

**EFFECTS OF ECONOMIC LIBERALIZATION ON TRADE UNIONS: A
CASE STUDY OF THE KENYA PLANTATION AND AGRICULTURAL
WORKERS UNION, 1980-1998.**

WARINDA SYLVESTER OGOLLA

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DECLARATION

This research project is my original work and to the best of my knowledge it has not been presented for the award of a degree in any other University.

Sign:.....

Date:.....

Warinda Sylvester Ogolla

C50/81156/2012

This research project has been submitted for examination with our approval as the university supervisors.

Sign:.....

Date:.....

Dr. George M. Gona

Department of History and Archaeology

University of Nairobi

Sign:.....

Date:.....

Dr. Herbert M. Amatsimbi

Department of History and Archaeology

University of Nairobi

DEDICATION

To my esteemed family members; my mum, Akinyi Nyandere, My love, Adhiambo Nyadenge and my daughter, Awuor Junior. I cherish all of you for being the pillars of my life.

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ABBREVIATIONS

AEMO	- African Elected Members Organization
AIDs	- Acquired Immune Deficiency Syndrome
ANC	- African National Congress
CBAs	- Collective Bargaining Agreements
COSATU	- Central Organization of South African Trade Unions
COTU-K	- Central Organization of Trade Unions of Kenya
CTMWA	- Cape Town Municipal Workers Association
EAFCWU	- East African Federation of Building and Construction Workers' Union
EATUC	- East African Trade Unions Congress
EPZ	- Export Processing Zone
ESAF	- Enhanced Structural Adjustment Facility
HELB	- Higher Education Loans Board
HIV	- Human Immune Deficiency Virus
ICFTU	- International Confederation of Free Trade Unions
IDA	- International Development Association
IFPAAW	- International Federation of Plantation, Agricultural and Allied Workers
ILO	- International Labour Organization
IMF	- International Monetary Fund
KADU	- Kenya African Democratic Union
KANU	- Kenya African National Union
KAU	- Kenya African Union
KCPE	- Kenya Certificate of Primary Education
KCSE	- Kenya Certificate of Secondary Education
KEWWO	- Kenya Women Workers Organisation
KFL	- Kenya Federation of Labour
KFPTU	- Kenya Federation of Progressive Trade Unions
KFRTU	- Kenya Federation of Registered Trade Unions
KICOMI	- Kisumu Cotton Mills
KNUT	- Kenya National Union of Teachers
KPAWU	- Kenya Plantation and Agricultural Workers' Union

KTDA	- Kenya Tea Development Authority
KUPPET	- Kenya Union of Post- Primary Education Teachers
LGWU	- Local Government Workers' Union
LTUEA	- Labour Trade Union of East Africa
MET	- Medical Education Trust
MMD	- Movement for Multiparty Democracy
MUZ	- Mineworkers Union of Zambia
NCPB	- National Cereals and Produce Board
NGO	- Non-Governmental Organizations
NHC	- National Housing Corporation of Kenya
NLC	- Nigeria Labour Congress
OATUU	- Organisation of African Trade Union Unity
SAL1	- Structural Adjustment Loan 1
SAMWU	- South African Municipal Workers Union
SAPs	- Structural Adjustment Programmes
TUC	- Trade Union Congress
UNIP	- United National Independent Party
USLS	- University Students Loan Schemes
WFTU	- World Federation of Trade Unions
ZCCM	- Zambia's Consolidated Coppermine Company
ZCTU	- Zambia's Congress of Trade Unions

DEFINITION OF TERMS

Delaying - the process of ‘flattering’ by stripping out superfluous layers of management and supervision, in order to promote flexibility, facilitate swifter communication, increase responsiveness, enable people to be given more responsibility as individuals or teams and reduce costs.

Deregulation- elimination of regulatory mechanisms on trade between countries, such as tariff barriers and quotas.

Deskilling- a situation where emerging technology demands new approaches to work without relying on the traditionally developed skills.

De-unionization- reducing or impeding trade union activities by reducing wages, causing lay-offs, labor casualization, contractual employments, and use of technology that require less labor.

Devaluation- adjustment of value of a national currency in relation to fluctuating international currency trends.

Economic liberalization- a combination of measures that ensured the production of an economy with minimal government restriction on international trade and domestic financial commodities and labor market.

Globalization- transformation of the world into a global village by elimination of traditional barriers to the flow of goods, services, capital and knowledge across borders.

Industrial relations- interaction between employers and workers with the state as stakeholders in social relations of production.

International Monetary Fund– an international commercial lending institution created by Western capitalist nations to finance governments in their balance of payments.

Privatization- preponderance of private ownership of means of production or selling of public assets (corporations) to private business interests.

Rationalization- application of labor by appropriate distribution of skills and job value for maximum results.

Structural Adjustment Programme- austerity measures designed and mandated by international financial institutions, e.g. World Bank and IMF, to attempt to restore economic viability and meet the balance of payment.

Trade union- an association of wage-earners created for the purpose of improving the conditions of their employment.

World Bank- an international banking institution created at Bretton Woods in 1948 by Western capitalist nations for reconstruction and development after the World War II.

ABSTRACT

This study endeavored to assess the effects of economic liberalization on trade unionism in Kenya, with the specific reference to the Kenya Plantation and Agricultural Workers' Union (KPAWU). It interrogated the effectiveness of the leadership responses to the effects of economic liberalization and revealed that it was unsatisfactory to many workers owing to a number of leadership challenges. The study was based on Karl Marx's Labour Theory of Surplus Value which posits that capitalists exploit workers' surplus value to accumulate profits. Marx suggests that workers organize themselves into trade unions for self-emancipation by struggling for higher wages. Because the theory confines union activities to pecuniary struggles only, Moral and Ethical Theory of trade unionism was used to supplement Marx's theory by engendering other union concerns that are not financial in nature.

The study used of both primary and secondary data. The secondary sources were supplemented with oral interviews using unstructured questionnaire as well as the use of archival sources. The purposive and snow ball techniques were used in identifying the informants. The data obtained were qualitatively analyzed. The study established that economic liberalization had calamitous effects on the plantation workers. Under the auspices of economic liberalization, workers were rendered jobless through practices such as deskilling, introduction of machinery and redundancy. Moreover, the government reduced its expenditure on health and education, locking out the plantation workers from obtaining quality health services, and their children deprived of post primary education. The government's legislations on minimum wages denied the plantation workers better pay hence impoverished them. Similarly, the currency devaluation skyrocketed inflation rendering the prices of basic commodities unaffordable to plantation workers. The plantation workers, through their union, KPAWU, responded to these ignoble effects of economic liberalization by engaging in industrial action, seeking legal protection through Collective Bargaining Agreements (CBA) and retraining workers.

Since this study was conducted among the plantation workers in three counties only, further research should be done to include all the plantation workers in order to generalize the findings of this study.

CHAPTER ONE

INTRODUCTION

1.0: Introduction

This chapter deals with the introductory remarks to the study. It gives a brief history of the trade unions in Kenya and dates the formation of the Kenya plantation and Agricultural Workers' union to 23rd August 1963. It states the problem of the study, the objectives, scope and limitation, justification, theoretical framework as well as the research hypotheses.

1.1 History of Trade Unions in Kenya

The origin of trade unions in Kenya can be traced to the establishment of colonial rule in the country. The colonial government introduced agriculture as the mainstay of its economy. This saw the establishment of a number of plantation farms on the so called "white highlands", which were fertile arable parcels of land on the Kenyan highlands. These pieces of land were alienated from Africans. The latter were forcefully recruited to offer cheap labor to the White settlers who had occupied the land. Whether in rural farms or urban dwellers, the African laborers grappled with a number of challenges, including poor housing, long working hours, unequal and low pay, unfavorable working environment, as well as the dehumanizing Kipande system.¹ It was against this background that associations such, as the Kikuyu Central Association, Ukamba Members Association and Young Kavirondo Association were formed. These associations doubled their roles both as trade unions and political organizations.

In the 1930s, with the help of the Indians, Africans started forming trade unions despite myriads of hostile acts from the colonial government. This move by Africans was informed by the economic recession that was triggered by the World War I. After the World War II, Africans became more voluble on their rights and it dawned on the colonial government that denying Africans the right to form trade unions was not realistically tenable. The government, thus, brought in a trade union officer to guide Africans in forming docile trade unions. This proved to be a futile move.

¹ M. Singh, *History of Kenyas's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.247.

The period 1946 to 1963 thus saw the formation of a number of trade unions, the most prominent of which was the Kenya Federation of Labour. Under the leadership of Tom Mboya, this union became a formidable force in the struggle for independence and defending workers' rights. This federation of unions later saw it wise to mobilize plantation and agricultural workers. It is this move that saw the formation of the four unions that later amalgamated in 1963 to form the Kenya Plantation and Agricultural Workers' Union on 23rd August 1963.² This work will dwell on this union and assess the effects of economic liberalization on it, as well as its response on the same.

1.2 Economic Challenges and KPAWU, Late 1970s to 1980s

The period of 1980 to 1998 spelt economically turbulent not only to the third world countries, but also to the global economy as a whole. The economic woes, as a dominant phenomenon in 1980s, owed its origin to a number of factors that punctuated the world economy in the last half of 1970s and in the wake of 1980s. Cardinal among these were the recession of 1981-2 in the industrial countries and the Iranian Revolution that triggered the decline of Iran's oil exports, which culminated in a significant increase in the world's oil price to around 150%.³ Moreover, the third Arab-Israeli war of 1973 exacerbated the oil crisis given the humongous role the Arab world played in oil export. The inflation that followed catapulted the tightening of monetary policies in industrial countries and higher interest rates for loans given to third world countries.

The result was a piled debt by third world countries as was exemplified by the increased long-term debt from \$27.8 billion in 1970 to \$238.5 billion by 1982 in Latin America alone.⁴ These developments ushered in the infamous debt crisis in the third world countries. Ostensibly to address these, the International Monetary Fund devised stabilization policies while the World Bank chalked out Structural Adjustment Programmes (SAPs), which were austerity measures that combined to mean economic liberalization.⁵

² R. Sandbrook, *Proletarians and African Capitalism: The Kenyan Case, 1960-1972*, Cambridge: Cambridge University Press, 1975, p.155.

³ R. Solomon, *The Transformation of the World Economy, 1980-1993*, London: Macmillan Press Limited, 1994, p.183.

⁴ Ibid, p.182.

⁵ H. Bienen, "The Politics of Trade Liberalization in Africa", *Economic Development and Cultural Change*, Vol. 38, No. 4, 1990, pp. 713-732, <http://www.jstor.org/stable/1153968>. Accessed: 27/01/2014.

All third world countries were urged to adopt these policies as the condition for granting them loans from the two international institutions. The economic liberalization comprised the elimination of restrictions on international trade, deregulations and internationalization of the financial sector, privatization of public enterprises, de-unionization and elimination of regulatory mechanisms.⁶ The implementation of these policies by third world countries has spelt a number of deleterious economic effects occasioned by financial crises, painful adjustment episodes, as well as detrimental labor policies. It is, therefore, expected that different stakeholders of economy would embark on actions to combat the challenges accruing from such policies.

Chief among the economic stakeholders is the trade unions. Different studies of trade unions in the 1980s see scholars agreeing that third world trade unions and more particularly, those belonging to Sub-Saharan Africa, were lethargic during this demanding epoch. A number of reasons have been presented to account for this egregious state of affairs. These can be encapsulated as co-optation of trade unions by African governments, financial bottlenecks, as well as leadership wrangles marked by existence of intra-union factionalism.⁷

In the ensuing events of debilitated unionism, Kenyan case was not any exceptional. Her unions' vitiating status has been ascribed to political meddling, embezzlement of funds, factionalism and tribalism, lack of administrative and organizational capacity to respond to members' needs, witch-hunting and leadership wrangles.⁸ It is, therefore, worthy to conclude that these unions were already in a compromised situation in the wake of challenges stemming from economic liberalization policies.

Economic liberalization was characterized by capital flow, which encompassed the technological flow. This meant the spread of technology in the third world as a

⁶ T. Banuri, (Ed.), *Economic Liberalization: No Panacea; The experience of Latin America and Asia*, New York: Oxford University Press, 1991, p.1.

⁷ W. Ananaba, *The Trade Union Movement in Africa: Promise and Performance*, London: C. Hurst & Co. Limited, 1979, p. 183.

⁸ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, pp. 178-198.

consequence of liberal economy.⁹ However, third world countries, such as Kenya, use labor-intensive mode of production, which leads to employment of many workers in the agricultural sector. Use of technology in the form of farm mechanization could lead to massive lay-offs and exacerbate unemployment.¹⁰ It was, therefore, evident that trade unions, charged with a responsibility of defending their members' interests, had to oppose the economic liberalization policies that embodied the use of technology.

Another phenomenon that was inextricably bound with economic liberalization was globalization. This comprised eliminating traditional barriers to the flow of goods, services, capital and knowledge across borders. It is understood to have internationalized global financial shocks vindicating the application of the Structural Adjustment Programmes. Globalization, buttressed with its free-movement ideology, led to corporations traversing countries in search of the cheapest labor. This sparked off international competition, strengthening the hand of management and weakening the bargaining power of trade unions, as well as declining their membership.¹¹

Unions have always made efforts with varying intensities and degrees to subvert the challenges emanating from these enumerated aspects of economic liberalization. A case in point is the COSATU that has staged a number of demonstrations and campaigns in condemnation of ignoble effects of economic liberalization.¹² The COSATU's counterpart in Kenya is COTU. The Secretary General of this federation of unions is Francis Atwoli, who also doubles up as the Secretary General of the Plantation and Agricultural Workers Union of Kenya, the latter being one of the strongest COTU affiliate unions.

⁹ F. Green et al, "A Picture of Wage Inequality and the Allocation of Labour Through a Period of Trade Liberalization: The Case of Brazil", *World Development*, Vol. 29, No. 11, 2001, pp. 1923-1939, <http://www.sciencedirect.com/science/article/pii/S0305750X01000717>. Accessed: 15/01/2014.

¹⁰ N. Kaldar, "Advanced Technology in a Strategy of Development", in *International Labour Office: Automation in Developing Countries*, Geneva: International Labour Office, 1972, p.4.

¹¹ S. Hayster, "International Comparative Trends in Collective Bargaining", *Indian Journal of Industrial Relations*, Vol. 45, No. 4, 2010, pp. 596-608, <http://www.jstor.org/stable/25741083>. Accessed: 27/01/2014.

¹² Labour Education Office, "The Challenge of Globalization in Africa and the Trade Union Response: The Case of South Africa", Geneva: International Labour Office, 2001, p.6.

Ranging from the Structural Adjustment Programmes, technology and globalization, the effects of economic liberalization are conceived to be deleterious to the economies of the third world countries. Kenya is one of the third world countries with agriculture as the mainstay of the economy. Because trade unions play a pivotal role in the economy, it is worthy to assess how the Plantation and Agricultural Workers Union, a union that represents workers in the backbone of Kenya's economy, was affected by economic liberalization policies, as well as how it responded to the same.

1.3 Statement of the Research Problem

Trade unions in Kenya, as other African countries, played an integral role in the struggle for independence and in defending workers' rights. Owing to their importance, trade union history has attracted a number of scholars from various disciplines. These trade unions have been formed in education, industrial, transport, and agricultural sectors. The main trade union formed to protect the interests of workers in agriculture sector was the Kenya Plantation and Agricultural Workers' Union. Underscoring the importance of agricultural trade unions, Goldsworthy considers their creation a milestone in the union movement in colonial Kenya and avers that their formation exacerbated labor militancy by enlisting Kikuyus, who were hitherto proscribed from labor movement.¹³ He quotes Mboya describing the move as "one of the biggest achievements of our time, since in most countries agricultural workers are very slow to organize..."¹⁴ These agricultural unions amalgamated in 1963 to form the Kenya Plantation and Agricultural Workers' Union. Despite the union's importance in articulating the rights of workers in agriculture sector, no scholar, as illustrated in the literature review, has comprehensively and historically assessed the trade union activities that led to the formation of KPAWU. Moreover, no study has clearly outlined the mandate of the union at its formation. This study, thus, seeks to fill this lacuna in the history of trade unionism in Kenya.

Trade unions, just like other bodies that defend people's rights and interests, have encountered economic challenges. In the period between 1980 and 1998, the main economic challenge to trade unions was the formulation and implementation of

¹³ D. Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinmann Educational Books, 1982, p.150.

¹⁴ Ibid.

economic liberalization policies. This raises the question of the link between economic liberalization and trade unionism in Kenya as well as the impacts of the economic liberalization on the KPAWU. The study aims to investigate the link between economic liberalization and trade unionism in Kenya as well as the impacts of economic liberalization on the Kenya Plantation and Agricultural Workers' Union. Because unions aim to better the conditions of the members, KPAWU leadership must have come up with policies and strategic plans to address the effects of economic liberalization. No scholar has systematically assessed the union's responses and adjustments to survive the said effects of economic liberalization. Similarly, the effectiveness of the responses made by the union to address the neoliberal challenge needs to be investigated. These gaps, therefore, are a cause of concern to this study.

1.4 Research Questions

From the problem stated above, the following will form the research questions of the study;

1. Which union activities led to the formation the Kenya Plantation and Agricultural Workers Union and what was the mandate of the union when it was formed?
2. What was the link between economic liberalization and trade unionism in Kenya during the period between 1980 and 1998?
3. What were the impacts of economic liberalization on KPAWU?
4. How did the workers and union leadership respond to such impacts?

1.5 Objectives

The general goal of this study is to assess the effects of economic liberalization on trade unionism in general and KPAWU in particular.

1.5.1 Specific Objectives

1. To establish the genesis of trade unionism in Kenya and subsequent formation of KPAWU.
2. To assess the link between economic liberalization and trade unionism in Kenya.
3. To assess the impacts of economic liberalization on KPAWU.
4. To assess the responses made by the KPAWU leadership to the impacts of economic liberalization.

1.6 Justification of the Study

A number of scholars have dealt with the study of Kenyan trade unions. These have included the studies of the history of trade union movement exemplified by Singh's work¹⁵ as well as biographies, epitomized by Goldsworthy's¹⁶ and Ogutu's works.¹⁷ Gona¹⁸ has concentrated on how trade unions contributed to the struggle for democracy. In their studies, these scholars have delved into the development of trade unions during the colonial period as well as after independence. The post independent studies of trade unions of Kenya have focused on COTU and the political challenges that have marred it, such as co-optation by the post independent governments. Ananaba has decried political meddling in post-independent trade unions in Kenya and other African countries and avers that this tendency has stifled efforts to defend workers' interests.¹⁹ Similarly, Sandbrook avers that COTU has been marred by cleavages stemming from tribalism and occupational differences as well as government's stratagems to emasculate unions' radicalism.²⁰ Moreover, Gona identifies the presidential interventions and subordination of unions to the Moi government by planting amenable leadership as the main malady that debilitated COTU in the 1980s.²¹ Also in the list have been social challenges such as discrimination of women in COTU leadership.²²

In terms of economic challenges facing unions, Gona mentions Structural Adjustment Programmes as an aspect of economic liberalization challenge but only enumerated its effects on COTU.²³ In the same vein, Mindo outlines the effects of Structural Adjustment Programmes generally on COTU as well as other trade unions, such as

¹⁵ M. Singh, *History of Kenya's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.156.

¹⁶ D. Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books, 1982, pp

¹⁷ J. O. Ogutu, *The Life and Times of Kathini Maloba-Caines*, MA Project, University of Nairobi, Nairobi: Unpublished, 2013, p.71.

¹⁸ G. M. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.251.

¹⁹ W. Ananaba, *The Trade Union Movement in Africa: Promise and Performance*, London: C. Hurst & Co. Limited, 1979, p.40.

²⁰ R. Sandbrook, *Proletarians and African Capitalism: The Kenyan Case, 1960-1972*, Cambridge: Cambridge University Press, p.123.

²¹ G. M. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.178.

²² J. O. Ogutu, *The Life and Times of Kathini Maloba-Caines*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2013, p.62.

²³ G. M. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.221.

KUPPET and KNUT, and explicates the union-state relations in Kenya during the implementation of SAPs in 1980s.²⁴ In their work, these scholars only dwell on SAPs as an aspect of economic liberalization policies and do not consider such aspects as technology and globalization, which affect the subject of our study - the Kenya Plantation and Agricultural Workers Union.

Despite the pivotal role of trade unions in the economy, studies on economic challenges of these unions have received little scholarly attention as most scholars dwell on political and social challenges. Equally underexplored has been the Kenya Plantation and Agricultural Workers Union- a trade union that represents workers in agricultural sector, which has been viewed for a long time as the mainstay of Kenyan economy. Overall, the findings of this study will act as a boon to the existing literature on challenges of economic liberalization to trade unions and how unions can organize themselves to counteract such challenges. Finally, the findings of this study will be relevant to development policy makers and economic planners in forging all-inclusive policies to ensure stable industrial relations environment for the growth of economy. The findings will also be relevant in assessing the progress of trade unions as democratic institutions with the aim of perpetuating democratic culture in Kenya.

1.7 Scope and Limitations

This study will focus on the effects of economic liberalization on trade unionism as was experienced by the Kenya Plantation and Agricultural Workers Union from 1980 to 1998. Apart from tracing the history of the union since its formation, the study will also encompass the assessment of the responses made by the union in question in the wake of the aforementioned challenges. Finally, the studies will assess the effectiveness of the responses made by the union leadership to the impacts of economic liberalization and account for the alleged dismal performance by the leadership. This period has been chosen because 1980 was the year Kenya adopted the Structural Adjustment Programmes that ushered in the economic liberalization policies.

²⁴ J. N. Mindo, *The Roles and Challenge of Kenyan Trade Unions in the Context of Macro- Economic Reforms, 1980-2000*, M. A Project, University of Nairobi, Nairobi: Unpublished,2002, p.79.

In 1986, Kenya produced the Sessional Paper No.1 on Economic Management for Renewed Growth that was an acme of the embracing of economic liberalization policies. 1990s represented the continued application of these policies and also marked the period when their effects were much felt in Kenya. For example, this was the period when the reduced government spending on social services was executed, seeing the university students who had earlier been sponsored by government paying school fees. 1980 to 1998 thus became the operational period for economic liberalization policies. The union has been chosen owing to the fact that it represents the workers in agricultural sector, which is one of the strongest pillars in the Kenyan economy.

