it was not simply a matter of the Registrar General saying 'No' to an application received at the 'centre', since use was made of the 'Outlying' and the 'Special Districts' Ordinance, which had been retained from the colonial period, to keep the K.P.U.'s national officials from entering 'Closed Districts' and helping local officials fill out the lengthy and difficult forms that were required for an application for registration.<sup>3</sup> Although K.A.N.U. did not meet any difficulties from the régime when it attempted to establish branches and sub-branches in these restricted areas, the

<sup>1</sup> *East African Standard* (Nairobi), 24 June 1966, p. 3, and 2 May 1966, p. 1; Jomo Kenyatta, *Suffering Without Bitterness* (Nairobi, 1968), p. 344. The question of why the K.P.U. was registered at all is of some interest. The Government may have believed that it would be easier to control the opposition once it was out in the open, or that it would stigmatise and thereby neutralise its effect by confining it to a one-tribe party, or even that it would be useful for 'outside consumption' to convey an 'image of democracy'. In any case, it was immediately clear that the registration of the K.P.U. as a national party was, at best, an invitation of 'limited admission', to use the phraseology of Joseph Palombara and Myron Weiner (eds.), *Political Parties and Political Development* (Princeton, 1966), p. 404.

<sup>2</sup> See source for Table 1.

<sup>3</sup> When the opposition emerged, non-residents still had to obtain permits to enter all Districts within the North-East Province, large parts of the Eastern and Rift Valley Provinces, and many parts of the Central Province.

TABLE I  
Total Number of Branches and Sub-Bran­ches Registered and  
Refused Registration, 1966-9<sup>1</sup>

	1966	1967	1968	1969	Total
<i>Kenya People's Union</i>					
Registered	3	32	50	26	121
Refused Registration	0	8	33	50	91
Total	3	40	83	86	212
% Refused Registration	0	20	41.2	57.9	42.7
<i>Kenya African National Union</i>					
Registered	6	34	379	13	432
Refused Registration	2	0	2	5	8
Total	8	34	381	18	440
% Refused Registration	16.6	0	0.5	38.4	1.8

opposition complained bitterly that these Ordinances were used against them. As one K.P.U. official noted,

The Government's designation of some areas as 'Closed Districts' is used by them to intimidate the opposition. Intimidation is especially 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. organiser 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 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 takes several days and sometimes weeks. Sometimes he gets the permit and sometimes he is refused entry.<sup>2</sup>

Furthermore, individuals who attempted to organise for the opposition at the local level were intimidated by government and K.A.N.U. officials. Once a person's name appeared on an application for regis-

<sup>1</sup> Source: *The Kenya Gazette* (Nairobi), LXVIII, 26, 31 May 1966, and LXXI, 48, October 1969. Under the Societies Ordinance all registrations and refusals are required to be published in the *Gazette*, although only the name of the particular branch and sub-branch is listed. In most cases it was possible to locate the place according to District and Province by using maps.

<sup>2</sup> Confidential interview, 1971-2.

tration as a local K.P.U. official or as the landlord of a K.P.U. office, he was often confronted and threatened by a government or party agent. A landlord, small businessman, or shop-owner was particularly vulnerable to the economic sanctions of the state, as were those who needed the co-operation of local officials to find school places for their children, and to obtain other sorts of state assistance. Violence was also used against the K.P.U., particularly in the Central Province, where the K.A.N.U. régime was determined to keep the Kikuyu from splitting along economic and party lines. Confronted with the above threats, individuals would often deny that they had let space to the K.P.U., or that they were party officials. Registration of branches and sub-branches would then be refused on the grounds that the applications had listed fictitious office-holders or locations.<sup>1</sup>

The régime was particularly effective in keeping the K.P.U. from registering its branches and sub-branches outside of Nairobi, in the so-called 'periphery' and less so at the 'centre'. Twenty-nine out of the total 95 sub-branches which were registered from 1966-9 were in Nairobi.<sup>2</sup> In part, this had to do with the difficulties experienced by the K.P.U. in obtaining permission to go to the 'Closed Districts' to help local officials; and in part this also had to do with the greater ease that K.A.N.U. and government officials had in making their threats felt in the small-scale societies in the rural areas. One official explained the problems of registration thus:

Organisation in Nairobi was easy. It could be done in a short time and we could submit applications before the Government had made up its mind to refuse registration. Outside [in the rural areas] it was not easy. We had to contact people and collect them. Before a District has an office, you have to do all this from Nairobi. . . . At first, before the intimidation, it was easy to get people to come forward and then with intimidation they would not like their names to appear on the application forms, although they were willing to do the donkey work for the party. In the countryside the administration is so close to the people. The people therefore feel the pressures straight away. In the towns the P.C. is very remote. Pressures and government regimentation gets to the people right away in the rural areas. This happens. In Nairobi, people could do things without fear for some time; but outside, people were so closely watched that organising was very difficult. In Nairobi, people could meet in offices. In---, every little thing that happens in my home, people know.<sup>3</sup>

<sup>1</sup> Applications were also rejected on the grounds that 'the interests of peace, welfare and good order would be likely to suffer prejudice' if the particular organisation were registered. K.P.U. files.