1.8 Literature Review

A number of scholars have studied trade unions to come up with the literature reviewed below. The literature review is divided into four sub-topics. This includes development of trade unions and economic liberalization, technology and trade unions, Structural Adjustment Programmes and trade unions, and globalization and trade unions.

1.8.1 Development of Trade Unions and Economic Liberalization

Singh explicates the growth and development of trade unions in colonial Kenya. He identifies their challenges at formative stages of development as an orientation to solve local grievances of African workers. The concern of these unions later graduated to political agitation explicit in their demand for political independence.²⁵ The latter led to the harassment of the unions by the colonial government. The harassment of various forms was attempts orchestrated by colonial regime to emasculate the trade unions. The union leaders, thus, responded with alacrity through negotiations, petitioning British government, strikes and support for Mau Mau. These moves rendered a misnomer the concerted efforts by the colonial government to vitiate the trade unions and keep them aloof from politics.²⁶ The book traces the history of most trade unions of the time up to 1952. It, therefore, gives an insight in understanding the development of trade union movement in Kenya. However, it

²⁵ M. Singh, *History of Kenya's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.156.

²⁶ *Ibid*, p.160.

concentrates on the unions representing African laborers in towns and does not delve into the union representing agricultural workers, which were mainly found in rural areas. This study thus seeks to fill the gap by tracing the historical development of the Kenya Plantation and Agricultural Workers Union.

Goldsworthy observes that the formation of agricultural unions between 1959 and 1961 was a milestone in the union movement in colonial Kenya. These unions representing workers in tea, sisal, coffee, and general agriculture became the first inroad of unionism in rural Kenya. The unions escalated labor militancy by enlisting Kikuyus that were previously proscribed from labor movement.²⁷ Although he mentions that these unions later amalgamated to form the Kenya Plantation and Agricultural Workers' Union, he does not discuss the historical development of this union. This study will thus fill the gap.

Zezeza, while discussing labor systems, posits that the maladies impeding the trade union activities in post independent Kenya were factionalism, politicized ethnicity, state meddling, and power struggle.²⁸ Trade union leaders also find themselves torn between conformity to government's control on the one hand and workers' expectations on the other. He notes that end of colonialism erased the basis of solidarity and source of opposition to the state, ushering in state co-option of trade unions, alleged victimization and salary and wage disputes. His work raises two questions. First, how do Kenya Plantation and Agricultural Workers Union's leaders respond to SAPs given Zezeza's characterization of the general labor movement's leadership at the time? Secondly, how does a compromised labor movement leadership respond to such adversarial conditions? My work thus seeks to answer these questions.

In the same breath, Gona while writing on the vicissitudes that shook trade unions in 1980s, identifies Moi's intolerance to dissidence and political opposition as being behind the trade union woes in the 1980s. Under the aegis of KANU and Moi government, a number of trade unions were banned, deregistered, their activities

²⁷ D. Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books Ltd, 1982, p.150.

²⁸ T. Zezeza, "The Labour System in Independent Kenya", in W. R. Ochieng' and R.M. Maxon, (Eds.), *An Economic History of Kenya*, Nairobi: East African Education Publishers, 1992, p.361.

encumbered by presidential intervention, there existed a preponderance of witch-hunting, infightings and leadership wrangles²⁹, subordination of unions to the government by ‘planting’ amenable leadership in unions, call for COTU affiliation to KANU in 1988, and the collapse of Tom Mboya Labour College in Kisumu charged with the sole mandate of training workers on unionism. Gona bares the reason for the failure of trade union movement to cause upheavals in the wake of SAPs as Moi’s portrayal of himself as an ardent supporter of the poor against SAPs. This was evident in his speeches replete with vociferous attacks on the damaging effects of SAPs as well as his suggestion of safety nets for the vulnerable groups. His theatrical behavior hoodwinked union leaders into believing that the president talked on their behalf. This sad picture of labor leadership and a general malaise in the labor movement raises a fundamental question of their capacity to respond to SAPs. It will thus, be interesting to study how KPAWU responded to the challenges of economic liberalization in such a challenging political environment.

Similarly, Ogutu while writing on the biography of Kathini Maloba Caines, identifies discrimination of women in union leadership as a bottleneck to effective unionism by COTU. He contends that weak leadership marred by semi-illiteracy and communication ineptitude stifle sound collective bargaining process by COTU leaders who were always unsubordinated to employers’ nominees to the negotiation table who had unrivalled communication acumen.³⁰ His work sheds more light on the leadership problem as a challenge to effective unionism in COTU to which the Plantation and Agricultural Workers Union is affiliated. It would also be interesting to find out whether subordination of women in KPAWU has affected its capacity to fight for workers’ rights.

Sandbrook traces the founding of the Plantation and Agricultural Workers Union to August 1963.³¹ He observes that the leadership of KPAWU was marred with internal factionalism concomitant with tribalism which saw its first Secretary General, Herman Oduor, ousted. Although he does not go ahead to describe the historical

²⁹ Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p. 178.

³⁰ J.Ogutu, *The Life and Times of Kathini Maloba- Caines, 1952-*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2013,p.71.

³¹ R. Sandbrook, *Proletarians and African Capitalism: The Kenyan Case, 1960- 1972*, Cambridge: Cambridge University Press, 1975, p. 155.

development of the union and how it was affected by economic liberalization, his work is relevant in tracing the origin of the Kenya Plantation and Agricultural Workers Union whose response to economic liberalization challenges is part of the concern of my work.

Solomon elucidates the economic vagaries that informed the genesis of economic liberalization policies. According to Solomon, these policies came about because of the 1981-2 recession in industrial countries, Iranian Revolution and the fall-off of Iran's oil exports which had accounted 10% of the world's oil output, leading to skyrocketing oil prices, and the debt impasse among the third world countries. It was against this background, that the World Bank and IMF introduced the structural economic reforms christened as economic liberalization programme³² ostensibly to subvert the debt crisis in third world countries and stabilize their economies. His work helps in understanding the historical antecedents leading to economic liberalization and the latter's effects on third world economy. This provides the basis for evaluating the KPAWU's response to the effects of economic liberalization.

Gutierrez and Schnowalder, examine the effects of economic liberalization on various countries. They contend that economic liberalization can cause discontents, and illegality, which can lead to conflicts as was experienced in Ivory Coast.³³ They acknowledge that economic liberalization triggered popular resistance against IMF in 1980 in response to reduction in food subsidies and public services in most third world countries. This was exemplified by water riots in Bolivia, as a result of the privatization policy. Thus, economic liberalization can aggravate existing cleavages and inequality. From their work, it is explicit that economic liberalization caused upheaval in other parts of Africa. Questions, therefore, arise, why didn't the plantation workers rise against these policies or cause havoc in the wake of these policies? To what extent did economic liberalization worsen the conditions of plantation workers? What effects did these have? This work thus, endeavors to give answers to these questions.

³² R. Solomon, *The Transformation of the World Economy, 1980- 1993*, London: Macmillan Press Limited, 1994, pp. 187-188.

³³ F. Gutierrez and G. Schnowalder, (Eds.), *Economic Liberalization and Political Violence: Utopia or Dystopia?*, New York: Pluto Press, 2010, p. 328.

Bienen, notes that Kenya implemented economic liberalization programmes in the 1980s, resulting to calamitous effect, such as increased prices of goods, intermediate inputs and factors of production, which further informed adverse impacts on the welfare of social and occupational groups such as trade unions.³⁴ He, however, bemoans the preponderance of lethargic trade unions in Africa compared to Latin America. His work is relevant in investigating the possible effects of these policies on the Kenya Plantation and Agricultural Workers Union, the primal aim of this work.

1.8.2 Technology as an Aspect of Economic Liberalization

Green et al link economic liberalization to the spread of technology in the third world and its effects on trade unionism. They argue that trade liberalization exposes unskilled labor-intensive industries to very low pay,³⁵ as was in Brazil, Mexico, Chile, and other Latin American countries. They posit that trade reforms accruing from liberalization increase skilled labor demands by stimulating capital inflows, which is directly complementary with skilled labor. They aver that capital inflow encompasses technological inflow. Technology being skill biased as it was designed in the skill intensive industrialized world will demand less labor, which is equally skilled.³⁶ Their work makes it clear that economic liberalization policies were disastrous to trade unions, hence the need to investigate how the Kenya Plantation and Agricultural Workers Union responded to such policies.

In the same vein, Todaro links technology to Structural Adjustment Programmes (SAPs) and their possible effects on workers. He posits that SAPs policies, such as reduced government expenditure on social services, control of wage increases and greater attraction to foreign investors, hurt lower and middle- income groups owing to their unpopularity. He asserts that they lead to expanded flow of capital and technology and acknowledges the fact that third world countries specialize in labor-intensive mode of production as they have a preponderance of unskilled labor.³⁷ He identifies devaluation as a trigger to domestic inflation prodding workers to demand

³⁴ H. Bienen, *The Politics of Trade Liberalization in Africa, Economic Development and Cultural Change*, Vol. 38. No.4, 1990:pp. 713-732, <http://www.jstor.org/stable/1153968>. Accessed: 29/01/2014.

³⁵ F. Green et al, *A Picture of Wage Inequality and the Allocation of Labour Through a Period of Trade Liberalization: The Case of Brazil*, World Development, Vol. 29, No. 11, 2001,pp.1923-1939.

³⁶ Ibid.

³⁷ M. P. Todaro, *Economics for a Developing World: An Introduction to Principles, Problems and Policies for Development*, London: Pearson Education Limited, 1992, p. 338.

increased wages. His work together with that of Green et al helps in comprehending the link between the spread of technology and economic liberalization in the third world. This is instrumental in interrogating these effects on the plantation workers and how they responded to effects of economic liberalization.

Jacobi notes that new technology is incompatible with traditional structures and institutions such as trade unions. He explains that the Industrial Revolution in Britain was concomitant with strains and conflicts, leading to social democratic parties and trade unions.³⁸ In the wake of technological spread, he advises trade unions to struggle for increased participation in national wealth through increased income, reduced working time, improved working conditions, social welfare benefits and collective protective rights. He asserts that trade unions must propagate a humane organization of a world increasingly dominated by technology. This raises the question, how have the plantation workers adjusted to the introduction of technology in the era of economic liberalization? This study seeks to answer the question.

Strassmann notes that farm mechanization in third world reduces labor requirements, and leads to lay-offs, which are anathema to unions. He, however, decries the challenges facing third world unions' chief of which is the presence of many unemployed people waiting to replace those in the production line. Their work not only explicates the adverse effects of technology to trade unions, but also demonstrates conditions in which trade unions operate in third world countries in the wake of technological upsurge.

1.8.3 Structural Adjustment Programmes and Trade Unions

Malima contends that SAPs were fashioned by the major financial institutions to offset debt crisis and poor economic growth in Sub-Saharan Africa. He points out that these policies led to inflation and reduction of wages and salaries paid to civil servants

³⁸ O. Jacobi, "New Technology Paradigms, Long Waves and Trade Unions", in R. Hayman and W. Streck, (Eds.), *New Technology and Industrial Relations*, Oxford: Basil Blackwell Ltd., 1998, pp. 206-210.

in third world countries. He avers that these policies of SAPs trigger lay-offs of workers, thus fuelling tensions.³⁹ Because all trade unions aim to increase their workers' salaries, it becomes interesting to investigate how KPAWU reacted to the implementation of SAPs.

Mindo, posits that financial and economic global trends of 1980s to 1990s of liberal economy withdrew workers' benefits and saw massive lay-offs of employees more so in 1990s. This being the situation then, economic woes, declining membership and job insecurity informed the reduction of Kenya's trade unions to spluttering ineffectiveness during the 1980s and 1990s. He avers that SAPs catapulted retrenchment, labor rationalization, delayering and deskilling. He points out that trade unions charged with the sole responsibility of protecting workers from these detrimental phenomena, were at this time hampered by frail democratic ideals.⁴⁰ Although his work explicates some of the possible effects of SAPs to Kenyan trade unions and the challenges facing trade unions in the 1980s, he covers COTU as a federation of unions, along with other trade unions, and does not mention the Kenya Plantation and Agricultural Workers Union. A more nuanced study of the Kenya Plantation and Agricultural Workers Union may reveal a better understanding of how workers and their trade union leaders reacted to such devastating conditions associated with economic liberalization.

Henk acknowledges the benefits of protectionism to third world countries such as Latin America, India, Brazil and Mexico. This he attributes to the fact that import substitution strategy enhanced the gradual shift from labor-intensive industries to capital intensive ones. This gradual shift ensured changing pattern of work organization, employment creation, skill formation and international linkages.⁴¹ He notes that privatization exposed erstwhile protected local industries to international competition, leading to the closure of those industries in the third world countries. He identifies deep imbalances to have become the hallmark of labor market in Asia,

³⁹ K. Malima, "Structural Adjustment: The African Experience", in R. Van Der Hoeven and Van Der Kraaij, (Eds.), *Structural Adjustment and Beyond in Sub-Saharan Africa*, Hague: Ministry of Foreign Affairs (DGIS), 1994, p.13.

⁴⁰ J. N. Mindo, *The Role and Challenges of Kenyan Trade Unions in the Context of Macro-Economic Reforms*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2002, p.75.

⁴¹ T. Henk, "The Erosion of Trade Unions", in T. Henk, (ed.), *Globalization and Third World Trade Unions: The Challenge of Rapid Economic change*, London: Zed Books Limited, 1995, p. 5.

Africa and South America. This was shaped by massive rural underemployment and migratory pattern hampering the labor market situation. He observes, “In a headlong rush for deregulation and flexibility of labor markets, the baby of productive employment will be thrown out with the bathwater of rigidity.”⁴² His work is instrumental to my own work because it elucidates the effects associated with the overhauling of protectionist policies to trade unions. My work will examine how the Kenya Plantation and Agricultural Workers Union survived these challenges.

Similarly, Gona avers that Kenya entered the 1980s with a lethargic economy characterized by unemployment, debt servicing crisis, inflation, declined productivity and slow economic growth. These challenges informed her being one of the first two countries, along with Turkey, to adopt SAPs in 1980. He outlines a number of economic liberalization practices implemented by Kenya in 1980 chief of which was the introduction of Sessional Paper No. 1 of 1986 on Economic Management for Renewed Growth. Mentioning a litany of calamitous effects this paper had on workers, he decries the failure of government to consult unions in preparing the paper. He conceives SAPs to have subverted national sovereignty and democratic rights, had a basic anti-people character and affected the vulnerable in the society, such as women and children.⁴³ This study seeks to investigate how KPAWU responded to the named challenges.

1.8.4 Globalization and Trade Unionism

Garg observes that globalization encompasses the capital movement, products, technology and people. The term entails integrating domestic economy to global economy by espousing outward-looking, inclusiveness, replacement of protection by competition as well as technological obsolescence by technological innovation.⁴⁴ It involves eliminating traditional barriers to the flow of goods, services, capital and knowledge across borders. He notes that globalization internationalized global shocks, informing the undertaking of SAPs. He avers that policies such as privatization, liberalization and deregulation have obviated government need to consult trade

⁴² T. Henk, “The Erosion of Trade Unions”, in T. Henk, (ed.), *Globalization and Third World Trade Unions: The Challenge of Rapid Economic change*, London: Zed Books Limited, 1995, p. 5..

⁴³ G. M. Gona, *Workers and the Struggle for Democracy in Kenya, 1963- 1998*, Phd Thesis, University of Witwatersrand, Johannesburg: Unpublished, 2003, p.221.

⁴⁴ P. Garg, “Globalization: Its Impacts on Labour”, *The Indian Journal of Political science*, Vol. 66, No. 4, 2005, pp. 813-830, <http://www.jstor.org/stable/27665344>. Accessed: 27/01/2014.

unions, translating to low wages. Other effects of globalization are outlined as debilitated unions, closing of plants, and removing of subsidies and tariffs as well as decreased organized workforce from 1980s. He further argues that globalization and liberalization have combined to spell cutting down regular salaried jobs, contractual employment, sub-contracting and feminization.⁴⁵ He advises government, labor unions and non-governmental organizations to combine forces to ensure they combat these challenges.

South African COSATU is a paradigmatic example of this initiative. It has teamed up with NGOs to stage a demonstration to oppose privatization policies on public enterprises, which included education, health, water, telecommunication and electricity. In so doing, COSATU produced a 'People's Budget' along with the government's national budget. The People's Budget prioritized social needs. Moreover, it organized Treatment Action Campaign (TAC) against Pharmaceutical Manufacturing Association over its law suit against South African government and its Medicine and Substance Control Act of 1997. Similarly it carried awareness-raising campaign and education for grassroots participants and challenged the power of large corporate interests with global reach and massive resources.⁴⁶ This is the epitome of the possibility of trade unions to isolate and take aspects of globalization deemed egregious to workers. It will be interesting to see to what extent the Kenya Plantation and Agricultural Workers Union responded to these phenomena.

Carr and Chen see trade liberalization as a globalization phenomenon that has triggered the growth of informal wage workers leading to insecurity of existing informal labor. They aver that with decreased revenue, governments' response to the vulnerable and disadvantaged labor has vitiated. The growth on Non-Traditional Agricultural Exports (NTAEs) in agricultural sector such as fruits, vegetables and cut flowers with their workforce of 80% women has subjected such workforce to low wages and deplorable working conditions.⁴⁷ These challenges are ascribed to liberalization policies. Their work marries globalization to liberalization. Since the

⁴⁵ P. Garg, "Globalization: Its Impacts on Labour", *The Indian Journal of Political science*, Vol. 66, No. 4, 2005, pp. 813-830, <http://www.jstor.org/stable/27665344>. Accessed: 27/01/2014.

⁴⁶ Labour Education Office, *The Challenge of Globalization in Africa and the Trade Union Response: The Case of South Africa*, Geneva: international Labour Office, 2001, p.6.

⁴⁷ M. Carr and M. A .Chen, *Globalization and Informal Economy. How Global Trade and Investment Impact on the Working Poor*, Geneva: International Labour Office, 2002, p. 12.

Plantation Workers Union encompasses members in cut-flower and fruit farms, it was interesting investigating how they responded to these challenges.

Hayster contends that globalization fuelled a decline of trade union membership to which she gives four reasons. First, structural changes in labor market leads to a dearth of employment opportunities and increased share of services eroding traditional base of trade unions. Secondly, legal reforms proscribing compulsory unionization and encouraging individual contracts. Thirdly, international competition accruing from globalization buttressed the hand of management, but debilitated the bargaining power of trade unions. Finally, the non-standard employment forms, such as part time and fixed-term contract equally emasculate trade unions.⁴⁸ She, however, notes that collective bargaining processes have remained overtly underdeveloped in Africa as a result of weak and fragmented trade unions and declined formal sector employments, a fact she ascribes to SAPs.⁴⁹ Her work is instrumental in understanding the effects of globalization on collective bargaining, hence the need to assess how the Kenya Plantation and Agricultural Workers Union was affected and dealt with these hiccups.

The reviewed literature makes it clear that no study has categorically investigated the effects of economic liberalization on the Kenya Plantation and Agricultural Workers Union, not to mention the fact that no study has described the history of this union. It is against this background that this study was conceived. The study thus, transcends the macro-approach boundary in the study of trade unions to micro-approach in order to comprehend how economic liberalization policies affected the Kenya Plantation and Agricultural Workers Union. The latter's response to the economic liberalization during 1980 to 1998 will also be part of the concern of the study.

1.9 Theoretical Framework

The study will be guided by two theories; Karl Marx's Labour Theory of Value and Moral and Ethical Theories of Trade Unionism.

⁴⁸ S. Hayster, *International Comparative Trends in Collective Bargaining*, India Journal of Industrial Relations, Vol. 45, No.4, 2010: pp. 596-608, <http://www.jstor.org/stable/25741083>. Accessed: 27/01/2014.

⁴⁹ Ibid, p. 599.

1.9.1 Karl Marx's Labour Theory of Value

This theory was advanced by Karl Marx. According to Marx, capitalists exploit workers' surplus value. This makes the capitalists grow richer as the workers become poorer. Since the capitalist is interested in capital accumulation, he embodies the ideology of free market. Banuri confirms this when he traces economic liberalization to neoclassical theorists and its adoption as bolstered by the laissez-faire policies that characterize capitalism.⁵⁰ In the same vein, Bienen encapsulates economic liberalization as IMF's stabilization programmes and World Bank's Structural Adjustment Programmes. The two institutions were created by capitalist nations and are dominated by them.⁵¹

Marx argues that as capitalists accumulate more capital, competition sets in, which triggers increased exploitation of the workers. The capitalists achieve this by increasing working hours or selling cheaply and reducing the employee's wages. Under this scenario, workers organize themselves in a trade union, which threatens to strike to struggle for the higher share of their value (labour). Marx sees the struggle of the labour movement to gain an improved standard of living as the necessary first stage in the process of self-emancipation of the working class. Another way through which capitalists cut costs to further exploit workers is by mechanization. Through machinery, capitalists boost productivity of labour to fetch more profits. Pariti acknowledges this when he asserts that globalization as an offshoot of economic liberalization encompassed the movement of capital and technology.⁵²

The opening of industries to international competition by globalization has led to part-time work, casual employment and unemployment. Marx observes that capitalists raise the rate of exploitation when labour unions are weaker in order to extract more surplus value. V. I. Lenin advanced Marx's arguments by postulating that Capitalism transforms itself into international monopolistic imperialism with the rise in the Twentieth Century of multinational corporations.⁵³ Companies that employ the

⁵⁰ T. Banuri, (Ed.), *Economic Liberalization: No Panacea; The Experience of Latin America and Asia*, New York: Oxford University Press, 1991, p.5.

⁵¹ H.Bienen, *The Politics of Trade Liberalization in Africa, Economic Development and Cultural Change*, Vol. 38. No.4, 1990:pp. 713-732, <http://www.jstor.org/stable/1153968>. Accessed: 29/01/2014.

⁵² P. Garg, "Globalization: Its Impacts on Labour", *The Indian Journal of Political science*, Vol. 66, No. 4, 2005, pp. 813-830, <http://www.jstor.org/stable/27665344>. Accessed: 27/01/2014.

⁵³ H. Richard, *Marxism and the Sociology of Trade Unionism*, London: Pluto Press, 1971, p.14.

plantation workers such as the Del Monte, Finlays, Vandelberge and the Kingfisher Flowers qualify as the multinational corporations envisaged by Lenin. This has been the norm in third world countries, and more so in Sub-Saharan Africa where multinational corporations have exploited workers to a greater extent. Carr and Chen contend that the growth of Non-Traditional Agricultural Exports (NTAEs) in agricultural sector such as fruits, vegetables and cut flowers with their workforce of 80% women has subjected such workforce to low wages and egregious working conditions.⁵⁴

This theory is relevant to my study because economic liberalization policies were orchestrated by capitalist institutions such as the World Bank and IMF. These policies have sparked off a number of exploitative practices among the working class, such as increased working hours, subjection of workers to dangerous working conditions as well as contractual employment. This study thus, explores the struggle between the workers, through their union, and the employers who implemented the policies of economic liberalization.

However, this theory is limited in the much that Marx gives an impression that the nitty-gritty in trade unionism is solely the struggle for wage increase. However, studies in trade unionism have revealed that union struggles transcend the boundaries of wage increment to engender other concerns, such as training of members on effective unionism, offering scholarships for further studies, agitation for a conducive working environment as well as sponsoring members for political contests.

1.9.2 Moral and Ethical Theory of Trade Unionism

The proponents of this theory are Chasterton, Rawls, Durkheim and Flanders, and Poole. They conceive unions as politico-economic organizations whose members are concerned with equity and justice. They posit that unions are a product of advancing ethical and moral values, hence are a manifestation of a vociferous opposition to injustices and poverty of the working class. This theory is relevant to this study as it does not confine union activities to pecuniary struggles alone. Unions are conceived as institutions of democracy as well as those for promotion of workers general welfare

⁵⁴ M. Carr and M. A. Chen, *Globalization and Informal Economy. How Global Trade and Investment Impact on the Working poor*, Geneva: International Labour office, 2002, p.12.

and interests. It thus complements Karl Marx's labour theory of value. The theory owes its origin to Christian socialists and Methodists who saw labor movements as organs of justice.⁵⁵ They perceive social and economic factors as income, wealth as well as self-respect. This has been the hallmark of unionism as they struggle for both political and social welfare. For example, during the colonial period, Kenyan trade unions had a mélange of discontents, ranging from low wages, forced labor, Kipande system, dehumanizing working conditions, African representation in the Legislative Council, as well as total political independence.⁵⁶ It is, therefore, evident that union activities hinge not only on economic pursuits but also on political and social concerns.

This theory thus, espouses justice as the driving force of unionism, hence argues that unions become vulnerable when perceived to be serving vested interests.⁵⁷ This theory will guide my study, as the Kenya Plantation and Agricultural Workers Union was adversely affected by injustices stemming from the policies of economic liberalization. It will thus be interesting exploring the responses made by the union to the unjust policies of the economic liberalization.

1.10 Research Hypotheses

1. Union activities in the colonial Kenya and other parts of the world contributed to the development of KPAWU.
2. There was a link between economic liberalization and trade unionism in Kenya.
3. The economic liberalization had adverse effects on the Kenya Plantation and Agricultural Workers' Union during the period between 1980 and 1998.
4. KPAWU leadership and members made responses to the adverse impacts of economic liberalization.

1.11 Methodology

This study employed the use of both secondary and primary sources. The secondary sources included books, scholarly articles and journals, which were obtained from the Jomo Kenyatta Memorial Library and the Institute of Diplomacy and International

⁵⁵ M. Poole, *Theories of Trade Unionism: A Sociology of Industrial Relations*, London: Routledge & Kegan Paul Limited, 1981, p. 8.

⁵⁶ M. Singh, *History of Kenya's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.156.

⁵⁷ M. Poole, *Theories of Trade Unionism: A Sociology of Industrial Relations*, London: Routledge & Kegan Paul Limited, 1981 p. 9.

Studies, IDIS, library, both found in the University of Nairobi, and the Kenya National Library, which the researcher visited at Upper Hill. Moreover, my secondary sources comprised JSTOR online library of the University of Nairobi. As far as the primary sources were concerned, the secondary sources were complemented with the archival sources from the Kenya National Archives and the University of Nairobi archives. In addition to archival sources, minutes on trade union meetings were also obtained, annual reports on union and labor activities as well as gazettes on the same.

In-depth conversational interviews were carried out to collect the data. In this, questions pertaining to economic liberalization and their effects on the Kenya Plantation and Agricultural Workers' Union were asked. The questions probed the history of the union as well as how both members and the union leadership responded to the effects of economic liberalization. The questions asked were open-ended to allow the respondents to provide additional information from their personal archives where necessary.

In terms of sampling, the study employed the use of both purposive and snowball sampling techniques. In doing this, certain considerations were put in place. The selection of respondents was on the basis that one was a union leader or member during the era of economic liberalization, those who occupied leadership positions during the time of the research and those who once worked with the farms that employed KPAWU members between 1980 and 1998. In snowball sampling, one leader of the union with the necessary information was identified and asked to direct the researcher to other informants with the requisite information.⁵⁸ In purposive and snowball sampling techniques, the rule of equal chance of selection is not adhered to. This is necessitated when the researcher wants to study the respondents that are not well spread in the whole population. The limitation of these two methods of sampling is that the sample selected cannot be generalized. However, they are appropriate for a study like this one.

During the research, the respondents fell under three categories. First and foremost, the union leaders formed the key informants. Under this category, the union's deputy

⁵⁸ E. Babbie and T. C. Wagonaar, *Study Guide for the Basic Research*, Belmont: Thomson Wadworth, 2005, p. 109.

secretary general and his assistant, union's chairman, and the national organizing secretary and his assistant, were interviewed. One individual who had worked with the farms that employed the workers and three former leaders of the union were also interviewed. The key informants added up to nine. The second category of the informants included the branch secretary and three shop stewards from each county. The respondents in this category were twelve. The last category of the respondents constituted a focus group discussion of eight workers per county branch. The focus group discussion was carried out in Naivasha, Thika and Kericho. The total interviewees in this category were twenty four. The total number of the interviewees will be forty five.

During the interviews, the researcher used unstructured questionnaire as opposed to the structured ones. This type of questionnaire was used because it enables the respondents to give additional information. Where necessary, a voice recorder was used to record the discussions and the conversational interviews. Finally, the study employed the use of qualitative method of data analysis.

CHAPTER TWO

DEVELOPMENT OF TRADE UNIONS AND KPAWU

2.1 Introduction

Trade unions have become very important institutions both in the social and economic lives of the society. The chapter surveys the origin of trade unions and describes a number of activities that characterized union development in Kenya during the colonial period. With the formation of the Kenya Plantation and Agricultural Workers Union emphasized, the chapter will delve into the union's activities since 1963 to the present. This will include the union's aims and structure, its electoral process, as well as the dispute settlement process.

2.2 Origin of Trade Unions

In order to shed light on the Kenya Plantation and Agricultural Workers Union's development and how it responded to the effects of economic liberalization, it is important to provide a background to the growth and the spread of trade unionism in Kenya. This entails tracing trade unions development from their first formation until they found their way into Kenya. Moreover, trade union development in Kenya will also be examined against socio-economic and political trajectories up to the formation of the Kenya Plantation and Agricultural Workers Union in 1963.

A trade union has been defined by Sydney and Beatrice as a continuous association of wage-earners for the purpose of maintaining or improving the conditions of their employments.⁵⁹ This definition considers a trade union as only consisting of wage-earners. This is because the definition was coined to describe European trade unions in their state of two centuries ago. In this sense, trade unions only represented a specific skill or department.⁶⁰ For example, in a firm, a group of wage earners working in mechanical, transport, grading and production departments would form their own workers' association to ventilate their anger against the deplorable working conditions to which they were subjected. Despite this fragmented beginning, trade

⁵⁹ Webb, S. and B. *The History of Trade Unionism*, London: Longmans, Green and Company Ltd, 1920.p2.

⁶⁰ A. Birnie, *An Economic History of Europe 1760-1930*, London: Methuen & Co. Ltd., 1931, pp. 140-141.

unions have graduated to permanent bodies representing workers' interests and other societal concerns.

The Industrial Revolution that occurred in Europe in the 18th Century informed the genesis of trade unions in the world.⁶¹ Jacobi avers that the Industrial Revolution was concomitant with strains and conflicts that triggered the sunrise of trade unions.⁶² These strains and conflicts arose from the difficult conditions to which workers were subjected. Such conditions included unsafe work conditions that resulted into maiming or fatal accidents, long working hours sometimes ranging from dawn to dusk, harsh weather such as extreme cold in winter and extreme heat during summer, poor wages calculated in terms of food rations, slavery and slave-like work relations, as well as flogging and gunshots as mode of punishment.

In 19th Century, a big revolution exemplified by Chartist movement in Britain (1838-1848), took place resulting in damage and loss of lives. Earlier in 1812, the Ludist Movement had occurred whereby workers destroyed machinery in the factories in a protest against the introduction of new technologies. The British government in order to fix this mayhem, called a meeting of owners of premises, (employers), and the representatives of rioting workers to seek solutions. The meetings culminated in unions which were later legalized following the witnessing of relative peace.⁶³ By the end of the century, trade unions were legal entities in Europe and membership was compulsory as a way of containing workers, and by extension the citizens. Thus, in the wake of technological growth, workers' groups demanded to be consulted by employers before the introduction of machinery in a firm. The failure to do this by employers led to revolts that gave birth to trade unions.⁶⁴

The origin of trade unions in Africa can be traced to the colonization of the continent by European powers at the end of 19th Century and early 20th century. However, it is

⁶¹ A. Birnie, *An Economic History of Europe 1760-1930*, London: Methuen & Co. Ltd., 1931, pp. 140-141.

⁶² O. Jacobi, "New technology Paradigms, Long Waves and Trade Unions", in Haymann, R. And Streck, W. (Eds.) *New Technology and Industrial Relations*, Oxford: Basil Blackwell Ltd., pp. 196-205.

⁶³ Birnie, *An Economic History of Europe 1760-1930*, London: Matheuen Co. Ltd, pp.126-127.

⁶⁴ G. Bamblar, "Technological Change and Unions", in Haymann, R. and Streck, W. (Eds.), *New Technology and industrial Relations*. Oxford: Blackwell Ltd. Pp. 206-210.

the period between 1920 and 1932 that proper trade unions were formed in African countries. During the colonial period, the European powers introduced various economic ventures, such as commercial farming, industrial sectors, and transport sector characterized by use of locomotives. African labor employed in these sectors were subjected to discriminatory treatment such as low pay compared to their European and Asian counterparts, forced labor, abusive language by their European supervisors, and introduction of dehumanizing policies such as use of Kipande System in Kenya. Africans, thus, organized themselves into associations that opposed such discriminative tendencies and sought to ameliorate their working conditions. It is this interaction that introduced trade unions in Africa.⁶⁵

2.3 Development of Trade Unions in Kenya

Economic liberalization whose effects on the Kenya Plantation and Agricultural Workers Union are the aim of this study, was introduced into Kenya in 1980. Their policies brought in challenges that the union struggled to overcome. Because the Kenya Plantation and Agricultural Workers Union did not develop in isolation, it is in order to illuminate the origin and development of trade unions in Kenya. As had been mentioned in the previous section, British trade unions originated from the development of factory industry. On the contrary, Kenyan trade unions developed prior to industrialization process in the country. The Kenyan unions came to being as vehicles of protest against working conditions.

The latter were considered to have led to not only a disorder and uncertainty due to money economy and commercial production, but also outside intervention.⁶⁶ The unions, therefore, emerged as a result of workers and employers confrontation or as a result of collusion between workers and politicians. It took time for real trade unions to be formed in Kenya. This scenario has been attributed to a number of reasons. Namely, the opposition by White settlers operating in Kenya during the colonial period, the existence of few wage earners who were not knowledgeable on union

⁶⁵ J. N. Mindo, *The Role and Challenges of Trade Unions in the Context of Macro-economic Reforms*, M.A Project, University of Nairobi, Nairobi: unpublished, 2002, p.32.

⁶⁶ Aluchio, L.P.A. *Trade Unions in Kenya: Development and the Systems of Industrial Relations*, Nairobi: Jomo Kenyatta Foundation, 1998, p.2.

organization, authoritarianism of colonial political regime, restrictive labor laws and illiteracy of workers.⁶⁷

The Kenyan trade unions owe their origin to tribal associations formed in the wake of colonization in Kenya. These associations endeavored to solve local grievances that mostly stemmed from colonial economic policies. Such precursors of trade unions were East African Association and Kikuyu Central Association as well as Young Kavirondo Association, playing the roles of trade unions. They acted as general working unions and as political and social organizations.⁶⁸ During and immediately after the World War I, staff associations organized along racial lines was formed by the major Kenyan races (Europeans, Asians and Africans). Laborers and artisans were prohibited from joining these bodies as this would make them trade unions that could allow strikes. The first attempt at forming a trade union was when the Railway Artisan Union was founded in 1922 but soon collapsed in 1923 following the litaney of victimization of its leaders.⁶⁹ During the colonial period, and especially between 1930 and 1959, the struggle by Kenyan workers to form trade unions saw the birth of Trade Union Committee of Mombasa on 1st February, 1931. This was the second attempt by Kenyans to form a trade union. The union however, existed only for a few months. These early unions were founded and run by Indians.

The first initiative by Kenyans of African origin to form a trade union was when they formed the Kenya African Civil Service Association. This was heavily inspired by the advice of Jomo Kenyatta. These early struggles for unions were informed by myriads of economic problems brought about by the Economic Depression of 1930s. This depression owed its origin to the prices and labor unrest from the World War I.⁷⁰ During this period, union activities were epitomized by the nadir in relations between the workers and the colonial government as a vestige of colonization. The increased struggle by African workers for increased wages and better working and living conditions further widened the chasm.⁷¹

⁶⁷ Aluchio, L.P.A. *Trade Unions in Kenya: Development and the Systems of Industrial Relations*, Nairobi: Jomo Kenyatta Foundation, 1998, p.2.

⁶⁸ M. Singh, *History of Kenya's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1968, p.40.

⁶⁹ *Ibid*, p.41.

⁷⁰ *Ibid*.

⁷¹ J. N. Mindo, *The Role and Challenges of Trade Unions in the Context of Micro-economic Reforms*, M. A Project, University of Nairobi, Nairobi: Unpublished, 2002, p.32.

In 1935, the Labour Trade Union of Kenya was formed. This was the first trade union free from the confines of racial cleavages. The union endeavored to ameliorate workers' conditions and bolster their continued progress in the economic, social and political spheres. It later became the Labour Trade Union of East Africa. In 1939, the union formed several organs to address concerns from different departments. The organs were; Press Workers Section, Clerks and Shop Assistants Section, Metal Workers Section, Building, Masonry and Stone Workers Section, Motor, Bus and Transport Workers Section, Wood Workers Section, Railway Workers Section, Electric Workers Section, Watch and Clock Workers Section, and General Workers Section.⁷² The move to establish these sections or organs was necessitated by the need to serve interests and remain in touch with all members. Each section was charged with the responsibilities of assessing and reporting to the General Secretary, the conditions of members on a regular basis; being alert on the progress of members in a particular industry; appointing shop stewards in that particular industry; recruitment of workers in that particular industry, and co-opting with other member or worker in the industry to fulfill its duty. The activities of this trade union culminated in the Mombasa African workers general strike of 1939.

On March 1 1938, the colonial government promulgated the Kenya (Highland) Order in Council. This Act preserved the fertile lands of the Kenyan highlands to Europeans. Africans, who previously owned the parcels, were now forced to live in these highlands as squatters. The Kikuyu of Tigoni in Limuru were ordered by the government to leave their ancestral land and move to another area. This move sparked off waves of resistance under the auspices of Kikuyu Central Association. In the same year, the government began the destocking policies among the Wakamba people, claiming that the Reserve was overstocked. This too ignited protests where 1,500 Kamba people marched to Nairobi with 1,500 cattle to protest the move. This protest was led by Samuel Muindi. The protest culminated in the formation of Ukamba Members Association. The recalcitrant Samuel Muindi was later arrested on 17th September, 1938 and deported to Lamu. The untrammled Wakamba continued the

⁷² M. Singh, *History of Kenya's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.75.

protest-stay until the government rescinded the policy in December that year.⁷³ Crucial to the formation of early trade unions in Kenya is the role played by Makhan Singh. The next section delves into the humongous contribution by this Kenyan of Indian origin.

The earliest trade unions formed in Kenya were racial in nature. Such trade unions included, the Indian Trade Union (1914), Workers Federation of British East Africa (1919, was formed by European workers), and the Indian Employees Association (1919).⁷⁴ The Indian artisans formed the trade unions in response to the refusal by railway authorities in Kenya to reduce the position of most Indian artisans from ‘permanent’ to ‘temporary’ grade. On 16th December, 1923, some prominent artisans organized a mass meeting that culminated in the formation of the Indian Labour Trade Union.

A number of challenges made it arduous to sustain the activities of this union. These were the migratory nature of the workers, absence of labor legislation, and the hostility by the employers.⁷⁵ Amidst such bottlenecks, the union requested Makhan Singh in February 1935 to help the union. Singh accepted the request and assumed the post of honorary secretary. The inclusion of Singh in the union led to the union shedding off the tentacles of race, religion, caste, creed, and color or tribe. The new non-racial union was christened the Labour Trade Union of Kenya, and later, Labour Trade Union of East Africa. This was in order to form an omnibus union representing all workers in East Africa. The union was launched at the Alexandra Cinema in Nairobi on 21st April, 1935.⁷⁶ By September 1936, the union was led by Mongal Dass as the president, Douglas Kamau as the vice-president, and Makhan Singh as the secretary. The lingua franca of the union was predominantly Punjabi, though occasionally translated into English by Singh.

⁷³ M. Singh, *History of Kenya's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.76.

⁷⁴ Z. Patel, *Unquiet: The Life and Times of Makhan Singh*, Nairobi: Zand Graphics Ltd, 2006, p.57.

⁷⁵ Ibid p.58.

⁷⁶ Ibid p.59.

The most epoch-making achievement of this union was the implementation of eight-hour day by October 1936. This milestone move injected enthusiasm and vibrancy into the union. The result was the exponential growth in membership witnessed in the year.⁷⁷ Makhan Singh's communication acumen and unrivalled organizational prowess were formidable to the consolidation of the unions at the time. Zarina Patel notes,

It was largely his influence that shaped the successful strikes and publishing policies of the trade union movement in Kenya.⁷⁸

By 1939, the Labour Trade Union of East Africa was working synergistically with the East African Indian National Congress to champion for African political rights. Makhan Singh co-operated with Hon. Shams-od-Deen and Hon. Isher Dass in promoting African political interests.⁷⁹ They vociferously opposed the Kenya (Highlands) Order in Council, which was undergoing promulgation to carve-off the Kenyan highlands for Europeans. The activities of LTUEA saw African workers starting to form the work-place committees by 1938. However, such committees eschewed open publicity for fear of victimization and repression by the colonial government.

On 31st July, 1938, LTUEA held its second annual conference. Most Asian organizations and trade unions were in attendance. The conference endeavored to strengthen the unity of the African nationalist organizations. This culminated in the working together of Ukamba Members Association, Taita Hills Association, Kikuyu Central Association and the North Kavirondo Central Association.⁸⁰ The associations sent a joint memorandum regarding the White Highlands matter to the Secretary of States for Colonies. Moreover, its presentation to the Legico was done by Isher Dass. As a result, the leaders of these associations forged a close working link with LTUEA and this imbibed a belief in joining trade unions to many Africans. The increased participation by Africans in the trade union movement did not auger well with some leaders of Asian origin. Such leaders resigned from the union feigning commitment and 'personal disability'. Zarina Patel surmises that this behavior was motivated by

⁷⁷ Z. Patel, *Unquiet: The Life and Times of Makhan Singh*, Nairobi: Zand Graphics Ltd, 2006 p.61.

⁷⁸ Ibid, pp.62-63.

⁷⁹ Ibid, p.79.

⁸⁰ Ibid, p.82.

the discomfort by some Asian trade unionists in working with their African counterparts.⁸¹

In Makhan Singh's quest to keep the activities of the multiracial LTUEA vibrant, there lay two main obstacles. First, middle class Asian workers with better pay compared to Africans opposed a multiracial union. This is because they understood that their better pay hinged solely on the racial basis. This deprived Singh of the support from the Asian working class. Secondly, African militant nationalists viewed trade unions as avenues for African nationalist struggle, hence failed to understand the rationale for participation by an Asian, Singh.⁸² The conflict of interests between the two races thus, became a significant challenge to the union movement at the time. This, however, did not cow the determined Singh who trudged on with the business of forging a strong trade union to confront the intractable labor problems brought about by Kenyan colonial establishments.

The activities of LTUEA led to the Mombasa African workers general strikes of 1939. This strike was further electrified by LTUEA's annual conference in July of the same year. On 5th August, it held a meeting to express solidarity with the striking workers of Mombasa, whose number had grown to 6,000.⁸³ Makhan Singh later submitted a memorandum to a commission of inquiry, formed by the colonial government on October to avert the possibility of a similar strike outbreak in Nairobi. The memorandum called for increased wages based on the family requirements, betterment of working conditions, regulation of working hours, co-operation with trade unions by the government, and condemned the use of excessive force against the strikers.⁸⁴ The Mombasa strike acted as a boon to trade union movement in Kenya. It led to the beginning of provision of housing and housing allowances by employers, increased wages in some industries, and most importantly, African workers in all trades and industries began to embrace the necessity for organization.

⁸¹ Z. Patel, *Unquiet: The Life and Times of Makhan Singh*, Nairobi: Zand Graphics Ltd, 2006 p.83.

⁸² Ibid, p.84.

⁸³ Ibid, p.90.