<sup>2</sup> *The Kenya Gazette*, 1966-9.

<sup>3</sup> Confidential interview, 1971-2.

*Public Meetings*

Even when branches were registered, the freedom of the K.P.U. to organise was curtailed because the administration refused to issue the party with licenses to hold public meetings. The retention of legislation from the colonial period provided the régime with the tools it needed not only to restrict the K.P.U.'s ability to arrange political meetings and gatherings, but also to keep the party from holding annual conferences and to prevent branch officials from assembling informally.<sup>1</sup> An organisation so severely hampered could hardly compete with the dominant party.

Shortly prior to the registration of the K.P.U., the Office of the President sent telegrams to all Provincial Commissioners, as follows:

Licenses 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.

Although some meetings were addressed by opposition M.P.s during the campaign for the 'little general election', the régime effectively curtailed the K.P.U.'s ability to hold meetings afterwards. Sketchy data from mid-July 1966 to mid-June 1967 reveals that K.A.N.U. was issued with 505 licenses to hold public meetings while the K.P.U. received none.<sup>2</sup> In addition, K.A.N.U. Ministers and Assistant Ministers were allowed to tour the country, and to speak at various meetings as a part of their governmental business, without having to apply for licenses. This trend continued through 1969, and it appears that the centralisation of control was quite effective. Although certain factions that were out of official favour in some K.A.N.U. branches also had difficulties in holding public meetings from time to time, the Government's restrictions were clearly directed against the entire K.P.U. This policy kept the opposition from holding any kind of meeting, diminished the party's visibility, and made it extraordinarily difficult to recruit members, to advertise its

<sup>1</sup> The administration could control the holding or conduct of political meetings of almost any size under the Public Order Ordinance. Meetings of 50 or more persons required licenses which could be withheld or cancelled after they were issued; meetings of between 10 and 50 persons were governed by certain provisions which gave the administration power to control their conduct, and even to call for their prevention or cessation if considered likely to cause a 'breach of the peace', a term that was never defined. The Penal Code specified a series of vaguely defined circumstances under which an assemblage of three or more persons could be considered 'unlawful'. See *Laws of Kenya, Revised Edition, 1962*, chs. 56 and 63.

<sup>2</sup> The data come from files of licenses that were issued and refused. If anything, the bias is underrated, since only clearly designated 'party meetings' were counted, and not those at which K.A.N.U. members were going to speak, according to the agenda presented in the license.

programme, to criticise the régime, and to participate actively in the local by-elections held between 1966 and 1969. The administration's control over public meetings during this period demonstrated its ability to inhibit political participation by the opposition, and thereby enhanced the strength of K.A.N.U. relative to that of the K.P.U.

The K.P.U. complained through letters and in Parliament about the bias of the administration in the granting of licenses for public meetings, and attempted to remain politically neutral. However, civil servants appear to have been used as political agents of the executive much as they had been during the colonial days, and the following rather typical and exasperated letter from a local K.P.U. Secretary to his District Commissioner was clearly to no avail:

Dear Sir:

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 to letters in time.

You will recall that the few letters you have replied you did when the date for intended meetings had expired . . .

We would like to know if it is your deliberate intentions Mr.--- to refuse only KPU permission to hold public meetings without any specific reason . . .<sup>1</sup>

It was in the so-called 'periphery' rather than at the 'centre' that the decision to keep the K.P.U. from holding meetings had its greatest impact. Peasants in the rural areas were more susceptible to government propaganda about the K.P.U. than city dwellers, because the régime's monopoly over information was more complete here than in the urban areas. With K.A.N.U. officials touring the countryside, the opposition was at a severe disadvantage since it had no effective means of countering their statements that the K.P.U. was only a Luo party, and that upon accession to power these leftist dissidents would communalise individual landholdings, labour, and even wives. Because they could not hold meetings, K.P.U. officials were forced to rely on less effective means of organising the party. Some attempted to speak to people in the markets, others at funeral orations, and still others to do a kind of 'door-to-door campaigning'.<sup>2</sup> However, the greater lack of anonymity in the rural areas made it more difficult to engage in these 'unlicensed gatherings' than in the cities where they were harder to detect. As one participant observed, 'in Nairobi people could meet in offices . . . When there was a meeting in my house [in the rural areas] they would send

<sup>1</sup> Letter from K.P.U. Secretary to District Commissioner, 22 April 1967.