⁸⁴ Ibid, pp.91-92.

On 1st May, 1949, the Kenyan trade unions of the time formed the East African Trade Union Congress, with Makhan Singh as its secretary general. Under this body of unions, Singh continued with his ardent ventilation of workers' rights. This reignited a nadir in relations between him and the colonial government. The government had sought to deport him to India when he returned from there in August 1947. When he recalculated the order, he was prosecuted but was later acquitted. In 1948, the government renewed its quest to deport Singh but the Supreme Court prevented the move. However, the government did not relent as in 1949, the Governor excluded Singh in the definition of a 'permanent resident'.⁸⁵ This exposed him to the risk of being prevented from coming back to the country whenever he left even to a neighboring country. Singh's struggle for the formation of a vibrant labor movement in Kenya thus, was not a smooth ride. Despite the protracted friction between him and the colonial government, Makhan Singh did not lose sight of the goal, but remained tenaciously with the unions until he was detained on 15th May, 1950. His detention was informed by the accusation that together with Fred Kubai, they incited African workers to boycott the Nairobi Charter Day celebrations on the ground that workers had nothing to celebrate when they lived in "dirty and unhealthy slum... when plans are being secretly hatched to add to Nairobi more lands of Africans."⁸⁶ It is this selfless leadership portrayed by Makhan Singh that makes him credited with the formation and growth of trade unions in Kenya up to 1950s. Zarina Patel affirms;

"And trade unionism in Kenya from 1935 to 1950 owes its success to the vision, dedication and selflessness of one person: Makhan Singh."⁸⁷

2.5 The Struggle Continues: Trade Union Movement from 1939

In August 1941, all taxi drivers in Mombasa went on strike to protest lack of police protection and mischief of naval and military personnel based in the region. The following month, a similar strike occurred in Nairobi. The strikes ended following the assurance by the authority that the situation would not repeat. Similarly, in September 1941, caddies employed in Karen County Club went on strike. Two months later, coffee-pickers in Thika went on strike, which only ended when they won a salary increment from 10 cents to 15 cents pay per bucket of berries. In December 1941, the

⁸⁵ M. Singh, *History of Kenya's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.236.

⁸⁶ T. Zeleza, "Kenya and the Second World War, 1939-1950, in W. R. Ochieng and R. M. Maxon, (Eds.), *A Modern History of Kenya 1895-1980 in Honour of B. A. Ogot*, London: Evans Brothers Limited, 1989, p.166.

⁸⁷ Z. Patel, *Unquiet: The Life and Times of Makhan Singh*, Nairobi: Zed Graphics Ltd, 2006, p.40.

Nairobi firemen employed by the Municipal Council went on strike demanding better terms of employment. Although they were arrested and prosecuted, some of their demands were addressed.⁸⁸

In 1942, the government introduced a compulsory conscription of African labor. This became another bone of contention between the workers and the colonial authorities. In July that year, two hundred Africans working as conscript labor at Gazi sisal factory went on strike. They marched in protest to Mombasa and were only quelled by the labor officer and the District Commissioner.⁸⁹ This militancy of workers led to the raising of the question of detained national and trade union leaders in the House of Commons in Britain. In September that year, a milestone was made in both political and trade union movement. This was when a motion was passed in the Kenyan Legislative Council for the appointment of Africans to the Legico. In the succeeding two months, there were strikes in Nairobi, Mombasa and other parts of Kenya. These strikes underscored the unity and strength of African workers.⁹⁰ The strikes were motivated by wage increment demand. The workers were successful in most of these pursuits. The increased discontent among workers that was expressed by the aforementioned strikes was brought to the attention of the House of Commons, the result of which was the sending of Labour Advisor, Major G. St. J. Orde Brown to East Africa to enquire and report on the labor condition of East Africa.⁹¹ It is, therefore, evident that trade union activities continued unabated during the World War II, despite the colonial government's efforts to scuttle them.

Trade union activities continued and became more vibrant during the Second World War. At the end of the War, the liberalism advocated by the emergence of USA as one of the super powers added vigor to the trade union movement. This phenomenon was replicated in the Kenyan situation. In 1945, two major world events invigorated the trade union movement in Kenya. These were the first trade union Conference, held in London and the Second Pan-African Conference in Manchester. The former led to the formation of World Federation of Trade Unions, (W.F.T.U.). The declarations by the

⁸⁸ Z.Patel, *Unquiet: The Life and Times of Makhan Singh*, Nairobi: Zed Graphics Ltd, 2006, pp. 108-109.

⁸⁹ Ibid p.112.

⁹⁰ Ibid, p.113.

⁹¹ M. Singh, *The History of Kenya's Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.121.

two conferences, prodded the Kenyan government to table the Sessional Paper No. 5 of 1945. This paper culminated in the employment of the services of a Trade Union Officer to guide the mushrooming trade unions in keeping off from political agitation.⁹² This endeavor was fulfilled by the arrival of Mr. James Patrick in 1947 to “advise” the government, the employers and the workers in matters concerning trade unions. His arrival was the acme of colonial government’s formal recognition of union activities.

After 1945, several trade unions were formed in Kenya. The most outstanding of which was the Nairobi African Taxi Drivers Union in 30th July, 1946 - the first trade union with African leadership to be registered in Kenya.⁹³ From September 1946, the trade union movement found a new life-line in the inspiration by Jomo Kenyatta following the latter’s return to Kenya. Kenyatta had been Kenya’s national emissary to England and other countries of the world, where he represented both Kenya’s national and trade union movements.⁹⁴ His return imbibed new enthusiasm and awakening to the trade union and nationalistic struggles. He called for unity, struggle and sacrifice for the cause of freedom. Delegations of trade unions and national organizations visited him and sought his advice. For instance, the representatives of Nairobi Taxi Drivers Union and Thika Native Drivers Association visited him and he advised them to unite in one transport worker union.⁹⁵ Although this unity was not achieved immediately, it was later realized.

In 1947, there was a general strike in Mombasa, which culminated in the formation of African Workers Union. In tandem with the advice of Eliud W. Mathu, this union changed its name to African Workers Federation under the leadership of Chege Kibachia.⁹⁶ With the increased union activities, the government increased its stringent laws to emasculate unions, but all with little success. In May 1949, the East African Trade Union Congress, (E.A.T.U.C.), was formed. This epoch-making move acted as a boon to trade union movement in Kenya. It affiliated to international bodies, such as International Labour Organization, (I.L.O.), British Trade Union Congress, (T.U.C.),

⁹² M. Singh, *The History of Kenya’s Trade Union Movement to 1952*, Nairobi: East African Publishers, 1969, p.121.

⁹³ Ibid p.132.

⁹⁴ Ibid p.136.

⁹⁵ Ibid.

⁹⁶ Ibid p.143.

and the World Federation of Trade Unions, (W.F.T.U.) Trade unions remained a vital avenue for expressing African discontents to colonial regime and became the African voice at a time when political parties were proscribed. In addition to their integral role of agitating for improved wages and general working condition of African workers, they also pushed for political change under the aegis of Western liberalism.⁹⁷

In May 1950, there were several strikes in which workers participated under the aegis of their trade unions. In 1952, EATUC was banned. What followed was both trade unions and national movements operating on an atmosphere of intimidation, victimization, and threats of deportation. This state of affairs beckoned the rapid progress of a secret mass organization. This organization called on persons of any tribe to take an oath according to their customs, traditions and beliefs, pledging secrecy and dedications, in fighting for land and freedom of Kenya.⁹⁸ The organization aimed to unite African people in Kenya to fight for independence using whichever means, even if it meant armed struggle. This uhuru-oath-organization became known as Mau Mau. The organization was later called Kenya Land and Freedom Army, when it resorted to armed struggle against the colonialists.⁹⁹ This group was led by Dedan Kimathi, Stanley Mathenge and Waruhiu Itote, (General China). They launched attacks on British outposts and bases and also attacked and murdered British sympathizers, such as chiefs and home guards.¹⁰⁰ The Mau Mau employed guerrilla tactics and mainly concentrated their activities around the Aberdares and Mount Kenya regions.

By October 1952, the political temperatures were high following the struggle that characterized the Kenyan colony. This struggle pitted the colonial government and White settlers against the nationalists and workers of Kenya. On 20th October, 1952, the colonial government, realizing that this struggle was imperiling the very existence of colonial rule in Kenya, resolved to suppress and crush the movement. The government thus declared a State of Emergency, which gave them a clear cheque to rule by decree and force of arms. Under the Emergency Regulations, leaders of the

⁹⁷ C. Hornsby, *Kenya: A History Since Independence*, London: I. B. Tauris & Co. Ltd., 2012, p.51.

⁹⁸ . Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books, 1982, p.288.

⁹⁹ Ibid p.289.

¹⁰⁰ B. A. Ogot, (Ed.), *1952-1956 Crucial Years of Kenya Trade Unions*, Nairobi: Uzima Press Limited, 1980, p.2.

Kenyan people and workers were arrested and detained. The first group to meet this fate was KAU leaders. They were Jomo Kenyatta, Fred Kubai, Achieng' Oneko, Paul Ngei, Bildad Kaggia and Kungu Karumba.¹⁰¹ Fred Kubai and Bildad Kaggia were active trade union leaders. During the Emergency period, arrests, arbitrary searches, proscription of African newspapers, and closing of hundreds of African independent schools became the order of the day.

The sorry state of trade unions during the Emergency period was aptly captured by the memorandum sent to the Colonial Secretary, the East African Federation of Building and Construction Workers' Union (EAFB & CWO). The memorandum stated, "Today, almost every active trade unionist in this country functions under the threat of instant deportation. It seems that no one can advance the cause of the working class in East Africa without incurring the displeasure of the government... the memory of Chege Kibachia, Makhan Singh, and Macharia's deportations for the crime of trade union activity rankles in the hearts of Kenyan workers like a thorn in a wound..."¹⁰²

2.6 Formation of KPAWU

1952 became a fateful year in the political history of colonial Kenya. It was in this year that the colonial government declared a State of Emergency in the colony and all the political parties were proscribed. This left the trade unions as the only avenue for political agitation. The Kenya Federation of Labour, under the leadership of Tom Mboya, became very instrumental in the struggle for workers' welfare and political agitation. Mboya believed that the Kenya Federation of Labour had the responsibility of ventilating the political concerns of Kenyans, in addition to the articulation of workers' rights. It is because of this belief that during the constitutional and political conflicts of 1957-1960, the views of KFL and AEMO were inextricably bound. For example, the resolutions sent to the Fifth and Sixth World Congress of the ICFTU in 1957 and 1959 were laden with politically provocative sentiments, just like those sent to the Fourth Congress in 1955.¹⁰³

¹⁰¹ B. A. Ogot, (Ed.), *1952-1956 Crucial Years of Kenya Trade Unions*, Nairobi: Uzima Press Limited, 1980, p.3.

¹⁰² Ibid p.7.

¹⁰³ D. Goldsworthy, *Tom Mboya; The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books Ltd, 1982, p.153.

The formation of the Kenya Plantation and Agricultural Workers Union owes its origin to the Kenya Federation of Labour through its secretary general, Tom Mboya. As mentioned earlier, the Kenya Federation of Labour had become the voice of workers in Kenya since 1953. Goldsworthy contends that the audacity with which the KFL articulated the political agitation for independence rested on three pillars,

The decline in the European's fears of subversion in the labor movement once Mau Mau had been defeated; Mboya's harnessing of British and American liberal opinion in support of the KFL's rights to make political statements; and the fact of Mboya's own increasing importance once he was an elected politician.¹⁰⁴

In early 1958 the Kenya Federation of Labour's Executive Board authorized Tom Mboya to write to the International Federation of Plantation, Agricultural and Allied Workers', (IFPAAW) secretary general, Tom Bavin. In the letter, Mr. Bavin was made aware of the plight of agricultural workers of Kenya and was requested to visit the country. This was in order for him to lend a hand in chalking out the mechanisms for addressing the named plights.¹⁰⁵ Bavin accepted the request and visited the plantation and agricultural areas of the country accompanied by the Kenya Federation of Labour's officials. The areas visited were Limuru, Kericho, Ruiru, Nyeri, Trans Nzoia, Bahati in Nakuru and Taita-Taveta, among others. These areas had coffee, tea, sugar, and sisal plantations as well as mixed farming.

After the visit, Tom Bavin wrote to the KFL informing it of his office's offer to facilitate a three-year period transport and pay for a knowledgeable trade unionist appointed by the federation to oversee the organization of workers in plantation and agricultural sector. The federation nominated Jesse Mwangi Gachago of the Local Government Workers Union, LGWU, for the post.¹⁰⁶ The Geneva office thus, appointed Gachago to organize the plantation and agricultural workers into a trade union. The efforts of Gachago bore fruits when the following unions were formed;

1. Tea Plantation Workers Union
2. Sisal Plantation Workers Union
3. Coffee Plantation Workers Union

¹⁰⁴ D. Goldsworthy, *Tom Mboya; The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books Ltd, 1982, p.153.

¹⁰⁵ Oral Interview, Joseph Aluoch. Naivasha, 10th June, 2014.

¹⁰⁶ Ibid.

4. General Agricultural Workers Union
5. Sugar Plantation Workers Union

Earlier in 1957, the KFL through its secretary general, Tom Mboya, had requested the colonial government to allow the registration of one union for all workers in the entire agriculture industry. This request could not be granted by the government and employers who were keen on muzzling trade union movement. The request was therefore, rejected by the duo leading to formation of the five unions. However, the KFL leaders did not give up. In 1960, a similar attempt was made to amalgamate the agricultural unions but it was thwarted by the colonial government.¹⁰⁷

Goldsworthy posits that patronage and power struggle marred the newly formed agricultural unions and even infiltrated to the larger KFL.¹⁰⁸ He attributes these developments to the return of the Kikuyu to unionism with new entrants such as Jesse Gachago and Babu Kamau, turning the new agricultural unions as their vehicle to power. During the Emergency, thousands of Kenyan workers, more so the Kikuyu, working in the Kenyan highlands were dismissed on the allegation that they were sympathetic to the cause of Mau Mau. This made many of them to join the freedom fighters in the forest.

The colonial government responded by excluding the Kikuyu and Ameru from the unions and living in Nairobi area on the charge that they were Mau Mau accomplices. Earlier on 10th December, 1952, the government had announced an Emergency regulation that required all members of Kikuyu community above 16 years of age to carry a special identity card akin to the infamous Kipande system.¹⁰⁹ This was a ploy to divide the African community, hence, was greeted with vehement opposition from KAU and KFRTU.

¹⁰⁷ Kenya National Archives, Plantation and Agricultural Workers Union, Ref. No. IR 98/43, Sheet No. 39.

¹⁰⁸ D. Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books Ltd., p.145.

¹⁰⁹ B. A. Ogot (Ed), *1952-1956: Crucial Years of Kenyan Trade Unions*, Nairobi: Uzima Press, 1980, p.11.

The return of Kikuyu to trade unionism following the end of the Emergency triggered Luo and Luhya leaders who had assumed prominence during the Emergency to resist such encroachments.¹¹⁰

In the early 1960s, however, it became evident that union fragmentation impeded effective expression of workers' interests and political concerns of trade union leaders. The KFL thus, made its second attempt to have all the plantation workers' unions registered as one omnibus union. The attempt was also motivated by the importance that trade union leaders had attached to these agricultural unions because of the many workers they brought on board. The large number of workers was invaluable for political expedience. Tom Mboya would thus, stop at nothing as far as soliciting for funds was concerned in order to buy the loyalty of the plantation workers' unions.¹¹¹ Moreover, consolidating these unions into one body was also a necessary undertaking. Thus despite the refusal by the government to have the unions registered as one body in 1960, the KFL continued hankering for the day this quest would be realized.

One of the ardent supporters of amalgamation was Herman Oduor, the secretary general of the General Agricultural Workers' Union. That Oduor was a sagacious and astute leader was undisputable.¹¹² Until 1958, he was an assistant manager of a vast European mixed farm where his role was hampered by the humiliation and frustrations from his European overlords. He was paid less, given a dehumanizing housing, and was excluded from farmers' conferences despite the fact that his post made him eligible to be a participant. The conference was entirely reserved for Europeans.¹¹³ Oduor's stint and experience as a manager made him appreciative of workers' views and enabled him develop camaraderie with very influential Europeans- Lord Delamere and a senior labour officer in Nakuru.¹¹⁴ Oduor's fame and leadership acumen became handy in the formation of the Kenya Plantation and Agricultural Workers Union. Given his credentials, Oduor steered the negotiations for the amalgamation.

¹¹⁰ D. Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books Ltd., p.151.

¹¹¹ Ibid, p.159.

¹¹² Ibid, p.154.

¹¹³ Ibid.

¹¹⁴ Ibid.

To make the much needed amalgamation a reality, the five unions representing plantation and agricultural workers, through their secretaries, plunged into negotiation meetings. As the meetings went on, the Sugar Plantation Workers Union, under the leadership of Jacob Oliech Ogutha, not only failed to fully participate in the negotiations but also declined to join the other unions in amalgamation.¹¹⁵ The failure of the union to join other unions in forming KPAWU has been attributed to the political meddling and conflicts at the time. It appears that the rivalry between Mboya and Jaramogi Oginga Odinga influenced Oliech's decision not to involve his union in the merger. Goldsworthy observes that trade union leadership gave Mboya unrivalled prominence, making him influence greatly the interpretation of labor policies and politics in 1957-1960. He argues that political leaders thus sought unions as platforms for buttressing their political powers by undermining each other.

The acme of this power battle was witnessed in Odinga's resistance of KFL's efforts to organize Ramogi Press Workers in Kisumu (Ramogi Press was owned by Odinga). Odinga also attempted to make a breakaway branch of KFL with no success.¹¹⁶ He, however, succeeded in influencing the Sugar Plantation Workers Union, whose members were largely derived from Nyanza, not to join the Kenya Plantation and Agricultural Workers' Union. Odinga's power battle with Mboya also seemed to inform Mboya-Ochwada conflict. Arthur Ochwada was the general secretary of the Building and Construction Workers' Union who acted as the general secretary of KFL between 1955 and 1956, when Mboya was abroad. In his ambition to succeed Mboya as the KFL's general secretary, he engaged in a militant interaction with the colonial government to create a basis on which he would accuse Mboya of being pliable to the government. When Mboya came back and assumed his position, Ochwada sought to organize the plantation workers in order to expand his base, a move that Mboya thwarted.¹¹⁷

¹¹⁵ Oral Interview, Joseph Aluoch, 10th July, 2014.

¹¹⁶ D. Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books Ltd., 1982, pp. 153-154.

¹¹⁷ *Ibid*, p.155.

Ochwada was later dismissed from KFL and expressed his bitterness against Mboya by working closely with Odinga, with whom they organized Uhuru Party conspiracy against Mboya.¹¹⁸ Fate later reunited Mboya and Ochwada when the latter deputized the former in KANU general secretary ship. It is no wonder the Sugar Plantation Workers Union refused to join KPAWU and has remained independent to date.

The officials of the other four agricultural unions convened a meeting to negotiate on the possibility of amalgamating the unions to form one umbrella union that would articulate the welfare of all plantation and agricultural workers represented by the unions. The negotiations led to the amalgamation of the Tea Plantation Workers' Union, Sisal Plantation Workers' Union, Coffee Plantation Workers' Union, and the General Agricultural Workers Union to form the Kenya Plantation and Agricultural Workers' Union, KPAWU, on 22nd August, 1963.¹¹⁹ Owing to the central role Herman Oduor played in the entire process of amalgamation, he was elected the union's first secretary general. Oduor was not only backed by other unions' leaders, but KFE also endorsed him. For instance, there was an appeal by the Federation of Kenyan Employers in November 1963 to its members to back Oduor's leadership.¹²⁰ On assumption of this office, Oduor's gentleman demeanor did not fizzle; he continued handling issues with sobriety. This could be seen in the conflict between his union members and Kenya Tea Growers Association. It happened that there were some unused lands within the tea estates, which were supposed to be given to some union members on a temporary basis. However, the Kenya Tea Growers Association insisted that the beneficiaries could not grow some crops on these lands because they were potentially for tea growing. Contrary to the violent approach with which a trade unionist would handle the matter, Oduor soberly wrote to the director of Kenya Tea Growers Association, requesting to be "enlightened" on which crops were not supposed to be grown on the lands in question.¹²¹

¹¹⁸ D. Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books Ltd., 1982, pp. 153-154.

¹¹⁹ Sandbrook, *Proletarians and African Capitalism: The Kenyan Case, 1960-1972*, Cambridge: Cambridge University Press, 1975, p.155.

¹²⁰ Ibid, p.155.

¹²¹ Kenya National Archives, Ref. No. IR 98/43, File No. ABK/8/124.

2.7 Tribalism Rocks the KPAWU

Writing on Mboya's biography, Goldsworthy singles out tribalism as one of the main sources of conflict that hampered effective unionism in Kenya during the period 1959-1961.¹²² It became evident that the newly formed KPAWU had to grapple with the problem of tribalism. As to whether it would shed off the shackles of tribalism was an issue to be confirmed not long after its formation. In mid-1964, concerted efforts were made by a section of the union's leadership to oust Oduor. This campaign was mainly orchestrated by union leaders of Kikuyu origin (Oduor was a Luo). This tribally-informed factionalism in KPAWU was an extension of the rivalry in the labor movement epitomized by the division between KFL and KFPTU (Kenya Federation of Progressive Trade Unions).¹²³ As Oduor supported the KFL, his opponents were KFPTU sympathizers.

Attempts by European employers to help out in his predicament were counterproductive as it buttressed his adversaries' allegation that he was a paid-off lackey of the employers. As the wrangles ensued, Oduor derived his support from the Luo and Luhya leaders while his opponents commanded the Kikuyu and Meru support. Owing to the location of most of the plantations in the regions largely inhabited by the Kikuyu and Meru and coupled by the fact that the conflict involved national and branch officials at the expense of the rank-and-file, Oduor's opponents emerged victorious on 27th August, 1964 when he was ousted in a 'palace coup' while he was abroad.¹²⁴ His ousting triggered myriads of factional encounters that lasted for two months.

The result was the assumption of office by Christopher Wachira as the new secretary general of the union. The latter served up to 1966 and was replaced by Charles Munene who served for a year until he was replaced by Philip Mwangi in 1967. Mwangi served the union for six years till he was replaced by James Kimani Wangina in 1973. In 1974, Wangina was replaced by George Kimani Wanyoike. The latter served the union for the period running 1974 to 1979. This was followed by Philip

¹²² D. Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget*, Nairobi: Heinemann Educational Books Ltd., 1982, pp.150-151.

¹²³ Ibid.

¹²⁴ R. Sandbrook, *Proletarians and African Capitalism: The Kenyan Case, 1960-1972*, Cambridge: Cambridge University Press, 1975, p.156.

Mwangi, 1979-1991, then Stephen K. Mathuki, 1991-1994. This was followed by a short stint by George Miguna in November 1994 in an acting capacity, and finally Francis Atwoli from 2nd December, 1994 to present.¹²⁵ The succession of KPAWU leadership by secretary generals that were largely kikuyu thus, gives credence to the tribalism that was rampant in the union. Since 1964 when leaders of Kikuyu ethnicity laid successful stratagem to oust Oduor, the union was led by leaders from the Kikuyu community until Atwoli assumed office in 1994.

From the above illustrations, and more so Oduor's predicament and the short-lived occupation of office by KPAWU's secretary generals from 1964 to 1994, this study characterizes KPAWU's formative stages of growth as replete with conflicts, the bases of which were tribalism and factionalism. The findings corroborate Zeleza¹²⁶ and Gona's¹²⁷ demonstration of Kenyan trade unions at the time as a bastion of politicized ethnicity, with factionalism and leadership wrangles as mainstay. Given that the current secretary general has occupied the office for twenty years and is a Luhya as opposed to a Kikuyu, the following questions arise. Did the rampant tribalism and factionalism in KPAWU end in the early 1990s? Secondly, how did a Luhya wither the storm of Kikuyu dominance to become KPAWU's general secretary? Seeking answers for these questions might unearth the intricate strategies that were laid to see Atwoli in office.

It was reported that the answer to these questions revolved around tribalism and political meddling that marred KPAWU in its formative stages.¹²⁸ It is noteworthy that tribalism and political meddling as the main considerations in trade union elections did not begin with the Moi regime, but was a common practice borrowed from Kenyatta era. In 1972 COTU elections, Kenyatta was disenchanted by the election of Akumu (Luo) as COTU's secretary general instead of Karebe (Kikuyu). This disenchantment left the Kenyatta proxies praying for an opportunity to present itself for them to replace Akumu. When in 1974 Akumu was elected the first secretary

¹²⁵ Oral Interview, Joseph Aluoch, 10th July, 2014.

¹²⁶ T. Zaleza, "The Labour System in Independent Kenya", in W. R. Ochieng' and R. M. Maxon, (Eds.), *An Economic History of Kenya*, Nairobi; East African Educational Publishers, 1992, p.361.

¹²⁷ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd Thesis, University of Witwatersrand, Johannesburg: Unpublished, 2003, p.198.

¹²⁸ Oral Interview, Peter Otieno, 9th July, 2014.

general of the Organization of African Trade Union Unity (OATUU), Kenyatta's proxies found an invaluable opportunity to replace Akumu with James Karebe.¹²⁹

However, during the January 1975 'by-election', which Kenyatta had ordered to be conducted at State House in Nakuru, their plan became a misnomer. Karebe was defeated by Juma Boy in the general secretary ship of COTU. Other Kenyatta preferred candidates; James Chege and Sammy Muhanji served a similar fate in the posts of second and third secretary general respectively. Chege lost to Mulei while Muhanji lost to Adongo. When the elected officials were presented to Kenyatta for approval as demanded by COTU constitution, the president replaced Adongo (Luo) with Karebe (Kikuyu) and appointed the latter as the deputy secretary general.¹³⁰ Kenyatta, therefore, shelved the workers' choice and imposed his tribesman who had lost the contest. This meddling in union affairs by the executive is aptly captured by Gona when he notes,

"Kenyatta put ethnic considerations ahead of anything else by picking an 'insider' (a Kikuyu) and imposing him on COTU as the deputy secretary."¹³¹

In his endeavor to follow Kenyatta's 'nyayo' (footsteps), Moi did not disappoint in muzzling the labor movement just like his predecessor. This was seen in his stage-managing of the election of Mugalla as COTU's secretary general in 1986. Prior to this election, Justus Mulei and six secretary generals of COTU affiliated unions petitioned the registrar of trade unions to deregister Mugalla on the allegation that he was occupying the seat illegally.¹³² They claimed Mugalla had been convicted of a criminal offence, hence was not liable to hold a COTU office. This was despite the fact that the said conviction occurred 33 years before. In his defense, Mugalla argued that he was only convicted of creating a disturbance when he was a student at Sigalagala Technical School for which he was given a probation sentence.¹³³ All these explanations by Mugalla fell on a deaf ear as the registrar of trade unions went ahead to deregister him. The real motive behind this attack on Mugalla was to block him from contesting the post of COTU's secretary general. It is president Moi who

¹²⁹ Oral Interview, Peter Otieno, 9th July, 2014.

¹³⁰ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.103.

¹³¹ Ibid, p.104.

¹³² "The Strange Goings-on in Union Politics", Daily Nation, September 18, 1986 p.13.

¹³³ Ibid.

reinstated Mugalla to the office. This reinstatement communicated two main issues. First, the executive was above the labor movement such that at the president's behest, all had to comply, including the registrar of trade unions. Secondly, apart from winning him sympathy votes, it made trade unionists who wanted to be seen in good light by the government to vote for him.¹³⁴

Kenya's ethnicized politics equally played out in the trade union elections. Mugalla received support and endorsement by Moses Mudamba Mudavadi, a Luhya patronage boss who convinced Moi that Mugalla was the best candidate for COTU's secretary general.¹³⁵ Mugalla's other advantage was his being earlier a KADU follower. On the voting day, the government played a crucial role to ensure Mugalla's win. The national office bearers opposed to Mugalla's candidature had their names expunged from the delegates' list. The 'selected' delegates camped at Kapturgat where they were 'treated' with luxuries and bribed with money in order to vote for Mugalla. These delegates were vetted at roadblocks leading to Kapturgat to ensure that only the 'selected' delegates were in attendance.¹³⁶ The delegates thus fulfilled their obligation by voting Mugalla as COTU's secretary general. It is in the light of this episode that Gona describes the electoral procedures of COTU and its affiliate unions as follows,

Elaborate handpicking of candidates was commonplace coupled with brisk horse-trading prior to election. This was the case with the stage-managed Mugalla election.¹³⁷

An arrangement thus was coined in which ethnic consideration superseded competence at COTU's pre-congress meeting. In this regard, the chairman's position was preserved for the Kikuyu, the general secretary for the Luhya and the treasurer for the Luo.¹³⁸ It was in accordance with this arrangement that Mugalla would later plan for Francis Atwoli to replace him as the secretary general of COTU.¹³⁹

¹³⁴ "The Strange Goings-on in Union Politics", Daily Nation, September 18, 1986 p.13.

¹³⁵ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.178.

¹³⁶ Ibid, p.181.

¹³⁷ Ibid, p.182.

¹³⁸ Ibid.

¹³⁹ Oral Interview, James Okeyo, 29th July, 2014.

2.8 Atwoli Enters KPAWU

In 1992, Kenya held its first multi-party elections since the re-introduction of political pluralism. The incumbent president, Daniel Toroitich Arap Moi, who was one of the candidates for the presidential contest won. The release of the presidential results was greeted with the claims of rigging by the opposition. The alleged rigging of the election made Moi to embark on vigilance on those with dissenting voices. This is because such groups were conceived as having the potential to challenging his regime. One of such groups was the labor movement. Having his allies in the labor movement was thus, politically imperative.¹⁴⁰ To achieve this, the already loyal confidants had to be consulted on whom to take which post in different organs of the labor movement. It is one of such maneuvers that culminated in Mugalla's manipulation of KPAWU's electoral procedures to make Atwoli occupy the office of KPAWU's secretary general.

Atwoli's close link with Mugalla was first manifested in the wrangles and polarization in the labor movement preceding the 1986 COTU branch elections. During the elections, Mugalla supported Atwoli to contest the secretary general of the Postal Union against Ali Mohammed. Though Atwoli was unsuccessful, it marked the beginning of a nadir in relationship between Mugalla and Ali Mohammed. Thus, when Mugalla declared his intention to contest the post of COTU's secretary general, Ali Mohammed supported him but later changed his mind. The reason for his volte-face was a grudge he held against Mugalla for having earlier sponsored Atwoli against him.¹⁴¹ During that time, Atwoli was the Director of Organization at the Postal Union. Moreover, Mugalla and Atwoli were former school mates and had tribal affiliation as they were both from the Abaluhya community.¹⁴² After the unsuccessful attempt to replace Ali Mohammed by Atwoli, the latter lost his job as the Director of Organization of the Postal Union. Apparently, Ali Mohammed revenged by working for his downfall. Mugalla thus, came to Atwoli's help and made him the Director of Organization of COTU.¹⁴³

¹⁴⁰ Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg; Unpublished, 2003, p.180.

¹⁴¹ Ibid.

¹⁴² "The Strange Goings-on in Union Politics", Daily Nation, September 18, 1986.

¹⁴³ "Unionists Urge talks on lay-off Schemes", Daily Nation, May 12, 1994.

According to Mutegi Njau, while parliamentary elections are characterized by candidates making promises to voters on how they would serve them when elected, that of trade union elections is a different kettle of fish altogether. In the latter, the question of workers' welfare is trivial if not wholly missing in the picture. Rather, trade union campaigns are shaped by several ruses laid down by the incumbent leaders to doctor the outcome of the process. Such ruses include fully-fledged attempts by incumbent candidates to stop others from even entering the race, through character assassination; use of delaying tactics in accepting nomination fees and application letters from candidates; and convening elections in remote districts where the members of the unions are scarce, with the view of influencing the outcome of elections by transporting of supporters.¹⁴⁴ The latter was used during KPAWU's elections that led to the occupation of the secretary general office by Atwoli. At the time, Mugalla convinced president Moi that KPAWU was a big union given the size of its membership coupled with the fact that it encompassed the workers in the important agricultural sector, which was the largest foreign exchange earner for the first three decades of Kenyan independence.¹⁴⁵ KPAWU's members are also scattered all over the country, hence unrest by its members could bring about a countrywide mayhem.

Given the reasons, concerted efforts had to be put in place to ensure that the union was manned by a loyalist. Mugalla hence convinced the president that a Kikuyu secretary general would incite agricultural workers into the much loathed 'wild cat' strikes that would destabilize the government.¹⁴⁶ Subsequently, a ruse was laid, leading to KPAWU's elections being conducted under very bizarre circumstances.

Earlier, it had been announced that the elections were to be held in Nakuru at the regional headquarters of KPAWU. All the contestants were busy planning on how they would ferry their supporters to the venue oblivious of the rude shock that was awaiting them. Four days to the election, a short notice was given that the venue for elections would be in Thika and not Nakuru. This required a revised plan in transporting supporters to which only Atwoli group was privy, hence had prepared

¹⁴⁴ "The Strange Goings-on in Union Politics", Daily Nation, September 18, 1986.

¹⁴⁵ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.6.

¹⁴⁶ Oral Interview, Peter Otieno, 9th July, 2014.

for. Secondly, it was also uncommon that Miguna, who was acting as the secretary general and had shown interest in contesting the seat, withdrew from the race two days to the election. The reason he gave for this volte-face was lack of interest. However, further probe into this decision by Miguna revealed that his move was prodded by the futility of contesting.¹⁴⁷ It became apparent that Mugalla would capitalize on the state's support to ensure Atwoli's victory. Miguna, therefore, found it necessary to withdraw for the fear of appearing to antagonize the state. It was in Thika that Atwoli was elected the secretary general of KPAWU. The election was described by some trade unionists as a fraud. For example, George Mak' Anyengo dismissed Atwoli's election as illegal. According to Mak' Anyengo, Mugalla manipulated the process to ensure his protégé, Atwoli, landed in office.¹⁴⁸

2.9 KPAWU's Organizational Structure

Currently, KPAWU covers eighteen different industries in the plantation and agriculture sectors. It also has eighteen recognized Collective Bargaining Agreements (CBAs). Under the plantation branch, workers represented are derived from coffee, tea, sisal, horticulture, floriculture and wheat plantations. In the branch of agriculture, there are livestock ranch workers, peasant farmers, mixed farm workers as well as fishery workers. The latter joined the union in 2007 when the defunct Kenya National Union of Fishermen Workers amalgamated with KPAWU.¹⁴⁹

The agricultural sector is the largest employer in post-colonial Kenya and organizing its workers has remained a daunting task, owing to the scattered nature of farm units, estates and plantations. KPAWU has sixteen branches spread all over the country. These branches are Naivasha, Limuru, Ruiru, Nyeri, Nanyuki, Voi, Machakos, Mombasa, Western Kenya, Nakuru, Kericho, Nandi Hills, Kitale, Sotik, Thika and Kerugoya. The membership of the union is not certain. This is because some sources put it at 200,000¹⁵⁰ while the KPAWU's national organizing secretary, Meshack Khisa, claims it is 350,000.¹⁵¹ The leadership of the union could not produce the relevant documents to corroborate the figure they gave for membership when

¹⁴⁷ Oral Interview, Peter Otieno, 9th July, 2014.

¹⁴⁸ "Unionists Urge Talks on lay-off Schemes", Daily Nation, May 12, 1994.

¹⁴⁹ The Kenya Gazette Notice No. 3141 of 2007.

¹⁵⁰ "COTU Moves to Court to Stop the Rival Group", Daily Nation, November 24, 2012.

¹⁵¹ Oral Interview, Meshack Khisa, 31st July, 2014.

requested by the researcher. However, Khisa is optimistic that with their vibrant membership recruitment drive, they can hit 400,000 in the coming years.

2.9.1 Aims of KPAWU

According to Rule 2 of KPAWU,¹⁵² the union aims;

1. To secure complete organization of all persons employed in the plantation and agricultural trades and industries.
2. To regulate and improve relations between employees and employers engaged in the trade union and industries.
3. To make every endeavor to obtain just and proper rates of wages, working hours and other conditions of employment.
4. To negotiate and promote the settlement of disputes arising between the employees and employers by conciliation and generally to safeguard the interest of members.
5. To establish and maintain funds by means of entrance fees, voluntary contributions, subscriptions, levies and by borrowing on such security and such terms as may from time to time be arranged by the Executive Committee.
6. To endeavor to provide and seek facilities for members to obtain training in their work.
7. To seek and obtain legal advice and any other assistance on any matter affecting the union.
8. To cooperate with other similar organizations on matters of common interests with a view to common or uniform action when necessary or desirable.
9. To affiliate with central and international organizations of the trade union movement.
10. To collect and circulate among members of the union such statistical and other information concerning all matters affecting the union, and to print, publish and issue papers, books, circulars and other literature as may seem conducive to any of these subjects.
11. To provide for members any or all of the benefits such as relief in sickness, accidents, disablement, distress, unemployment, victimization or trade disputes,

¹⁵² The Constitution of the Kenya Plantation and Agricultural Workers' Union.

and any assistance to a member's immediate dependants as agreed by the Executive Committee.

12. To acquire either by purchase, lease or otherwise any movable or immovable property or other assets and sell left mortgage or deal with or dispose of movable or immovable property belonging to the union.

In a nutshell, the union aims to play an integral role in improving the working conditions of its members, fight for better wages, protection of workers from unfair labor practices by employers, education of workers on their rights, influencing government decisions on matters affecting the workers as well as taking legal actions against unfair labor practices.¹⁵³ As to whether the union has lived to the true meaning of its aims is a subject to discussion in later chapters.

2.9.2 KPAWU's levels of organization

The Kenya Plantation and Agricultural Workers Union comprises the following constituent units, the workplace (shop floor), the union branch, the national office, the national executive council, and the delegates' conference. The following is a brief description of these components.

2.9.2.1 The Workplace

This forms the fundamental base of the union's structure. It is represented by the union shop stewards who are elected by fellow workers. The shop stewards are elected to represent workers and the interests of the union at the work place. They endeavor to promote and protect workers' interests in areas such as pay, work arrangement and job security. They agitate for proper working environment by ensuring that they wall-off workers from arbitrary use of managerial authority.¹⁵⁴ They address all cases, including grievances or informal disputes at the work place. In the event that they fail to strike an understanding with the management, they report the matter to the branch secretaries.¹⁵⁵

¹⁵³ Oral Interview, Peter Otieno, 10th July, 2014.

¹⁵⁴ L.P.A, Aluchio, *Trade Unions in Kenya: Development and the Systems of Industrial Relations*, Nairobi: Jomo Kenyatta Foundation, 1998, p.29.

¹⁵⁵ Ibid p.19.

2.9.2.2The Union Branches

These are created to represent trade union members at branch or regional level. These branches provide forums for comparing conditions of work in order to question areas that need to be addressed. In addition, the branches function to settle grievances and disputes between union members and management, organize recruitment drives, organize workers' education and social activities, and finally, send resolutions and delegates to higher organs, including the national conferences. They are commonly established in a location centre or town. They are the closest liaison workers have with their national union head office. The branches also function to organize and provide forums for members, settle their grievances, educate and provide link between members and the national office.

2.9.2.3The National Office

This includes the full-time officials of the unions and some senior members of staff. Its main preoccupation is to tackle the day-to-day administration of the union. Moreover, it evaluates the work of the national officials and branch officials; confirms amends, refuses or revokes any decision made by the board of members; and reviews or amends the constitution when necessity arises.

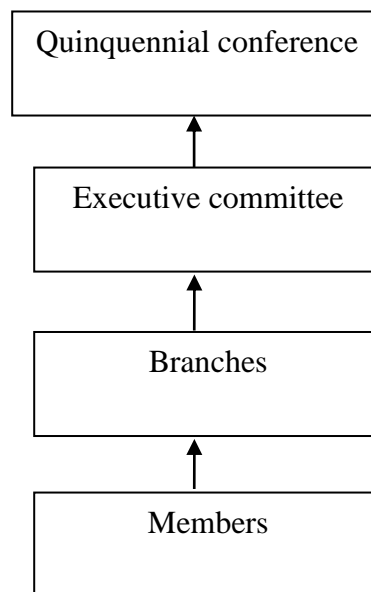
2.9.2.4The National Executive

This manages the affairs of the union and implements union policies as conferred to it by the executive, through the Secretary General, and daily management of the union on full time basis. The national chairman presides over all the union meetings. The members of KPAWU's national executive are the chairman and his vice, the general secretary, the assistant secretary general and the deputy secretary general, the national treasurer and his/her assistant, national organizing secretary and his/her assistant, and three national trustees.¹⁵⁶ The national executive meets regularly to monitor the progress of the union together with appointing, dismissing and disciplining union employees when necessity demands. The Executive Committee is derived from the national executive. The former is the highest authority between the congresses. It is accountable to the congress and supervises the national executive.

¹⁵⁶ Oral Interview, Joseph Aluoch, 10th July, 2014.

2.9.2.5 The Quinquennial Conference

This is the highest organ of KPAWU. It is attended by branch delegates and national delegates who are constitutionally allowed to attend and vote. The conference is convened annually and it is where union national officials are elected. During this conference, a system of voting is agreed on. This can be by voice, show of hands or secret ballot. In KPAWU, this conference is convened by the secretary general. The leaders elected during this conference include, the national chairman, 1st vice national chairman, 2nd vice national chairman, national general secretary, deputy national general secretary, assistant national general secretary, national treasurer, assistant national treasurer, national organizing secretary and six national executive committee members. The following is a diagrammatic expression of the structure of the union.

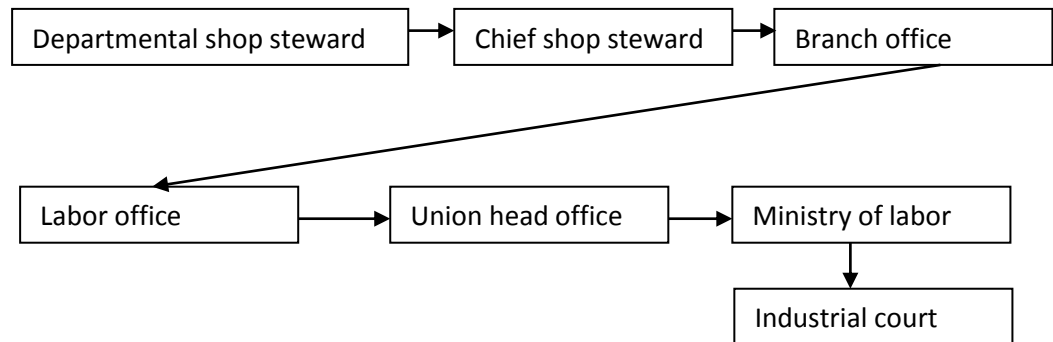


2.10 KPAWU's Dispute Settlement Protocol

The Kenya Plantation and Agricultural Workers Union has a laid-down protocol for dispute settlement. This process begins from the local to the national level. In the farm are shop stewards who deal with issues at the level. The shop stewards represent departments in the farm, such as production, workshop, transport, planting department, among others. All the shop stewards of the farm meet to elect the chief shop steward who represents the whole farm. In the event of a dispute outbreak, the affected worker reports the matter to his/her departmental shop steward. If the matter is not satisfactorily addressed, the matter is forwarded to the chief shop steward. The latter tries to his level best to handle the issue in liaison with the human resource

manager of the farm, failure to which the issue is forwarded to the branch. The branch too engages the manager in an attempt to settle the matter.

If the effort of the branch officials and the manager fails to yield any fruit, the matter is reported to the labor office by the branch officials. In this scenario, the labor office will try to facilitate arbitration or conciliation. If no agreement is reached, the conflict will be referred to the union’s head office in Nakuru. The head office on receiving this reports the matter to the industrial court or the Ministry of Labour. The latter will appoint an arbitrator or a conciliator to handle the impasse. If the parties fail to agree, the matter is reported to the Industrial Court as a dispute.¹⁵⁷ The flow chart below summarizes the KPAWU’s dispute settlement process.¹⁵⁸



From the above illustration, it is explicit that this protracted method of dispute settlement is vulnerable to manipulation. This will however, be critiqued in chapter four.