<sup>2</sup> Confidential interview, 1971-2.



a detachment of police straightaway and arrest people'.<sup>1</sup> According to another K.P.U. official:

you must realise that we didn't have the publicity and the machinery of the press to influence our people. Therefore throughout we dealt by contacting individuals. This is what we called our door-to-door policy. . . In the rural areas we encountered very much the K.A.N.U. onslaught against the K.P.U. that the K.P.U. is a Luo-led party. . . Administrative harassment was more in the rural areas because the D.C.s and D.O.s are more powerful there than in the urban areas. . . Of course, the harassment of primitive communities is an easier process than the harassment of urban communities who are aware of their rights. In rural areas, the administration can do practically anything they like.<sup>2</sup>

House-to-house campaigning also had its drawbacks, because it necessitated relying on a larger body of capable individuals than would have been needed for more open techniques of organisation by party branches. Mentioning the difficulties of this approach, an opposition member said,

Of course, we had some youth who were doing it, but very crudely. Sometimes they offended people by collecting money. So you fear to send them unless they are people of integrity. Even if we had people like that going around, anyone who was found working for K.P.U. was locked up.<sup>3</sup>

Whereas those who helped organise the dominant party at least perceived themselves as potential recipients of state patronage in return for their voluntary work, the K.P.U. activists constantly had to make a reverse calculus and count the costs. These varied by their nature and their degree, but those in the rural areas were as likely to suffer as those in Nairobi.<sup>4</sup>

#### LAWS AND CONSTITUTIONAL AMENDMENTS

A further hindrance on the K.P.U.'s organisational activities stemmed from the passage of a number of laws and constitutional amendments which either made it more difficult for the opposition to attract supporters and to compete with the dominant party, or specifically increased the executive authority of the Government. Among others, laws were passed which postponed local county council elections for one year and the general elections for two; which forced M.P.s and local

<sup>1</sup> Ibid.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Many of the K.P.U. officials who were detained from 1966-9 were not well-known 'big men'. This may have served as a warning to local organisers that no one was too little to go to jail.

councillors who had changed parties to recontest their seats in an election; which abolished the Senate; which originally passed an act requesting an Electoral Commission to increase the number of constituencies, and then repealed it when the recommended locations appeared that they might favour the K.P.U.; which revised the electoral laws making it impossible for independents or individuals who were not nominated by local party organs to run; and which amended the Preservation of Public Security Act to include preventive detention, and empowered the President to bring it into effect for a wide variety of reasons. Several of these laws made it particularly costly to be in opposition, both in the cities and in the rural areas.

The M.P.s and local councillors who were thinking of joining the K.P.U. were forced to choose between the security and benefits of retaining their offices, and the real disadvantages of running on an opposition ticket. The insecurity and costs were made particularly vivid prior to the local government elections of 1968, when allegedly on instructions from the President, District Commissioners (who were the Local Returning Officers) disqualified all of the K.P.U.'s 1,800 candidates from nomination on the grounds that their papers were incorrectly filled out. The opposition noted that it was 'a sad reflection on the character of those who now man the government administrative machinery that not a single DC was prepared to lose his job in the interests of the law of the land.'<sup>1</sup> The consequences of the 'election' were not only that K.A.N.U. won 'unopposed' on a country-wide basis. Individuals who had switched parties and taken the risk of running against the K.A.N.U. ticket, now forfeited their positions, while others who had declared themselves for the K.P.U., by virtue of the revised electoral law which prohibited independents from running, were open targets for governmental sanctions. Furthermore, the opposition had also lost its chances for representation on the local county councils,<sup>2</sup> which were particularly important since they controlled numerous development services at the district level, including 'schools, health services, secondary roads, markets [and] a variety of licenses'.<sup>3</sup> K.A.N.U.'s electoral sweep of local government bodies thereby also worked to strengthen the dominant party's monopoly over economic

<sup>1</sup> 'Bogus Kenya Elections (by A. Oginga Odinga) President KPU', p. 2.

<sup>2</sup> Some authorities did not wait for the law to be passed. In June 1966, the Rift Valley Provincial Advisory Council 'expelled three of its members for being supporters of the KPU'; *East African Standard*, 7 June 1966, p. 3.

<sup>3</sup> Cherry Gertzel, 'Local-Central Relations in Kenya', in *Collected Seminar Papers on Autonomy and Dependence in Parochial Politics* (London, Institute of Commonwealth Studies, October 1968-March 1969), No. 7, p. 96.

resources and patronage. And so the repercussions of electoral laws which had been passed in Nairobi were felt in the outlying areas, and not simply at the so-called 'centre'.

If there was ever any question as to the régime's intent in either passing or invoking the Preservation of Public Security Act it was removed one month later when nine K.P.U. M.P.s were arrested and detailed without trial. From August 1966 until October 1969, when the opposition was banned, at least 17 of the 19 who were detained under the Act were members of the K.P.U.<sup>1</sup> Nor surprisingly, the general impact throughout Kenya was to increase the costs of joining the opposition and thereby to reduce the K.P.U.'s support. Furthermore, the detentions not only made it more difficult for the K.P.U. to find individuals who would openly organise for the party at the local level, but also undoubtedly contributed to the climate of fear that was evident throughout the countryside by mid-1968. At that time a survey was published in which 66 per cent of those interviewed claimed that on at least one occasion they had been afraid to express their opinions, or to criticise the régime, because they would suffer as a result of adverse reports by secret police and informers. On a follow-up question, their 'fears' were dismissed by 70 per cent as 'imagination' or 'absolute nonsense'.<sup>2</sup>

The electoral laws which were passed between 1966 and 1969 demonstrated the régime'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 response to opposition. Before independence, the colonial authority had attempted, in part, to control its enemies through legislative acts and constitutional machinations.<sup>3</sup> From 1966-9, the K.A.N.U. régime 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 tendency during the colonial era to control political opposition through legalistic innovations, and reflected the 'general cynicism about constitutionalism' that had emerged at that time.<sup>4</sup>

<sup>1</sup> *Kenya Gazette*, LXVIII, 9 August 1966-7 November 1969.