2.11 Conclusion

This chapter has established that trade unions owe their origin to the Industrial Revolution in Europe. The poor working environment and conditions in industries compelled workers to organize themselves into trade unions which sought to rectify the poor working conditions. The trade unions spread to Africa as a result of the colonization of the continent by the European powers. The chapter traces the formation of the Kenya Plantation and Agricultural Workers Union and avers that it was marred by tribally-informed factionalism during the early days after its formation. The protracted nature of KPAWU’s dispute settlement process has been identified to

¹⁵⁷ Oral Interview, Peter Otieno, 9th July, 2014.

¹⁵⁸ The Constitution of The Kenya Plantation and Agricultural Workers’ Union.

be posing a challenge to effective representation of the worker by the union. Besides, it has been demonstrated that the union's electoral procedure is prone to manipulation hence, compromises the union's commitment to democratic ideals.

This chapter has, therefore, traced the development of labor movement in Kenya with specific reference to KPAWU. It has shed light on the challenges trade unions have faced since their inception in Kenya and how their leaders attempted to solve such challenges. This provides the basis for understanding KPAWU's challenges related to economic liberalization and interrogating how KPAWU's leadership responded to such challenges. The next chapter thus, deals with effects of economic liberalization on KPAWU.

CHAPTER THREE

ORIGIN OF ECONOMIC LIBERALIZATION AND ITS IMPACTS ON KPAWU

3.1 Introduction

In 1980, the Bretton Woods institutions, the World Bank and the International Monetary Fund (IMF), forced Kenya and other third world countries to adopt austerity measures in their economies. This move, according to the institutions, was necessitated by structural weaknesses in the third world countries' economies brought about by poor economic policies and weak institutions.¹⁵⁹ The weaknesses were understood to have been exacerbated by external shocks, namely, the oil crises of 1973 and 1979 that brought about the balance of payment crises. The skyrocketing internal debts added salt to the fresh wounds of the third world economies as foreign aid disbursement was hinged on reduction of the debt stock. The World Bank, thus, argued that SAPs would restore economic growth by enhancing increased resource mobilization and a proper resource utilization.¹⁶⁰ Subsequently, economic efficiency was conceived in the light of market-led price signals, increased role of the private sector and a reduced government role in the economy.¹⁶¹ The achievement of this economic efficiency was thus, to take the shape of the adoption of the Structural Adjustment Programmes by the third world countries. This chapter delves into what entailed the economic liberalization in Kenya, how economic liberalization affected workers in Kenya and other African countries, and the responses made by the plantation workers to economic liberalization.

3.2 The Origin of Economic Liberalization and Its Adoption in Kenya

The idea of economic liberalization owes its origin to the neoclassical theorists. These theorists conceived economic liberalization as based on laissez-faire policies that led to capitalism. Economic liberalization encompasses trade openness, financial openness and outward orientation, which constitutes a liberal economy.¹⁶² In addition, the IMF's stabilization policies, such as liberalization of foreign exchange, import

¹⁵⁹ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.202.

¹⁶⁰ Ibid, p.200.

¹⁶¹ Ibid.

¹⁶² T. Banuri, (Ed.), *Economic Liberalisation: No Panacea; The Experience in Latin America and Asia*, New York: Oxford University Press, 1991, pp.9-10.

control, as well as devaluation of national currency added to the list of economic liberalization programmes.

Another face of economic liberalization manifested itself in the adoption of Structural Adjustment Programmes. These programmes included reduced government expenditure on social services, control of wage increases, and greater attraction to foreign investors.¹⁶³ Another aspect of economic liberalization is globalization, which encompasses the movement of capital products, people and technology. Accordingly, globalization is understood as the removal of traditional barriers to the flow of goods, services, capital and knowledge across borders.

These policies were adopted by third world in general and Kenya in particular, ostensibly to address the economic woes that had characterized the late 1970s and early 1980s. At first, African governments perceived SAPs as an extension of the Western philanthropy meant for assisting them in securing funds for the financing of their development projects.¹⁶⁴ In Kenya for instance, the SAPs were adopted to attract foreign exchange to help the country sustain its budgets, following myriad of economic challenges that the country was experiencing. The Kenyan economic hardships were brought about by the oil crisis in 1979, a slump in coffee and tea prices in 1978-79, and the attempted coup d'état in 1982. It can be stated that as in the case of Kenya, African governments did not adopt the Structural Adjustment Programmes on their own volition but as a means to an end. Because of this reason, most African countries either completely abandoned or renegotiated the implementation of SAPs once the economic conditions improved.¹⁶⁵

3.3 Economic Liberalization Programmes Adopted in Kenya.

As mentioned in the previous section, the advent of SAPs' implementation in Kenya was preceded by economic hardship that made it imperative for the country to access the aid facilities from the Bretton Woods institutions in order to overcome these problems. Like most African states, the call to adopt the economic liberalization

¹⁶³ M. P. Todaro, *Economics for a Developing world: An Introduction to Principles, Problems and Policies for Development*, London: Pearson Education Limited, 1992, p.363.

¹⁶⁴ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.201.

¹⁶⁵ Ibid.

policies placed Kenya in a dilemma. One horn of the dilemma lay on the fact that the post independent African states had promised their citizens ‘developments’, meaning an increased role of state in provision of goods and services.

The implementation of economic liberalization would, therefore, mean eliminating the state’s role in dishing out developmental goodies to the citizens. This had the impact of reducing the citizens’ allegiance to the state as the former would lose the benefits they received from the state in terms of provision of basic necessities. This explains why the citizens of most third world countries greeted the implementation of these programmes with hostility and in some cases, led to counter-hegemonic mobilizations and conflicts.¹⁶⁶ Similarly, the unpopularity of these policies explains why most African governments developed a non-transparent manner in adopting the reform measures. In the case of Kenya, the government succeeded in implementing these measures due to lack of participation of the citizenry through their institutions, such as labor movement. This was realized because the Kenyan government succeeded in manipulating the discourses of domination and control.¹⁶⁷

The second horn of the dilemma lay in the fact that the government had to meet the unpopular conditionality by the Bretton Woods institutions as a means to sourcing the funds from the institutions. The government thus, chose to listen to the voices of the World Bank and the IMF at the expense of its own citizens. During the period between the late 1970s and mid-1980s, the economic conditions of the country were wanting. Apart from the negative transformations in the global economy at the time, Kenya had a litany of economic hurdles to address. Her economy had been jeopardized by the plummeting of foreign and domestic investments stemming from the 1982 coup attempt; the break-up of East African Community in 1977 erased the favored access of Kenyan traders to Ugandan and Tanzanian markets; ever increasing debt crisis and budgetary deficits; the 1984 drought leading to food shortages; and the fall in the world’s tea and coffee prices.¹⁶⁸ In 1977-1978, there was a coffee boom where farmers received K£3,000 per tonne for the sale of the crop in the world

¹⁶⁶ F. Gutierrez and G. Schnowalder, (eds), *Economic Liberalization and Political Violence: Utopia or Dystopia?* New York: Pluto Press, 2010, p.328.

¹⁶⁷ Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.201.

¹⁶⁸ Ibid, p.202.

market.¹⁶⁹ This boom was due to the ruining of the Brazilian coffee by the Coffee Rust Disease. Brazil had been Kenya's main competitor in the coffee world market. This boom was, however, a short lived phenomenon. In the period between 1981 and 1982, the coffee prices nose-dived and settled at K£1,500 a tonne.

The fall in prices made farmers not to recover their production cost, not to mention making profits in their entirely commercial coffee farming. This led to desperation among farmers, the acme of which was manifested by the destruction of coffee crops and their replacement with food crops by the economically embattled farmers.¹⁷⁰ The beginning of 1980s thus, presented domestic economic hurdles characterized by a flagging agricultural sector, increasing landlessness, unemployment, especially in urban areas, detrimental weather changes and industrialization encumbrances.¹⁷¹ Moreover, debt servicing was becoming unbearable for the weak economy and inflation stood at 22% by 1982.¹⁷² The weakened economic management during the late Kenyatta years coupled with a decline in private investment and slow growth in the manufacturing sector, attributed to the failing import substitution industrial strategy, further spelt doom to the Kenyan economy.

This dull economic picture for Kenya necessitated the adoption of Structural Adjustment Programmes as conditionality for securing foreign aid. This adoption entailed a rethink of economic policy as executed in the Kenya's Development Plan of 1979 to 1983, which embraced the Structural Adjustment Programmes. In 1980, therefore, Kenya became, alongside with Turkey, the first two countries to receive the World Bank's support in terms of loan.¹⁷³ She received the First Structural Adjustment Loan (SAL1) of US\$55 million. This was because of her envisaging of outward- looking and efficient pattern of industrial growth, effective industrial borrowing and debt management, and realistic advance budgeting of public revenues and expenditures.¹⁷⁴ Succinctly put, therefore, economic liberalization as implemented in Kenya came to mean cost sharing in health and education, reduced or

¹⁶⁹ The Daily Nation, September 30, 1983.

¹⁷⁰ Ibid.

¹⁷¹ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.202.

¹⁷² Ibid, p.204.

¹⁷³ Ibid.

¹⁷⁴ Ibid, p.205.

complete stopping of subsidies on agricultural exports, and opening up of Kenyan markets to world markets. The latter was concomitant with stiff competition between locally-manufactured Kenyan goods and the goods from developed countries. The competition in most cases, if not all, was in favor of the imported goods. The exposure of formerly protected industries to international competition due to trade liberalization policies resulted in the closure of such factories and redundancies declared of the workers.

The reforms dictated by SAPs also engendered the downsizing of parastatals, a phenomenon that prodded the retrenchment in the public sector. The Kenyan government prepared the Sessional Paper No. 1 of 1986 as a manifestation of its co-operation with the donors in the implementation of economic liberalization policies. This paper strived to control domestic inflation and monetary policy. It sought to reduce the public expenditure in education and health from 34% to 30% between 1986 and 2000.¹⁷⁵ This paper was not good news to trade unions. This is because the paper encouraged wage control, ostensibly, to encourage the use of labor-intensive methods by investors. Similarly, the government did not consult the trade unions prior to the preparation of the paper.¹⁷⁶ The obtaining of credit from the International Development Association of the World Bank group, IDA, in 1988 rejuvenated the government's attempts to implement some elements of economic liberalization. These included domestic price decontrols and trade liberalizations, tariff reforms, exchange rate management, liberalization of financial sector, and cereal marketing liberalization.¹⁷⁷

Whereas the government was committed to executing these liberal policies, the whole process of the implementation of economic liberalization programmes was not a smooth ride. The government developed some signs of reluctance in implementing some of the structural adjustment reforms, a factor that strained the state relations with the donors. This reluctance was informed by the fear of the state to lose its role as the leading resource and service provider. This loss would mean a reduced political

¹⁷⁵ Republic of Kenya, Sessional Paper No.1 of 1986 on Economic Management for Renewed Growth, Nairobi, 1986.

¹⁷⁶ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.208.

¹⁷⁷ Ibid, p.210.

support from, and a precursor to protests and revolts by the citizens. One would thus, rightfully assert that the implementation of economic liberalization programmes sparked off conflicts between the recipient countries and the donors.

In 1993, the government, in order to salvage the nadir in relations between it and the donors, further liberalized the tariff regime. Gona notes that this was achieved by,

Reintroduction of retention accounts for the traditional export and service sectors, expanding inter-bank market, and undertaking some liberalization of coffee and tea marketing systems.¹⁷⁸

Between 1993 and 1994, the government attempted to cut its deficits and finance its projects. More importantly, it enacted the Finance Act that liberalized the labor market. By the end of 1995, the government had implemented major political and economic reforms as demanded by bilateral and multilateral donors. The reforms included the complete liberalization of foreign exchange market; the end of import licensing, a complete decontrol of domestic prices; the reduction of budget deficits; removal of wage guidelines; reform in education and health sector; and privatization.¹⁷⁹ The period running from 1995 to 1998 was, however, characterized by tension between the government and donors. This was as a result of the failure by the government to implement the civil service and privatization reforms. The hallmark of this tension became evident in the cancellation of World Bank's Structural Adjustment Credit in June 1998. However, this was not the first time such a conflict was manifesting between the government and the donors. Earlier in 1989, there was a protracted disagreement between the two parties owing to the government's poor implementation of a three-year Enhanced Structural Adjustment Facility (ESAF). Pertinent to note is that this failure was not the only reason behind the widening chasm in the relationship between the government and the donors. A litany of reasons have been advanced for the donors' disappointment rising to unprecedented level at the time,

¹⁷⁸ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.208.

¹⁷⁹ Ibid, pp.212-213.

Rising levels of corruption, failure to correct macroeconomic imbalances caused by fiscal indiscipline, slow reforms in the civil service and the privatization of public enterprises, lack of accountability of public enterprises, failure to establish a supportive environment for the growth of the private sector, all contributed to this growing disillusionment. So too did the slow pace of political reforms.¹⁸⁰

The failure by the government to implement these reforms was motivated by the domestic pressure that was increasingly piled on the government by various interest groups. To start with, local investors were opposed to the idea of the relaxation on the protection of industries. Similarly, the liberalization of cereal marketing would obliterate the possibility of using the national food reserve stored by the National Cereals and Produce Board (NCPB) to reward political clients. The government functionaries also feared losing jobs that they would dispense to their relatives and cronies.¹⁸¹ Despite these slackening efforts by the government to implement the economic liberalization policies, it continued to receive donor support from the World Bank and IMF, owing to the country's geo-political importance during the cold war period.

It is, therefore, right to conclude that the period 1980 to 1998 was shaped by the efforts by the Kenyan government to implement economic liberalization policies, albeit with difficulty. Because Kenya was not the only third world and African country to implement these liberal policies, the following section deals with the effects of economic liberalization on the workers of selected African countries, and the responses they made to such effects. This will provide a comparative arena for understanding the responses made by members of the Kenya Plantation and Agricultural Workers Union.

3.4 Economic Liberalization and Workers' Response in Southern Africa

Just like African countries, the Latin American countries were also compelled by the Bretton Woods institutions to implement the economic liberalization policies as a prerequisite for securing loans from the institutions. In Mexico, economic

¹⁸⁰ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.210.

¹⁸¹ Ibid, p.206.

liberalization policies led to capital flight and fall of foreign exchange reserves, soaring inflation and imbalance of budget deficit.¹⁸² An effort by the government to stabilize the economy using the privatization of public enterprises culminated in workers' lay-offs among other problems. The workers' disillusionment arising from these problems led to an uprising in Southern Mexico.¹⁸³ In Argentina, the adverse effects of economic liberalization led to chaos by workers protesting the unbearable economic situation. The chaos led to the resignation of president Alfonsín in 1989, which became the first peaceful transfer of power in Argentina since 1928.¹⁸⁴

3.4.1 Zambia

In the discussion of the effects of economic liberalization on workers in the above Latin American countries, it is observed that workers engaged in protests and uprisings in their attempts to force the government to reverse the adverse effects of economic liberalization. The same spirit was exhibited by the Zambian workers. However, the Zambian case is different in the sense that workers, through their union, organized a political movement that finally changed the regime through a democratic election. From 1950s, Zambia's labor movement, represented by the Mineworkers Union of Zambia and the Zambia's Congress of Trade Unions, had achieved some political autonomy. This was explicit in the unionists' failure to bow to the nationalist political organizations' direction during the struggle for independence.¹⁸⁵ Following the independence of the country in 1964, President Kenneth Kaunda and his ruling party, United National Independent Party, had to prioritize the emasculation of the labor movement. Indications towards this end became evident in 1965 when several legislations were made by the government to reduce the autonomy of the member unions and their ability to take legal industrial action. Attempts to 'plant' UNIP leader into MUZ in the 1965 branch elections aborted though the unions succumbed to state pressure to restrict their pay demands.

¹⁸² T. Banuri, *Economic Liberalization: No Panacea; the Experience of Latin America and Asia*, New York: Oxford University Press, 1991, p.189.

¹⁸³ Ibid, p.195.

¹⁸⁴ R. Solomon, *The Transformation of the World Economy, 1980-1993*, London: Macmillan Press Limited, 1994, p.184.

¹⁸⁵ M. Larmer, 'The Hour Has Come at the Pit': *The Mineworkers' Union of Zambia and the Movement for Multi-Party Democracy, 1982-1991*. *Journal of Southern African Studies*, Vol.32, No.2,2006: pp.293-312, <http://www.jstor.org/stable/25065093>. accessed: 24/02/2015.

1980-1981 was characterized by a series of strikes protesting the reorganization of local government in mine townships, a process that UNIP government had implemented.¹⁸⁶

By 1980s, the ZCTU under the leadership of Fredrick Chiluba and Newstade Zimba was very strong following its significant investment in organization, training and resources. This imbued them with the courage to criticize UNIP's implementation of structural adjustment policies. In 1982, Zambian workers waged strikes against the implementation of SAPS. During this time ZCTU demanded compensatory pay to match inflation caused by price decontrol as advocated by International Financial Institutions. In 1983, the General Council of ZCTU declared that,

The control and management of this country's economy has been shifted on to foreign international financiers.¹⁸⁷

Zimba at this time declared that the solution to this problem was strikes, go-slows or work-to-rule demonstrations.

In 1985, workers' volatile condition was further aggravated by the agreement between the government and IMF to liberalize exchange control via an auction system. The price decontrol that followed culminated in a soaring inflation. In December 1986, the price of 'breakfast' mealie meal consumed by urban Zambians doubled. This sparked off looting and rioting in copper belt towns.¹⁸⁸ The rioting mineworkers targeted state stores and attacked UNIP and government offices. This forced the government to restore the food subsidies and scrap off the auction system in May 1987.

In 1989, the implementation of market reforms brokered by World Bank and IMF attracted further union criticism when Zimba declared that,

¹⁸⁶ M. Larmer, 'The Hour Has Come at the Pit': *The Mineworkers' Union of Zambia and the Movement for Multi-Party Democracy, 1982-1991*. *Journal of Southern African Studies*, Vol.32, No.2,2006: pp.293-312, <http://www.jstor.org/stable/25065093>. accessed: 24/02/2015.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

The workers and their leaders are not prepared to take bitter pills on the IMF again.....we should not sell our independence to international financial institutions.¹⁸⁹

Zambia's economic woes were equally exacerbated by the move by Zambia's Consolidated Coppermine Company, which was largely financed by IMF, to tackle its unprofitability through cost cutting. This was in the form of restriction on recruitment, deferred expenditure and work place discipline. Under these austerity periods, workers had to utilize normal off-days and hours to cultivate and subsidize their skimpy earnings.

Another avenue of conflict between the mineworkers and the government was the hiving off of the mine hospitals and schools from ZCCM to a different company called the Medical Education Trust (MET) in 1987. MET introduced medical fees for some township residents. The growing unpopularity of this company graduated into a strike in 1989. Miners' wives in KITWE protested against the fees. The wives threatened to picket to prevent the miners from going to work and roughed up MUZ officials for agreeing to MET. This strike made MUZ officials to successfully negotiate for the abolition of MET in 1991. The success of the food riots and strikes leading to the reversal of government policy proved the union's ability to organize a formidable opposition to UNIP. From then, union officials secretly started meeting with activists to discuss the removal of UNIP from power.¹⁹⁰ In this endeavor, ZCTU under the leadership of Chiluba was very prominent.

After the declaration by Chiluba in 1989 that Zambia adopts multiparty democracy, Kaunda conceded a referendum on multiparty democracy in May 1990. In the following month, donor pressure led to the removal of food subsidies, doubling the mealie-meal's price.¹⁹¹ This sparked off riots and looting that left 36 people dead. Under the aegis of this chaos, an attempted coup by an army lieutenant aborted.

¹⁸⁹ M. Larmer, 'The Hour Has Come at the Pit': *The Mineworkers' Union of Zambia and the Movement for Multi-Party Democracy, 1982-1991*. *Journal of Southern African Studies*, Vol.32, No.2,2006: pp.293-312, <http://www.jstor.org/stable/25065093>. accessed: 24/02/2015.

¹⁹⁰. accessed: 24/02/2015.

¹⁹¹ Ibid, p.14.

The result of the riots and the attempted coup provided a charged political atmosphere, which reignited the multiparty campaigns. In July, intellectuals, lawyers, prominent businessmen, former UNIP officials and Chiluba met in Lusaka where members of unregistered multi-party movement held its first rally. The pressure from ZCTU forced Kaunda to declare the holding of the first Zambian multiparty elections in 1991. In December 1990, the multiparty movement was registered as a political party and Chiluba was elected the president of MMD. The party proposed that its government will 'act as a facilitator rather than a participant in a social market economy.'¹⁹² Similarly, legislation, Industrial Relations Act, was passed that allowed unions seeking to support a political party to establish a voluntary political fund. This provided an opportune moment for ZCTU to campaign for the reintroduction of multiparty democracy.¹⁹³ The removal of food subsidies in June 1990 further charged the atmosphere for multiparty democracy as striking workers demanded for a compensatory wage rise. In the auspices of this charged atmosphere, MUZ leaders successfully negotiated for a remarkable wage increment.

The success of the union had filled its leadership and members with the audacity to wage multi-party campaigns. In January 1991, therefore, the MUZ reiterated its support for MMD as a political party, a move that was linked to mineworkers' enduring economic grievances. Simakuni, MUZ's chairman of Sichone region, observed,

In a multinational and monopoly company dominated economy like ours, where even the state as a major employer tends to be on the side of capital in labor matters... the role of MUZ and indeed all the trade unions should have to be to safeguard all-round democracy, individual human and civil liberties, social justice and the rule of law.¹⁹⁴

Meanwhile, Chiluba intensified his campaigns for Zambian presidency. He assured miners that all their jobs would be safe under MMD leadership. This resonated well with the mineworkers who launched a significant campaign for the MMD. In October 1991 elections, therefore, Chiluba got a landslide victory of 75% of the vote for

¹⁹² M. Larmer, 'The Hour Has Come at the Pit': *The Mineworkers' Union of Zambia and the Movement for Multi-Party Democracy, 1982-1991*. *Journal of Southern African Studies*, Vol.32, No.2,2006: pp.293-312, <http://www.jstor.org/stable/25065093>. accessed: 24/02/2015.