<sup>2</sup> 'Kenya Constitutional Changes, Succession to President', Public Opinion Poll, 18, Nairobi, Kenya Research Services, June 1968, p. 14.

<sup>3</sup> See Yash P. Ghai, 'The Government and the Kenya Constitution', in *East Africa Journal*, iv, 8, December 1967, pp. 9-14; and J. F. Scotton, 'Judicial Independence and Political Expression in East Africa - Two Colonial Legacies', in *East African Law Journal* (Nairobi), vi, 1, March 1970, pp. 1-9.

<sup>4</sup> J. P. W. B. McAuslan, 'Constitutional Changes in Kenya', in *Collected Seminar Papers on Post-Independence Constitutional Changes* (London, Institute of Commonwealth Studies, October 1967-March 1968), No. 5, p. 84.

The régime's monopoly of resources and the impact of economic statism on the viability of opposition in Kenya explain in part (i) why the civil service was not politically neutral when it came to registering branches and sub-branches of the K.P.U., licensing its public meetings, or assuring it of fair elections, and (ii) why a parliament which was sometimes vocally opposed to legislation that was clearly repressive and designed for the K.P.U., nevertheless voted for it.

#### ECONOMIC STATISM

The tendency for the state to be the chief dispenser of all kinds of economic patronage developed under colonialism and was reinforced after independence. The attractions of working within the public sector contributed to the K.A.N.U. régime's hold over its employees, particularly those within the civil service. As of 1968, although the private sector accounted for 63.3 per cent of all salaried employment in Kenya, the opportunities in local and central government – wherein were found 71.1 per cent of all jobs in the public sector – were nevertheless becoming increasingly important for absorbing the rising numbers of well-educated would-be employed'.<sup>1</sup> Although in absolute numbers the private sector still supplied most employment in 1968,<sup>2</sup> many Africans considered that government jobs were more attractive, since they were likely to offer better earnings, positions, and amenities, as well as greater security.

Although the Trade Licensing Act of 1968 'imposed some restrictions on non-citizen commercial activity',<sup>3</sup> the public sector continued to be more attractive for high-level manpower, since the legislation was essentially directed against small Asian entrepreneurs, rather than the large-scale activities of non-citizens. As of 1968, only four of the top 50 directors of private companies in Kenya were Africans, and the heavy dependence of the 1966–70 development plan on foreign investment made it unlikely that the Government would put the same kind of pressure on these companies to Africanise as it had on small-scale Asian commerce.<sup>4</sup> It did not wish to diminish foreign confidence in Kenya,

<sup>1</sup> See Republic of Kenya, *Economic Survey, 1969* (Nairobi, 1969), p. 120; and Henry Bienen, 'The Economic Environment', in Goran Hyden, Robert Jackson, and John Okumu (eds.), *Development Administration: the Kenyan experience* (Nairobi, 1970), p. 49.

<sup>2</sup> 386,000 versus 221,900; *Economic Survey, 1969*, pp. 120–1.

<sup>3</sup> Donald Rothchild, 'Kenya's Africanization Program: priorities of development and equity', in *The American Political Science Review* (Washington, D.C.), LXIV, 3 September 1970, pp. 749–59.

<sup>4</sup> *Ibid.* pp. 738–49; *Development Plan, 1970–74*, pp. 116–17; National Christian Council of Kenya, *Who Controls Industry in Kenya?* (Nairobi, 1968), pp. 257–61; and Republic of Kenya, *High Level Manpower Requirements and Resources in Kenya, 1964–70* (Nairobi, 1965).

and therefore 'preferred to delay Africanization objectives where these clashed head on with business efficiency'.<sup>1</sup>

Having a position in the civil service was particularly coveted because of the status, power, and amenities that went with most jobs. Apart from a pension and security of tenure, as well as subsidised housing and medical treatment, many senior officers were entitled to allowances for separation, travelling, and entertainment, as well as a car loan.<sup>2</sup> Members of the provincial administration were in charge of law and order in their areas, and they controlled the distribution of a wide range of government resources, including land loans and other sorts of patronage.<sup>3</sup>

The hostile reaction of the K.A.N.U. régime as regards any display of sympathies towards the opposition encouraged civil servants to steer clear of the K.P.U., and even to restrict the party's ability to participate in politics. Since the authorities defined 'working with government' as 'working for K.A.N.U.', those concerned could hardly afford to be genuinely neutral and still keep their jobs. Furthermore, there is evidence that some civil servants 'played up to the party in power in the hope that if they acted correctly they [would] be rewarded with a promotion'.<sup>4</sup> The fear of dismissal was not imaginary – for example, the Government admitted in April 1968 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'.<sup>5</sup> Some local K.A.N.U. officials requested the dismissal of pro-Odinga chiefs,<sup>6</sup> and there were allegations that party youth-wingers had threatened to report civil servants seen talking with members of the K.P.U.<sup>7</sup> One opposition M.P. noted that 'a sub-chief in my location . . . could not accept a lift from me when very sick . . . without fear of losing his job',<sup>8</sup> and another claimed 'God help him or her if the fathers or friends are KPU supporters or are remotely related to KPU men'.<sup>9</sup>

The threat of losing a coveted job was a major factor in explaining why civil servants refused to allow the K.P.U. to organise and freely compete with K.A.N.U. Moreover, the prospect of unemployment after

<sup>1</sup> Rothchild, loc. cit. p. 750. As of June 1968, according to *Who Controls Industry in Kenya?*, p. 194, '85 per cent of all foreign aid received by' Kenya had come from Great Britain. Most of the foreign-owned companies were British and many of them were subsidiaries of the U.K.'s largest firms.

<sup>2</sup> Republic of Kenya, *Code of Regulations* (Nairobi, 1900).

<sup>3</sup> Gertzel, op. cit. p. 167.

<sup>4</sup> Confidential interview, 1971–2.

<sup>5</sup> *National Assembly. Official Report* (Nairobi), 19 April 1968, col. 2178.

<sup>6</sup> Letter from a K.A.N.U. politician to Tom J. Mboya.

<sup>7</sup> *National Assembly. Official Report*, 30 September 1966, col. 260.

<sup>8</sup> *Ibid.* 16 June 1967, cols. 1055–6.

<sup>9</sup> *Ibid.*

dismissal was very real, since a known 'dissident' could not hope to get a job in the private sector. As one K.P.U. supporter noted, 'no company wanted to be known for aiding the opposition. Therefore they would not give you a job'.<sup>1</sup> Indigenous businessmen were dependent on the state for loans, non-citizen Asians for trade licenses, and expatriate companies for the continued right to operate or expand their operations in a foreign country. Consequently

people who were known to be supporters of the K.P.U. lost their jobs both in the government and in private employment. What used to happen was that managers and executives of private companies were approached and were threatened that if you employ K.P.U. supporters it will be known that you are against the Government, and that you would either lose your trade licenses or be deported. Therefore, these people had to comply. This was very effective because with the present unemployment for a man to lose his job because of politics – well, he would rather keep his mouth shut and keep his job, than come out in the open in favour of the K.P.U.<sup>2</sup>

This dependence of the private sector on the state not only increased the likelihood that civil servants would remain loyal to K.A.N.U., but also made it extremely costly for any to be K.P.U. supporters, whether working within either sector of the economy or unemployed. Remembering his own tribulations, a K.P.U. official recollected,

I was under constant surveillance and was being harassed in my job and given warnings that I should behave. The police were following me everywhere now and again, and were sleeping at my gate. When I came back from [--], I was working at the [--] Company. I was sacked, somebody probably spoke to my boss and told him, 'that chap who is working for you is this and that'. My boss's wife invited me to a bar for drinks to tell me my boss was not happy with these things. I told her to go to hell, and that her husband was my boss and could call me himself to his office. My boss finally told me, 'you have to decide when you are leaving'. . . So I said, 'if my being here is going to kill [--] be plain and say so. . . Then I started an advertising firm. I got my company going and wanted to retain fees for the people I was working for. The Government would ring people up and tell them to forget it, and they would call me up and say forget it. The Government gave me the roughest time possible. . . They really harassed me, honestly.'<sup>3</sup>

Members of Parliament were also dependent on, and indebted to, the state for a variety of economic rewards. Once it was clear that those who belonged to the K.P.U. would lose these rewards, it became extremely costly either to 'cross the floor' and join the opposition, or to vote with it in the National Assembly. By mid-1966, one third of all

<sup>1</sup> Confidential interview, 1971-2.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

M.P.s had some kind of ministerial post, and another one-third had a statutory board appointment.<sup>1</sup> Among the remaining M.P.s who were not vulnerable to dismissal as a consequence of losing a state favour, there were clearly some who aspired to these positions and therefore also preferred to stay in the good graces of the régime. The desire to retain or obtain such appointments was understandable, since they were important sources of salaries, fringe benefits, influence, and patronage. Most of the investments undertaken in the public sector were controlled by quasi-governmental statutory boards, which distributed a wide variety of loans and agricultural credit. From the standpoint of many constituents, it was clearly advantageous for their M.P. to be on one of these boards, or to hold a ministerial appointment.<sup>2</sup>

As Table 2 demonstrates, all members of the opposition party who held positions on statutory boards lost these soon after the Limuru Conference and the formation of the K.P.U.<sup>3</sup> Conversely, opposition politicians and M.P.s who rejoined K.A.N.U. were often rewarded with statutory appointments, or were nominated in the by-elections that followed their return. As one recipient noted, 'they don't give you this for nothing, but give it so that you will keep locked up, talk no more, and feel that you belong'.<sup>4</sup>