¹⁹³ Ibid, p.15.

¹⁹⁴ Ibid, p.17.

presidency and the MMD won 125 out of 150 parliamentary seats.¹⁹⁵ It, therefore, came out that in context of economic decline and the implementation of economic liberalization policies, the mineworkers, through their union brought MMD to power.

3.4.2 South Africa

In South Africa, the main component of economic liberalization that received the union's attack was the privatization policy. This discussion thus, focuses on South African Municipal Workers' Union's (SAMWU) struggle against the privatization of Johannesburg's Municipal services under Apartheid and in post-apartheid regimes. SAMWU is one of the affiliate unions of Central Organization of South African Trade Unions (COSATU). South African unions experienced democratization as a combination of political liberation and economic liberalization.¹⁹⁶ Political democracy, through Labour Relations Act of 1995, gave the black workers legal protection and guarantees such as rights to associate, collective bargaining, and strike.¹⁹⁷ COSATU was allied with ANC, which retained control of economic policy making towards free market conservatism, fiscal discipline and trade liberalization. These liberal policies culminated in lay-offs and factory closures, leading to unemployment; hence, attracting COSATU's scathing attacks. This was because such lay-offs affected private companies leading to a pronounced union membership. Under these circumstances, SAMWU embarked on a militant opposition to municipal restructuring of the Greater Johannesburg Municipal Council, terming it a neoliberal privatization.¹⁹⁸ In this struggle, the overlap of worker identities and community-based demands provided SAMWU with powerful arguments against privatization.

SAMWU used social movement unionism, the internalization by the unions of social movements' demands and organizational modalities, to oppose privatization. In the 1980s, the Apartheid government privatized the urban space on racial segregative lines. In this arrangement, the government created 'White' city councils and 'Black

¹⁹⁵ M. Larmer, 'The Hour Has Come at the Pit': *The Mineworkers' Union of Zambia and the Movement for Multi-Party Democracy, 1982-1991*. Journal of Southern African Studies, Vol.32, No.2,2006: pp.293-312, <http://www.jstor.org/stable/25065093>

¹⁹⁶ F. Barchiesi, *Privatisation and the Historical Trajectory of "Social Movement Unionism": A Case Study of Municipal Workers in Johannesburg, South Africa*. International Labour and Working Class History, Vol.30, No.71, 2007:pp.50-69, <http://www.jstor.org/stable/27673070>. accessed: 25/02/2015.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

local authorities. The former were exempted from subsidizing services for black townships while the latter collected rents and taxes from Africans.¹⁹⁹ The formation of COSATU in 1985 thus, added tempo to the increasing workers' opposition to these neo-liberal policies. COSATU conceived the privatization of Municipal services as a recipe for higher prices, job losses, and lower wages as products of subcontracting, short-term contracts, home working, part-time work and more casuals.²⁰⁰

After 1994's restoration of majority rule in South Africa, the post-Apartheid ANC government continued with neoliberalism, which COSATU criticized though the federation of union maintained its alliance with the ruling party. Under these circumstances, SAMWU rose to condemn government's neoliberal stance as well as COSATU timidity in fighting the same. The union radically pointed out that COSATU's alliance with ANC only helped in vitiating the former in checking the government. In light of this, SAMWU resorted to independently denounce ANC's neoliberalism and pointed out that it was not tackling socio-economic inequalities and undermined the newly gained democratic status.

SAMWU was formed in 1987 following the amalgamation of five trade unions. The most prominent of these unions was Cape Town Municipal Workers' Association, (CTMWA). CTMWA had the history of militant opposition to privatization and it used a blend of shop-floor based and community-oriented trade unionism.

In 1988, SAMWU launched 'anti-privatization campaign'.²⁰¹ This was after the White National Party government encouraged private participation in municipal services. Under these circumstances, SAMWU successfully pressed COSATU in 1989 to oppose privatization in the public sector. The union opposed urban restructuring and its subsequent outsourcing of jobs in segregated Black municipalities to non-union private companies, which led to the reduction of workforce from 23,000 to 15,000 in

¹⁹⁹ F. Barchiesi, *Privatisation and the Historical Trajectory of "Social Movement Unionism": A Case Study of Municipal Workers in Johannesburg, South Africa*. *International Labour and Working Class History*, Vol.30, No.71, 2007:pp.50-69, <http://www.jstor.org/stable/27673070>. accessed: 25/02/2015.

²⁰⁰ Ibid.

²⁰¹ Ibid

1991.²⁰² From 1988, therefore, the union organized boycotts of the payment of water and electricity fees.

In 1994, South Africa held the general election that expelled the Apartheid regime and reintroduced the majority rule. After these elections, SAMWU considered the restructuring of Johannesburg municipality under ANC rule, a return of Apartheid era policy. It began mobilizing its members against such policies as they engaged the union in its new stronghold. The ‘cost recovery’ moves under which poor residents had to pay for services under threat of evictions and disconnections, thus, received the union’s vociferous opposition.

In 1997, the municipality declared a fiscal crisis linked to budget deficits and backlogs in service delivery. The provincial government responded by stopping new capital investment, freezing permanent employment for three years and ordering a municipal restructuring.²⁰³ The restructuring was to be done under the plan recommended by Khetso Gordhan called ‘iGoli 2002’. This plan largely rested on privatization of public municipal assets and removal of subsidies and introduction of direct user payment.²⁰⁴ SAMWU denounced these plans for fear of loss of its members’ wages and employment. It embarked on negotiations with the GJMC and demanded the suspension of the whole plan. When GJMC adopted the plan, SAMWU declared a formal dispute and went on strike. The police intervened, beating up demonstrating strikers.²⁰⁵

The opposition of privatization by SAMWU led to formation of local community movements, such as ‘citizen’s forums’ and ‘crisis committees’. These derived membership from the vulnerable, such as the unemployed and elderly. They demonstrated in mass and directly acted by illegally reconnecting water and electricity for residents disconnected due to non-payment.²⁰⁶ SAMWU staged strikes but the council adopted a repressive stance and threatened to dismiss all the strikers.

²⁰² F. Barchiesi, *Privatisation and the Historical Trajectory of “Social Movement Unionism”: A Case Study of Municipal Workers in Johannesburg, South Africa*. *International Labour and Working Class History*, Vol.30, No.71, 2007:pp.50-69, <http://www.jstor.org/stable/27673070>. accessed: 25/02/2015.

²⁰³ *Ibid*, p.12.

²⁰⁴ *Ibid*.

²⁰⁵ *Ibid*, p.14.

²⁰⁶ *Ibid*.

The iGoli 2002 was implemented in 2001, despite the SAMWU's protracted opposition. It is right to observe, therefore, that affiliation with COSATU and COSATU's alliance with ANC hampered SAMWU's radicalism in opposing economic liberalization policy of privatization. Similarly, the fragmentation of collective bargaining due to municipal restructuring further complicated matters for the union.

3.5 Economic Liberalization and KPAWU Members

Generally speaking, economic liberalization policies adversely affected trade unions. Ranging from Latin American countries to Sub-Saharan African countries, the effects were detrimental to union organization, membership and workers' welfare. This section deals with the effects of economic liberalization on KPAWU members and how the members responded to such effects.

3.5.1 Reduced Government Expenditure on Health and Education

a) Health

In 1963, Kenya regained her independence from the British imperial power. Like many colonies in Africa, the independent Kenya had a number of challenges to grapple with. These challenges were encapsulated as poverty, ignorance and diseases. The newly independent Kenyan state thus, promised its citizens improved health care and education as remedies to ignorance and diseases. Acknowledging that poverty had bedeviled the greater percentage of the populace at the time, the independent government strove to provide 'free' health and education as a means to achieving the improved welfare and productivity of the nation.²⁰⁷ In an effort to realize this endeavor, the pre-independence user fees in public health facilities were scrapped off and outpatient services and hospitalization introduced for all children in public health centers.²⁰⁸

The government budgetary allocation on health sector thus, reflected this noble cause. However, with increased corruption and regional bias that characterized the Kenyatta regime, it became imperative that the 'free medical services' be rethought or possibly

²⁰⁷ G. Gona, *workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.222.

²⁰⁸ Ibid.

abandoned by 1970s. By 1980s, economic liberalization policies in the form of Structural Adjustment Programmes had presented the opportunity for reorganizing the health sector in order to address the challenges that were threatening to grind the provision of healthcare to a halt. The hallmark of this need to reorganize the health sector was represented in the 1984-1989 Development Plan. This plan was devised to address the obstacles by cost- recovery measures in health sector.

The cost-sharing programme was put to effect in December 1989.²⁰⁹ Under this programme, the government would introduce selective charges on services rendered in public hospitals. Similarly, outpatient registration/consultation fees were introduced at a rate of Ksh20 and Ksh10 in provincial and district hospitals respectively. Because not all citizens could afford these user fees, the president made an initiative to aid communities extend health facilities through fundraisings that he personally attended and contributed large sums of money. The president thus, managed to keep the developmentalist course alive while implementing SAPs at the same time.²¹⁰

As SAPs policies were further implemented in the health sector, the cut in the government expenditure on health led to shortage of drugs in public hospitals. The poor plantation workers were rendered helpless as most of them could not afford the exorbitant drug prices charged by private health facilities. The introduction of the user fees further complicated matters in the health sector as some unscrupulous local staff stole government stocks and sold them to patients behind the scenes. Some would also refer patients to their private-run clinics to buy drugs they had stolen from public health facilities.²¹¹ Gona's study has revealed that cost-sharing measures at health facilities coupled with inadequate drugs compelled the poor people to turn to traditional and spiritual healers who provided 'affordable' medical services. Such healers used uncertified medical herbs of dubious medical value that in some cases harmed their clients.²¹²

²⁰⁹ G. Gona, *workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.223.

²¹⁰ Ibid.

²¹¹ Ibid, p.224.

²¹² Ibid.

The plantation workers were not spared from this mayhem. Owing to the fact that most health facilities were concentrated in towns, the travelling costs to access these facilities in terms of finances and time were not affordable to most plantation workers. The skimpy salaries paid to these workers were consumed in purchasing food, leaving little if not nothing for medical care.²¹³

Workers thus, resolved to seek the services of traditional witch doctors and members of some independent Christian denominations, who were believed to possess spiritual powers for healing and exorcism. For instance, among the Naivasha flower farm workers, each community had those perceived to be capable of healing using traditional or spiritual powers. Among the Luo community members in the farms, it was believed that people from Alego-Usonga constituency possessed divine powers that would heal or ascertain the cause of sickness.²¹⁴ Similarly, lay leaders from a Christian denomination called ‘Roho Msalaba’ and ‘Legio Maria’ were believed to be healers and many workers sought their services when sick instead of going to public health facilities.²¹⁵

The situation was not any different among the members of Luhya community working in the flower farms. It was reported that lay leaders in ‘Dini ya Msambwa’ received many clients as these healers were believed to be ‘cheaper’ compared to the public facilities.²¹⁶ Asked to give reasons why these ‘healers’ were more popular than the public health facilities, a member reported that these diviners charged less fees and would even accept payments in form of foodstuff, clothes and households. More importantly, they would accept to offer their services on credit and be paid at the end of the month. This is because they understood the plight of workers as they were part of them. This was contrary to the government facilities where the medical staffs insisted on payment in cash before they attended to patients. Moreover, most workers believed that diseases were caused by witchcraft and evil spirits and required the attention of those with supernatural powers.²¹⁷

²¹³ Oral Interview, Elizabeth Nekesa, August 20, 2014.

²¹⁴ Naivasha Focus Group Discussion, July 29, 2014.

²¹⁵ Oral Interview, Joshua Owuor, July 30, 2014.

²¹⁶ Oral Interview, David Wanyonyi, August 10, 2014.

²¹⁷ Oral Interview, Issa Wafula, August 3, 2014.

It was reported that this belief in supernatural powers as the cause of diseases was nourished by the low level of education by the majority of plantation workers. In Kericho, the tea pickers of Luo origin euphemistically referred to witchcraft as an ‘African Chemistry’ and believed it caused diseases.²¹⁸ Such traditional ‘medical’ practitioners also claimed to treat ailments such as HIV/AIDS. Structural Adjustment Programmes left indelible marks on the health sector in Kenya. It limited the access of patients to healthcare, drove up the number of patients per medical staff, and triggered brain-drain in public health sector, beginning from 1980s.²¹⁹ Similarly, the introduction of austerity measures on the health sector in the mid 1980s when HIV/AIDS had just broken out created a social ecology favorable to the spread of the scourge, given the lack of avenues for seeking regular and diagnostic treatment. Lilian Ouma, a worker at Kingfisher Flower Farm in Naivasha, observed that the meager pay given to female workers in Naivasha flower farms compelled them to devise some survival tactics in order to augment their skimpy income.²²⁰ This observation was shared by the female members of Focus Group Discussion the researcher had in Naivasha.

The female members of a Focus Group Discussion held at Kingfisher farm reported that some of them gave in to infidelity as a way of augmenting their little income. These workers explained that near the Naivasha flower farms is located a power generating company, Ken Gen, whose employees had better salaries compared to those of the flower farms.²²¹ Women workers in the flower farms would date male employees of the company or supervisors in the flower farms. Such ‘boyfriends’ were praised for their munificent spending on the women, and were popularly called “Baba wa Unga” (a father who provides flour).²²²

Women workers offered themselves for sex in exchange of money from the men, a practice they explained they engaged in to “okoa jahazi” (to save the boat from capsizing), a euphemistic expression commonly used to mean a prompt action made

²¹⁸ Oral Interview, Joshua Owuor, July 30, 2014.

²¹⁹ G. Gona, “*He Talked for Us*”: *Moi and Structural Adjustment Programmes in Kenya*”, in D. Kyule and G.M. Gona, (eds), *Mzizi: A Collection of Essays on Kenya’s History*, Nairobi: university of Nairobi Press, 2013, p.304.

²²⁰ Oral Interview, Lilian Ouma, August 10, 2014.

²²¹ Oral Interview, Elizabeth Nekesa, August 20, 2014.

²²² Ibid.

to prevent matters from getting out of hand. This behavior informed by poverty led to the plantation farms becoming a bastion of sexually transmitted infections to date. James Okeyo recalled that during his tenure as a KPAWU official between 1980 and 1998, many workers and union officials died of HIV/AIDS related complications.²²³ Gona, thus, rightly surmises that today's HIV/AIDS high infection rates are a by-product of the 1980s World Bank policies on the health sector.²²⁴

b) Education

As mentioned in the previous section, ignorance was one of the problems Kenya had to grapple with at independence. The remedy to this problem was conceived by the independent government as the provision of education that would eliminate the biases in the sector during the colonial epoch. The post independent government thus, embarked on expansion in educational enrolment and facilities. However, like the colonial regime, the independent government provided skewed education services in favor of Nairobi and Central Kenya, the latter owing to the Kikuyu factor in Kenyatta government.²²⁵ By, 1975, the cost of education had risen to 32% of the government expenditure as compared to 19% in 1963.²²⁶ In 1985, the government changed education system from 7-4-2-3 to 8-4-4. This was a step made to produce more versatile and broad-skilled primary school graduates. This move further increased the cost of education to 38% of government expenditure in 1986/1987 financial year.²²⁷

The implementation of SAPs, however, acted as a game changer to the provision of education by the government. The Sessional Paper of 1986 called for a reduction in the expenditure on education to 30% of the government's expenditure.²²⁸ To implement this, those who were receiving education were required to pay more for it. Despite the government officials' portraying of the structural adjustment in education sector as an expansion and extension of 8-4-4 programme, the cost sharing was economically disabling for a majority of the poor in rural areas and urban low-income

²²³ Oral Interview, James Okeyo, July 29, 2014.

²²⁴ G. Gona, "*He Talked for Us*": *Moi and Structural Adjustment Programmes in Kenya*", in D. Kyule and G. M. Gona, (eds), *Mizizi: A Collection of Essays on Kenya's History*, Nairobi: University of Nairobi Press, 2013, p.304.

²²⁵ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, Phd Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.225.

²²⁶ Ibid.

²²⁷ Ibid, p.226.

²²⁸ Ibid.

groups. It triggered high dropout rates and increased child labor. KPAWU members in Kericho tea farms averred that many of them could not afford the increased cost of primary and secondary education owing to their skimpy pay, hence resorted to recruit their children who had dropped out of primary and secondary schools in flower farms to boost the family income.²²⁹ The researcher for this study observed that most of those who availed themselves for a focus group discussion in Naivasha and Kericho farms were largely sharing consanguinity relationship.

Confirming the view that education had been made inaccessible to the poor and low-income groups, some workers interviewed had resigned to poverty and contended to the belief that the Kenyan education system was not formulated to accommodate the poor. One key informant said, when asked why he encouraged his nephews to abandon school for employment in flower farms,

I knew they would not go far with their education. Since early 1990s, education is not meant for the low class like us. It is meant for the children of who-is-who in the government. Even some of my acquaintances whose children managed to complete their studies in college had nothing to show for it since those children still missed jobs and depended on their parents for survival.²³⁰

By 1987, the education budget had reached 35% of the total recurrent budget. The World Bank pushed its loan recipients and Kenya in particular to include an education component in its Sessional Paper No.1 of 1986 that would reduce education cost to 30% of the total government expenditure.²³¹ The cost sharing recovery approach led to only 6.6% of university entrants coming from day secondary schools that constituted two thirds of Kenyan secondary schools at the time. Pertinent to note is that even this infinitesimal percentage excluded a huge number of the plantation workers' children as most of the workers could not afford even the fees charged in the day secondary schools. In 1992, the government introduced the payment of fees in the hitherto highly subsidized public universities. Further, students were required to pay

²²⁹ Oral Interview, James Okoth, July 30, 2014.

²³⁰ Oral Interview, Peter Otieno, July 5, 2014.

²³¹ G. Gona, "He Talked for Us": *Moi and Structural Adjustment Programmes in Kenya*", in D. Kyule and G. M. Gona, (eds), *Mizizi: A Collection of Essays on Kenya's History*, Nairobi: University of Nairobi Press, 2013, p.305.

for their meals in what was christened as pay-as-you-eat system.²³² This decision further dispelled any hope by plantation workers as far as sponsoring their children to receive higher education was concerned. One of the respondents argued that even if his child were to qualify for university education, he would need a well-to-do relative to help him organize a fundraiser gathering to finance the hard-to-get university education. He said,

We the plantation workers forgot about the university education in the early 1990s. I could not see a relative of mine who could organize the huge fundraisings that I see organized for university entrants. Because I did not want to sell my kidneys to finance my children's education, and remember I only have two kidneys against eight children. I encouraged my children to scrap their minds off the ambition of studying up to university. I did not want to stress my children, so the earlier they accepted their humble status, the better it was for them.²³³

In July, 1995, the government through an Act of Parliament (Cap 213A), established the Higher Education Loans Board (HELB) to administer students' loans.²³⁴ Previously, the body in charge of students' loans was University Students Loan Schemes (USLS). This body awarded loans to Kenyan students pursuing their degrees in Makerere, Nairobi and Dar es Salaam universities. However, the USLS was faced by the challenges of lack of legal basis to recover the matured loans and the wrong perception by the loanees that it was a government grant that ought not to be repaid.²³⁵ The Higher Education Loans Board (HELB) formed to provide students from poor families with loans on soft terms equally proved not to be panaceal to the plights of poor students akin those of plantation workers. Such loans were meant to be paid promptly after completion of studies so that the money could benefit other needy students. The loans did not ease matters for the poor people because it was not automatic that all students admitted to the university would get it. Even more telling was the fact that an elaborate qualification process required the students to avail to the board a letter from one's local chief to ascertain the student's ability to pay fees. This prerequisite communicated a double jeopardy to most plantation workers. On the one

²³² G. Gona, "He Talked for Us": *Moi and Structural Adjustment Programmes in Kenya*", in D. Kyule and G. M. Gona, (eds), *Mizizi: A Collection of Essays on Kenya's History*, Nairobi: University of Nairobi Press, 2013, p.306.

²³³ Oral Interview, Vincent Makachia, July 5, 2014.

²³⁴ www.helb.co.ke/about-helb/history/

²³⁵ Oral Interview, Vincent Makachia, July 5, 2014.

hand, such workers were in plantation farms away from their ancestral homes, hence were not personally known to their local chiefs. On the other hand, the requirement to sign a legal declaration to guarantee the loan in the event of the failure by their children to repay scared away the plantation workers. It was reported that such workers were not well endowed with the financial muscle to take care of such eventualities and were bound to imprisonment in the event of their children failing to pay.²³⁶

This scenario led to some isolated cases where workers' children who had secured chances in public universities dropping out due to failure to pay fees. This incidence killed the morale of some workers who were nursing hopes of their children attaining the hard-to-get university education. Cost-sharing in education sector as a policy of economic liberalization, thus, made education inaccessible to plantation workers hence consigning them to an abyss of hopelessness in social mobility through education. Most workers interviewed seemed to be satisfied with their subordinate position as far as the pursuit of higher education for their children was concerned. They contended that during 1990s, they strongly believed that post-primary was a preserve of the rich. One can thus rightly attribute low level of literacy among the plantation workers to the structural adjustment policies as was implemented in Kenya between 1980 and 1998.

3.5.2 Trade Liberalization

Another component of Structural Adjustment Programmes was trade liberalization. This constituted policies that were aimed at increasing international competitiveness and increasing a country's trade. Trade liberalization was enshrined in the 1979-83 Development Plan.²³⁷ The Plan ditched import substitution industrial strategy for the export expansion. This did away with quantitative restrictions on imports and embraced standardized tariffs, which started with consumer goods. To improve the export subsidy system, the government embarked on insuring exporters against risks of non-payment from abroad.²³⁸ When the Sessional Paper No.1 of 1986 was formulated, trade liberalization became its dominant feature. The paper led to the

²³⁶ Oral Interview, Henry Omasire, August 3, 2014.

²³⁷ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.214.