An M.P.'s economic security stemmed not simply from the salaries and perks that he received from his various appointments, but also from the loans that he could obtain to purchase cars, houses, farms, or businesses, by virtue of his position. Once he was defeated, joined the K.P.U., or lost favour with the state, he could be forced to repay these loans. Consequently, since most M.P.s – like other members of the 'salaried' middle class – had no independent entrepreneurial base and were indebted to the state, they could become poor overnight. This was a real possibility, and almost immediately after the formation of the K.P.U., opposition M.P.s were forced to refund their car loans or face the loss of their vehicles.<sup>5</sup>

Furthermore, M.P.s who had initially crossed the floor and lost in the 'little general election' were in a real dilemma, being simultaneously in the position of having to repay their loans, and of being unable to find any employment in either the public or private sectors, because they

<sup>1</sup> These figures come from Jay Hakes, 'Patronage and Politics in Kenya: a study of backbencher membership on statutory boards', 1969, mimeographed, p. 10. Kenyatta increased the number of Cabinet members to 50 shortly after the formation of the K.P.U.

<sup>2</sup> Republic of Kenya, *Report of the Maize Commission of Inquiry* (Nairobi, June 1966), pp. 150–3.

<sup>3</sup> Some M.P.s who had been especially vocal dissidents, actually lost their positions prior to the formation of the K.P.U.

<sup>4</sup> Confidential interview, 1971–2.

<sup>5</sup> For a discussion of this, see *National Assembly. Official Report*, 16 December 1966, col. 2882.

TABLE 2  
Positions on Statutory Boards Lost by the K.P.U., 1965-9<sup>1</sup>

Anyiene	Maize and Produce Board, 25 March 1966
Okuta Bala	Industrial Commerce and Development Corporation, April 1966 Sugar Advisory Council and Development Finance Corporation (uncertain and date unknown)
Chillo	Kenya Tourist Development Corporation, 1966
Choge	Kenya Meat Commission
Godana	Chairman, Marsabit Joint Trade Development Board, 16 December 1965
Kali	Kenya National Trading Corporation, 1966 Chairman, Export Promotion Council, 1966
Khalif	Central Selection Board (Government Bursaries), 1966
Makokha	Cotton Lint and Seed Marketing Board, May 1966 Chairman, Busia Joint Trade Development Board, 22 July 1966 Film Censorship Board (date unknown)
Obok	Loan Defaulters Sifting Committee, 15 February 1966
Oduya	Cotton Lint and Seed Marketing Board, May 1966
Rotich	Loan Defaulters Sifting Committee, 15 February 1966
Tanui	West Kenya Marketing Board, 21 December 1965 Central Housing Board (date unknown).

had been 'labelled' as dissidents. This situation forced some individuals to return to K.A.N.U., and reminded potential sympathisers in the National Assembly of the costs of joining or voting with the K.P.U.<sup>2</sup> Given the opposition's lack of control over existing resources, and the general absence of alternatives 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 régime.

The effects of economic statism were not simply confined to employment, the urban centres, or to the middle class. Those living in the rural areas were warned by local party and administrative officials that anyone who voted for the K.P.U. would not get the famine-relief maize being distributed by the Government; shop-owners were threatened that if opposition supporters were found on their premises, then these would be closed; individuals who had plots in settlement schemes were told that they would lose their farms if they voted with, or supported the K.P.U.; and chiefs were sometimes instructed by District Commissioners to 'write down the names of all K.P.U. supporters in the area so that the Government would take action against them'. Furthermore,

<sup>1</sup> Sources: *The Kenya Gazette*, January 1965 to October 1969, and information obtained from Jay Hakes.

<sup>2</sup> Confidential interview, 1971-2.



K.A.N.U. officials and M.P.s threatened that individuals or areas who supported the K.P.U. would be cutting themselves off from government loans and development funds. As two such appeals bluntly noted,

If you vote for K.A.N.U., schools will be built, roads graded and brought to the border. If you don't, you are lost. . .

If you don't unite with the Government, all secondary schools we are now trying to build will disappear. Kenyatta has sugar. Let's go lick his hands. I'm not lying.<sup>1</sup>

The régime's monopoly of economic rewards, and the threat that they would be withdrawn, decreased the opposition party's appeal at all levels of society throughout Kenya. Since there were no alternatives to these benefits, and since the K.P.U. was too poor to help minimise individual losses that stemmed from the state's economic sanctions, it became extremely costly to back the K.P.U. The small-scale nature of rural societies made it difficult to support the K.P.U. anonymously, or to be invulnerable to the various economic sanctions and rewards. There was no shortage of manpower working on the régime's behalf in the rural areas. Local K.A.N.U. officials, civil servants, policemen, agents for the Central Intelligence Division and the Special Branch, all had a vested interest in identifying K.P.U. loyalists in order to keep their areas from becoming opposition strongholds. If additional helpers were needed to watch a suspicious person or to vandalise a supporter's shop, unemployed youth-wingers could usually be found who were willing to undertake such work for a few shillings.

#### THE EFFECTS OF THE RÉGIME'S MONOPOLY ON THE COMPOSITION OF THE K.P.U.

The régime's monopoly of sanctions and economic rewards meant that the K.P.U. could not openly compete with the dominant party or overtly recruit supporters. The K.P.U. had its greatest difficulties in gaining electoral and other sorts of support in areas outside the Luo stronghold of central Nyanza. This appears to have stemmed primarily from the K.A.N.U. Government's decision, in effect, to concede this area to the K.P.U., and to make it extraordinarily difficult for the opposition to organise elsewhere. Such an argument questions the alternative explanation that the K.P.U. could not compete with K.A.N.U. outside of central Nyanza because it was a tribal organisation that did not have the catholic appeal of its rival.

<sup>1</sup> Field notes from Malcolm Valentine, 1969.

The 29 M.P.s who initially 'crossed the floor' in March 1966 were not even an accurate indication of the support that the K.P.U. might have mustered in the House and the Senate under more normal circumstances. Although 20 to 30 more M.P.s apparently had promised to cross with the original 29, they changed their minds after it became known that the Government was planning to amend the constitution and force those who had changed parties to recontest their seats.

The fact that six out of the nine K.P.U. M.P.s who won the 'little general election' were Luos from central Nyanza was more of a reflection of the régime's decision about where it would bring its coercive apparatus to bear, and where it would not, than a true test of the opposition party's strength. There were clearly M.P.s who would have lost their seats by virtue of their own weakness in any case. However, after the K.P.U. had been banned, six politicians from the non-Luo areas who had returned to K.A.N.U. after losing the 1966 elections, won back their seats in 1969.<sup>1</sup> Since these M.P.s had been successful in 1963 and in 1969, there is some reason to believe that their losses in 1966, and probably some others, were due to electoral fraud or intimidation.<sup>2</sup>

It was advantageous for the K.A.N.U. régime to prevent the opposition from winning outside of central Nyanza, since this confirmed its propaganda that the K.P.U. was a Luo party. Of the five by-elections which were held between 1966 and 1969, the K.P.U. defeated K.A.N.U. only in Gem in the heartland of central Nyanza in 1969. In contrast to the other four Luo constituencies, where all the machinations described earlier were used against the opposition, the K.P.U. in Gem was allowed to hold meetings, and to openly engage its branches and sub-branches in electoral activity. Furthermore, unlike some earlier contests, the administration imposed 'strict discipline at the counting of the ballots', and was complimented on its fairness.<sup>3</sup> The argument that this freedom stemmed from the decision that it would be too costly to repress the K.P.U. in its home area does not appear to be true: during the 1968 elections the régime had disqualified all K.P.U. nomination papers, and less than one year afterwards it banned the party and

<sup>1</sup> These were Anyieni, Bonaya, Choge, Gichoya, Jilo, and Khalif. Kioko won in 1966 and 1969, Oduya in 1966 but not in 1969, while Godana, Kaggia and Lorema all lost both in 1966 and 1969.

<sup>2</sup> The K.P.U.'s ability to win two seats in the Kamba areas of Machakos in 1966 may have stemmed from an incorrect calculation by the Government about what would happen there, or from a conscious decision that it was less costly to allow a genuine electoral contest than to repress popular candidates in an area that was heavily represented in the army.

<sup>3</sup> John Okumu, 'The By-Election in Gem: an assessment', in *East Africa Journal*, vi, 6, June 1979, p. 16.

imprisoned all central Nyanza's K.P.U. M.P.s. Rather, K.A.N.U.'s loss in Gem could be explained away by the Government as an 'isolated case',<sup>1</sup> and used to show that Kenya was democratic and that the K.P.U. was a tribal party. As one participant noted, 'they left our arena here, but they were so careful to disqualify all other tribes'.<sup>2</sup>

The fact that the K.P.U. had the majority of M.P.s in central Nyanza, and that the administration allowed some minimal organisation, gave the opposition a certain viability which it was difficult to match elsewhere. Whatever other economic costs they were forced to pay, K.P.U. M.P.s in central Nyanza still had their parliamentary salaries. Some of this money clearly filtered down to supporters who were being penalised by the régime. In other parts of the country the leaders of the K.P.U. suffered severely as a consequence of openly organising for their party. Many could not sustain the costs, and either returned to K.A.N.U. with the promise of a job, or left politics entirely. In these areas, there was more fluidity among the leaders of the K.P.U. than in central Nyanza, and the reward structure for organisers or supporters was virtually non-existent. Over time it was more difficult to sustain K.P.U. support because, as one observer noted, 'some people can only take so much and then they break down. . . There comes a time when things look very dark, and people feel they have reached a dead end'.<sup>3</sup> Furthermore, because the K.P.U. had M.P.s in central Nyanza, and because Odinga was the 'boss' of the area, the party's inability to hold public meetings was of little consequence, in contrast to other parts of the country where they were necessary to counteract K.A.N.U.'s propaganda about the K.P.U.

It was more costly for a Kikuyu to join the K.P.U. than any other ethnic group, because of the threat that a tribal split posed to the governing class. There were many reports of physical violence against Kikuyus who supported the K.P.U., and as one official noted in this regard, 'people thought it was only jobs or business [that were at stake], but soon it became clear that it could be your life'.<sup>4</sup> Although Kenyatta was virulent in his attacks against the opposition, he travelled to only two constituencies to speak against the K.P.U. during the 'little general election', and both were Kikuyu areas in the Central Province.

Non-Luo support for the K.P.U. existed in the trade-union movement, in the universities, in professional groups, among the urban unemployed, and the rural discontented. Some supported the opposition because of its alleged leftist policies on various issues, including land; others

<sup>1</sup> Tom Mboya in *East African Standard*, 20 May 1969, p. 7.

<sup>2</sup> Confidential interview, 1971-2.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

because they perceived that the régime was pursuing a policy of 'Kikuyuisation' in its distribution of development funds and employment; others as a general protest against K.A.N.U.'s inability to 'deliver the goods' since independence; others out of a belief that it was time for change; and still others out of simple opportunism. The K.P.U. as a party may have been as catholic in its appeal as K.A.N.U.; however, the régime's monopoly over the key socio-economic resources and sanctions in the society weakened the opposition party, and over time both the Kikuyu and other non-Luo support for the K.P.U. either diminished or became less visible.

The K.P.U. clearly had its own problems and was not always a striking contrast to K.A.N.U. Like all parties, it had a variety of internal difficulties, including a lack of national direction, factionalism in both the headquarters and the branches, personality squabbles, leadership struggles, misappropriation of funds, and allegations of a 'cult of Odingaism'. Furthermore, as the authorities intensified their surveillance of K.P.U. activities, and as it became more difficult to know whom to trust, ethnic splits developed between the Luo and the Kikuyu in Nairobi. However, since the K.A.N.U. régime never allowed the K.P.U. to compete freely with the dominant party in a general country-wide election, or to engage openly in organisational activities, it is difficult to gauge the extent to which these difficulties, or the policies of the opposition party, limited its support. It seems reasonable to conclude that the fundamental problem of the K.P.U. may not have been simply that it was too narrowly based to compete with the K.A.N.U., but rather that the régime's monopoly of sanctions and economic resources enabled it to buttress the dominant party, and to blunt opposition activity on a country-wide basis.<sup>1</sup>

#### CONCLUSION

The legacies of country-wide authoritarian rule and economic statism, as well as the reasons why inherited institutions and relationships were maintained after independence, may be useful in explaining why opposition parties have largely disappeared across the continent of Africa. There seems to be some agreement among scholars, both that the structure of political competition in tropical Africa 'appears unrelated to such variables as type of colonial experience',<sup>2</sup> and that

<sup>1</sup> As the development of capitalism under Kenyatta coincided with a boom economy, it could be argued that the 'trickle down' effect was widespread enough to limit K.P.U.'s competitive appeal.

<sup>2</sup> Zolberg, *loc. cit.* pp. 70-1.

modern colonialism in Africa 'everywhere tended toward bureaucratic authoritarianism'.<sup>1</sup> Furthermore, the tendency of colonial systems to stifle the development of an independent entrepreneurial class of Africans, to tie them to the state, and to create dependent economies, was not unique to Kenya.<sup>2</sup> More specifically, the analysis concludes that:

(1) The 'centre-periphery' argument cannot be maintained. The conventional wisdom that Africa's paucity of economic resources, and an underdeveloped technology, limits the authority of régimes in the so-called 'periphery', appears to be incorrect. The argument fails to take account of the way in which a régime's monopoly of resources and sanctions, and the small scale of most African communities, facilitates political control in the rural areas as well as in the cities.

(2) The strengths and weaknesses of African régimes must be specified. It seems clear that with respect to certain tasks – namely, the elimination of opposition parties – African régimes cannot be described as having a 'limited authority' that is confined to the narrow geographic domain of the urban areas.

(3) Opposition parties may be as catholic in their appeal as dominant parties but unable to muster widespread open support. In Kenya, the régime's monopoly of resources and sanctions, and its consequent ability to reward its friends, to co-opt or punish dissidents, and to bring its authority to bear both between and during elections, made it extremely costly to be a member of the K.P.U. Furthermore, this was especially true in non-Luo areas.

(4) The early tendency of scholars to see African parties and governments as extremely powerful or weak was ill-conceived. Behind the contorted arguments that the parties of independence were democratic, and that they reflected 'mass mobilisation', was a 'liberal desire not to see Africa fail'. Africanists 'wanted . . . to accentuate the *positive* aspects of change in Africa, hitherto known as the Dark Continent'.<sup>3</sup> Behind later arguments that African régimes had only a 'limited authority' in the urban areas, there lurked the view which is not so different from that of colonial administrators and early anthropologists. There was a misguided predisposition to see large parts of Africa as traditional and untouched in spite of a near century of centralised rule.

<sup>1</sup> Coleman and Rosberg (eds.), *op. cit.* p. 659. They also argue that 'in most instances the really determinative factor in the orientation of the present party elites to the political order has been their exposure to bureaucratic centralism during the colonial period'.

<sup>2</sup> Cf. James S. Coleman, *Nigeria: background to nationalism* (Berkeley and Los Angeles, 1958), pp. 79–90.

<sup>3</sup> Guy C. Z. Mhone, 'The Case Against Africanists', in *Issue: quarterly journal of opinion* (Los Angeles), II, 2, Summer 1972, p. 9.