²³⁸ Ibid.

reduction of maximum tariff from 170% to 25% between 1988 and 1998.²³⁹ What followed was the removal of subsidy from firms that previously enjoyed tax exemptions and ushered in international competition among firms.

The result of this exposure of previously protected local industries was their closure, leading to loss of jobs by KPAWU members employed by such firms. The closure was in some cases as a result of bankruptcy of some firms leading to their inability to fund their operations. For example, in 1997, 51 workers were laid off by Nyari Sisal Estate in Kwale district. This was as a result of the drought in the area at the time but the company had its water supply disconnected by the National Water Conservation and Pipeline Corporation due to the company's failure to pay the corporation its debt of Ksh1.4 million.²⁴⁰

Similarly, the companies that did not collapse mapped out some survival tactics that adversely affected workers and became a big blow to the union. As mentioned earlier, the introduction of high taxation to employer companies that were hitherto protected under import substitution industrial strategy spelt further doom to the workers. This is because such taxes increased the cost of production. To forestall the resultant loss or reduced profit, the companies embarked on a number of practices that were calamitous to the workers' welfare. One of such practices was the introduction of 'rolling contracts'. Under this practice, the company would employ workers for three months, sack them at the end of that period, and then re-employ them. This was a commonplace in the Thika's Delmonte fruit farm.²⁴¹ This stratagem was devised by the company in order to escape from the stricture of the labor laws that required workers employed for over three months be entitled to leave and other benefits.

The result of such actions was a scenario where workers were constantly worried about their job security. During the period between 1980 and 1988, the plantation workers operated under extreme fear of job loss. Many workers interviewed averred that they could not concentrate on their work because of lack of job security. This attitude dealt a death blow to their efficiency at work. One of the respondents

²³⁹ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.214.

²⁴⁰ "Workers Laid Off", Daily Nation, January 27, 1997.

²⁴¹ Oral Interview, David Wanyonyi, August 10, 2014.

metaphorically compared the relationship between them and their job safety with the relationship between a slave and his fellow slave who is indecently buried. He painfully noted,

When a slave sees his fellow being cast into a shallow grave, he realizes that when his time comes, he will go the same way. That was our fate here, when you saw your colleague sacked, you were to get prepared because you were not any special than him.²⁴²

Additionally, retrenchment and redundancy in previously protected industries also culminated in job loss. As the policy of international competition was embraced, local industries involved in the manufacturing of agricultural and textile products were faced with competition from Mitumba (used clothes). This led to the closure of textile industries such as KICOMI (Kisumu Cotton Mills).²⁴³ This also led to a massive job loss to KPAWU members working in cotton plantation farms, especially in Western regions of Kenya.

Trade liberalization also entailed encouraging of Foreign Direct Investment.²⁴⁴ This was realized through the creation of Export Processing Zones (EPZ) in 1990. The EPZs enjoyed a lot of benefits from the state, including ten-year tax holiday, and import of duty-free machinery.²⁴⁵ Despite the privileges given to these EPZs, their benefits were outweighed by the negative impacts they had on trade unions. These firms paid workers very low wages, a flagrant violation of Export Processing Zones Authority. For example, in Naivasha, most flower farms, such as Shar Karuturi, Kingfisher, Oserian and Vandelberge, had high targets for women flower graders. Each grader during the period between 1995 and 1998 was expected to grade between 3,600 to 4,000 stems in a day. At the end of the day, such a grader would be paid Ksh200. The export price per stem the employer would be paid was Ksh25. This meant that the employer bagged as much as Ksh100,000 per day from one grader. This amount compared to a skimpy Ksh200 that the grader was paid would spell the greatest height of exploitation.²⁴⁶ Further interrogation of this exploitation of workers

²⁴² Oral Interview, Vincent Makachia, July 5, 2014.

²⁴³ G. Gona, *Workers and the Struggle for Democracy, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.216.

²⁴⁴ Ibid.

²⁴⁵ Ibid, p.217.

²⁴⁶ Oral Interview, Peter Otieno, August 3, 2014.

revealed that in Britain, supermarkets, such as Mark and Spencer and Tesco, which import and sell Kenyan flowers charged 4.90 Euros per stem. This meant that one flower grader in Naivasha produced Ksh2,056,000 to the owners of the supermarket.²⁴⁷ Paying such a grader a paltry Ksh200 was thus not only flagrant but also insulting.

3.5.3 Debilitation of Union

The Structural Adjustment Programmes executed between 1980 and 1990 meant that if the government had to fulfill its obligations to the Bretton Woods institutions, it had to keep unions in check. This also entailed avoiding any serious resistance against the SAPs. This end was achieved through a combination of such old corporatist strategies as asserting its power to legislate on minimum wages, banning of strikes, and legislations governing on employment.²⁴⁸ These manoeuvres aimed to limit the labor demands within the confines of economism as advocated by the Moi government, and forestall any likely resistance to economic liberalization as this would destabilize the government. This section discusses the various mechanisms laid down by the government and how they adversely affected the Kenya Plantation and Agricultural Workers Union.

To start with, government's policies on minimum wages and industrialization presented a gloomy picture to the plantation workers in particular and Kenyan workers in general. During the period between 1980 and 1998, the government was hell-bent on creating an 'investor-friendly' environment, which was to be achieved by maintaining wage guidelines and liberalizing other sectors of the economy. COTU, to which KPAWU is affiliated, became critical of the government's persistent legislations on minimum wages for the period between 1985 and 1991. The federation of unions complained that the legislation on minimum wages had kept wage increases below the rate of inflation hence only ensured increased profit margins for the capital but skyrocketed the price levels of essential commodities. These tendencies robbed workers of their purchasing power and income.²⁴⁹ Workers' condition in mid 1980s

²⁴⁷ Oral Interview, Peter Otieno, August 3, 2014.

²⁴⁸ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.232.

²⁴⁹ Ibid, p.235.

was further deteriorated by drought that made it increasingly difficult for workers to economically sustain themselves.

The rising costs of essential commodities were not in tandem with statutory minimum wages as well as other related economic concerns, such as house rents. A concerned Kenyan citizen decried the soaring prices of basic commodities in 1983.²⁵⁰ Noting that these high prices hampered the government's call to developmentalism, he called on trade unions to save the workers from the economic mayhem. The high cost of building commodities, such as cement was passed to tenants by the landlords increasing the rents. This followed after the government had scaled down its subsidy to the National Housing Corporation of Kenya (NHC) in compliance to its liberalization strategy.²⁵¹ This culminated into the overall decline in the standard of living of workers.

Under these circumstances, the plantation workers struggled to secure these houses provided by employing firms. However, the houses provided by the flower and tea companies were in a sorry-state. Moreover, they were characterized by overcrowding in which six workers would be crammed into one room.²⁵² Given the crowding, the realization of workers' right to privacy became the highest figment of imagination. The pathetic state of affairs is expressed by a worker in Kericho tea farms,

In those houses, you kept on praying that one of you did not catch flu. If he did, all the comrades in the house would be infected.²⁵³

In response to the general outcry by workers as a result of the economic difficulties generated by the government's legislations on minimum wage, the government only promised to improve wages to the extent that would sustain the worker but not to the level of a living wage.²⁵⁴

²⁵⁰ *Daily Nation*, September 26, 1983.

²⁵¹ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.247.

²⁵² Oral Interview, James Okoth, July 5, 2014.

²⁵³ Oral Interview, Vincent Makachia, July 30, 2014.

²⁵⁴ G. Gona, *Workers and the struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p. 248

²⁵⁴ *Ibid*, p.232.

Another government's legislation that had a debilitating effect on the Kenya Plantation and Agricultural Workers Union was that on essential services and the right to strike. While the existing list of essential services included water, electricity, health, railway, sanitary, air traffic control, meteorological services, fire services of the government, the ports authority dock services, local government, air transport, supply and distribution of fuel, petrol, oil, power and light, telecommunication, posts and telegrams, this was broadened in 1987 to include food processing and distribution, cleansing services, hotels, domestic and security services.²⁵⁵ It was, therefore, apparent that all sectors of economy were now classified as essential services. This was a well-calculated stratagem to lock out trade unions from strikes. Contrary to many people's expectations that COTU would lead its affiliate unions in opposing this legislation by the government, COTU seemed to have developed a conformist stance. COTU's deputy secretary general stated in April 1986,

The Central Organization of Trade Unions will not support any union which calls a strike before exhausting the negotiation machinery.²⁵⁶

Like its umbrella union, COTU, the KPAWU seemed to have conformed to the directive. All respondents agreed that there were no well formulated efforts by KPAWU leadership to mobilize the plantation workers to go on strike to oppose the government's legislation, despite the fact that the legislation covertly outlawed strike action by the workers. In January 1986, KPAWU's Taita-Taveta branch secretary George Mak-Anyengo appealed to workers to be devoted to their work to boost economy. He commended the workers for having been patient leading to no serious industrial unrest in the year before. He advised the workers to solve their grievances amicably through the laid-down industrial procedures.²⁵⁷ This was despite the fact that in November the previous year, 725 workers out of the total working population of 1,500 had been laid-off by the Taveta Sisal Estate. The management had attributed their decision to lay-off workers to drought. The call by Mak-Anyengo, hence, reinforced the government's call to economism orientation that required no union militancy. Thus, the legislation by Moi government that expanded the list of essential

²⁵⁵ G. Gona, *Workers and the struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003.238.

²⁵⁶ Ibid.

²⁵⁷ "Unionist Calls for Hard Work", Daily Nation, January 16, 1986.

services ensured a quiescent labor movement that shunned strikes and would not effectively articulate workers' interests during the era of the Structural Adjustment Programmes.

Another way in which the government muzzled the union to allow full implementation of Structural Adjustment Programmes was through the creation of the Finance Act of 1994. This came in the wake of the issuance of new guidelines to the Industrial Court that called for the play of market forces in the determination of wages.²⁵⁸ The Finance Act amended section 102 (cap.480) of the Stamp Duty Act, the Air Passenger Service Charge (cap.475), and the Trade Disputes Act.²⁵⁹ This amendment endowed firms with freedoms in declaring redundancies. By amending the Trade Disputes Act, the earlier requirement that an employer had to report to the minister of Labour within twenty eight days of termination of employment or dismissal was expunged.

The employer would now not report if the termination was as a result of redundancy. Further leeway was given to the employers by omitting the part that required the minister of Labour to confirm the terms of redundancy that warranted the termination of employment.²⁶⁰ With the introduction of the Finance Bill on 30th September, 1994, the trade unions were incapacitated in resisting rationalization measures brought about by economic liberalization. Employers however, were given a free-hand in dismissing workers without consultation with the unions. All they needed was just a mere notification of the local labour officer and the union after making the decision to lay-off workers. This followed after the Finance Bill added a proviso to the Employment Act, which diluted the provision against malicious redundancy. Gona notes,

In essence, union lost the power to challenge unscrupulous employers who chose to dismiss workers, not through any fault of the worker, but for other reasons.²⁶¹

²⁵⁸ G. Gona, *Workers and the Struggle for Democracy in Kenya, 1963-1998*, PhD Thesis, University of the Witwatersrand, Johannesburg: Unpublished, 2003, p.242.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Ibid, p.234.

One of the key informants for this study complained that during his stint as a Naivasha branch secretary of KPAWU, the union was handicapped in addressing some of the challenges brought about by the amendment. He laments,

The employer was just required to inform the union of his intention to lay-off workers due to redundancy. This legislation rendered the union a toothless bulldog, so we just ensured that a worker who became a victim of redundancy had his/her benefits paid before he/she left.²⁶²

The government's legislations during the era of economic liberalization between 1980 and 1998 thus, translated into a call on trade unions to embrace productionism orientation by restraining their wage demands and eschewing strike actions. The government was hell-bent on pleasing the investors at the expense of the workers. Peter Otieno contended that since he ascended to KPAWU's leadership in 1994, the union did not call any strike until 1996.²⁶³ This was despite many occurrences that necessitated such a move.

The failure by the union to make this necessary move is attributed to strict government laws that muzzled unions but strengthened the hands of the management. It was reported that the employers would always go to court to challenge the impending strike by workers. Moreover, workers had to notify the management of their intention to go on strike. The management responded by crafting a number of impediments to bar workers from striking and joining the union. In Naivasha flower farms, for example, workers that were spotted mobilizing their colleagues in order to articulate their rights were laid-off at the pretext of inciting their colleagues to go on strike. Some workers would also be relegated to junior cadres in disregard of their qualification.²⁶⁴

Many KPAWU members interviewed for this study also noted that some companies 'planted' their informers and spies among workers, who reported to them when KPAWU had scheduled a meeting to discuss issues appertaining to workers' rights. When the meeting was due, the management would compel the workers to work

²⁶² Oral Interview, James Okeyo, July 29, 2014.

²⁶³ Oral Interview, Peter Otieno, August 5, 2014.

²⁶⁴ J. Ogotu, *The Life and Times of Kathini Maloba-Caines*, MA Project, University of Nairobi, Nairobi: Unpublished, 2013, p.101.

overtime with the aim of preventing such workers from attending the KPAWU meetings. Some tea companies in Kericho would outsource tea pickers and put them on a three-month contract to bar them from joining the unions or risk their contracts not being renewed.²⁶⁵

Pertinent to note is that even the said 1996 strike by more than 40,000 workers in tea companies in Kericho was not an initiative of KPAWU leadership, but a resolution by workers to demand for the pay increment that had been agreed on by their leadership and the management. This could be seen by the workers' decision to continue striking despite the call by their secretary general, Francis Atwoli, to end the strike.²⁶⁶ The angry workers torched a trailer and pelted strike-shy workers with stones, confining them indoors.

3.6 Conclusion

Economic liberalization policies were orchestrated by the Western financial institutions, the World Bank and the IMF, and forced on the third world countries, ostensibly to solve the economic crisis faced by the countries in the late 1970s and early 1980s. To the indebted third world countries, therefore, economic liberalization policies were executed in the form of the Structural Adjustment Programmes (SAPs). Kenya adopted the SAPs in 1980 owing to the country's debt crisis, imbalance of payment, and a number of domestic economic challenges that faced the country. These included prolonged drought, unemployment and landlessness, inflation as well as budgetary deficits. Kenya thus, adopted the SAPs as a means to acquiring foreign aid to remedy her ailing economy. The period of the implementation of economic liberalization policies was characterized by the conflicts between the donors and the government. This was because the implementation of SAPs threatened the foundation of the clientelist politics that characterized the Moi government.

The implementation of SAPs in Latin America, Africa and more importantly Kenya was done by reducing government expenditure on public services, such as health and education; devaluation of currency that sparked off inflation; decontrol of prices; trade liberalization that exposed hitherto protected local industries to international

²⁶⁵ Oral Interview, Issa Wafula, August 3, 2014.

²⁶⁶ "Strikers Defy Union Leaders", Daily Nation, July 22, 1996.

competition; privatization of public enterprises; and legislations that debilitated trade unions. In Latin American countries such as Mexico and Argentina, workers rose to oppose these neo-liberal policies, hence exacerbating conflicts between workers and the states. In Zambia, the anti-economic liberalization vanguard triggered the change of a regime, propelling Fredrick Chiluba into office. In South Africa, economic liberalization was fiercely fought by COSATU and its affiliate unions during the Apartheid regime. However, when the majority rule was retained in 1994, the affiliation of COSATU to ANC jeopardized COSATU's war on economic liberalization. This compromise on the part of COSATU hampered the efforts of South African Municipal Workers' Union (SAMWU) in opposing economic liberalization policies.

The implementation of economic liberalization policies adversely affected the Kenya Plantation and Agricultural Workers Union. This is because it led to declaration of redundancy on workers, leading to massive lay-offs; devaluation of currency skyrocketed inflation, eroding workers' purchasing power; reduced government expenditure on health and education locked the union members from these important social amenities; and the government's legislations on labor matters encapsulated KPAWU, thus, thwarted its efforts to effectively articulate workers' rights during the era of SAPs. Despite the hostile environment created by the government and employers, workers strived to survive the era by learning a number of skills to secure employment in a different department when declared redundant in another department. They also recruited family members, especially children who had dropped out of school to join the family labor as a way of boosting the family income.

This helped them wade off the difficult economic times. Women workers also sought well-to-do boyfriends as a way of getting extra income. However, some of these steps by economically embattled plantation workers triggered a proliferation of HIV/AIDS infection and made illiteracy rampant among the workers. In some cases, the plantation workers responded to the adverse effects of economic liberalization through strike actions despite the government's legislations that outlawed the move. The government enacted a number of legislations during the era of economic liberalization. Such included legislations on minimum wage, banning of strikes through legislations on essential services and right to strike, and the introduction of

the Finance Bill in 1994. These legislations served to strengthen the hands of employers but muzzled the Kenya Plantation and Agricultural Workers Union, rendering it an ineffective channel for articulation of workers' rights. KPAWU as well as other unions thus, failed to mobilize workers against the government when the latter implemented the policies of economic liberalization.

CHAPTER FOUR

KPAWU'S LEADERSHIP RESPONSES TO ECONOMIC LIBERALIZATION

4.1 Introduction

Studies on economic liberalization and its application to the third world countries have revealed a dull picture to many a trade unions. In Mexico, the privatization policy brought about lay-offs of workers. Such workers turned to crime, drug abuse and prostitution. The failure by the government of Mexico to satisfactorily address these problems fuelled an uprising that broke out in Southern Mexico in January 1994.³⁷⁵ In Argentina, the privatization of state-owned enterprises led to a plummeting of employment from 290,000 in 1989 to 41,000 at the end of 1993.³⁷⁶ In Zambia, the 1985 agreement between the UNIP government and the IMF to liberalize exchange control took the form of price decontrol that led to a soaring inflation.

Mineworkers, through their union, Mineworkers Union of Zambia, resorted to strikes and riots. Under the leadership of Fredrick Chiluba, MUZ led a successful onslaught on UNIP regime, leading to unseating of Kenneth Kaunda as the president of Zambia.³⁷⁷ The liberal policies reduced government expenditure on social services, led to less pay to workers, loss of job as a result of retrenchment and redundancies, inflation occasioned by soaring of prices of basic goods, among other deunionizing tendencies. This made many trade unions to reorganize themselves in an effort to counter the adverse effects of economic liberalization. This chapter aims at establishing how union leadership responded to challenges that faced trade unions and members in the era of economic liberalization. The chapter also documents how leadership structure and nature affected the response made by KPAWU to the neoliberal policies as well as the factors that hindered the satisfactory response to deleterious effects of economic liberalization by KPAWU.

³⁷⁵ T. Banuri, *Economic Liberalisation: No Panacea; The Experience of Latin America and Asia*, New York: Oxford University Press, 1991, p.195.

³⁷⁶ Ibid, p.197.

³⁷⁷ M.Larmer, 'The Hour has come at the pit': *the Mineworkers Union of Zambia and the Movement for Multi-party Democracy, 1982-1991*', *Journal of Southern African Studies*, Vol. 32, No.2, pp.293-312, <http://www.jstor.org/stable/25065093>. Accessed: 24/02/2015.

4.1.1 Economic Liberalization and Union Leadership Response in Nigeria

In chapter Two, it was noted that the labor movement was very vibrant in Kenya during the colonial period. This vibrancy was attributed to the strong and uncompromising leadership of various trade unions at the time. Through their resilient leadership, the labor movements ventilated their anger on issues that confronted their welfare as well as the political concerns of the pre-independence Kenyan trade unions. The Kenyan trade unions thus, joined the nationalist vanguard in adding impetus to the struggle for independence. They thus, became an invaluable weapon against colonialism and contributed tremendously to the defeat of colonial metropolitan power in Kenya.

In all third world countries, the application of neoliberal policies created a charged atmosphere that engendered workers resistance against the SAPs. The resistance came amidst the third world governments' reluctance to implement some SAPs policies that undermined the role of state as the repository of the development discourse. The anti-SAPs unions' response was occasioned by the declined living standards of the workers as a result of the application of the economic liberalization policies. However, under the aegis of the state-led developmentalism, the third world governments continued to call on workers to embrace the requisite peaceful industrial environment for the application of SAPs.

In effect, workers became vulnerable to the ideological appeal of development, which was tailored by the governments to contain labor militancy. In order to investigate the Kenya Plantation and Agricultural Workers Union's leadership response to the effects of economic liberalization, it is important to assess how other countries' union leadership responded to the effects in question. This section, therefore, constitutes a brief expose of how the Nigeria's National Labour Congress' leadership responded to the effects of economic liberalization. As much as the NLC had many affiliated unions, the section will only deal with its plantation workers' section because that is what is relevant to this study. This will give a comparative arena for the study of KPAWU's response to economic liberalization.

Just like in other third world countries, the application of economic liberalization policies afflicted workers with economic hardships that provoked their resistance. The Nigerian state consequently moved with alacrity to muzzle unions in order to create a peaceful environment for the implementation of the neoliberal austerity measures. Pertinent to note is that the SAPs were applied in Nigeria at the time when the political life of the country was pervaded with the military rule. Between 1980 and 1998, Nigeria was ruled by military generals, such as, Buhari, Babangida and Sani Abacha.⁴⁴¹ The application of economic liberalization in the 1980s sparked off redundancies, retrenchment and inflation that eroded workers of their purchasing powers. The unions organized anti-SAPs riots that strained the relationship between the labor movement and the Babangida administration.

To scuttle the union's militancy in Nigeria, the government moved with speed to centralize the labor movement to bring it under state control. All the unions were coerced to amalgamate into one central body called the Nigeria Labour Congress.⁴⁴² Through this, the government ensured that bureaucratization and elaborate hierarchical structures removed the unions from the hands of the rank and file. Such a move was not only peculiar to Nigeria. In Kenya, for example, the government took advantage of the rivalry between the KFL and the Kenya African Workers' Congress to offer a presidential decree that forced all the unions except the teachers and civil servants' union to be affiliated to COTU.⁴⁴³

Trade union movement was also encumbered by a lot of restrictions. According to the COTU's constitution drafted by the Attorney General, the head of state was supposed to participate in the selection of COTU's general secretary. All COTU's general meetings had to take place only with the attendance of the government's representative. Such a representative could veto COTU's financial decisions. The constitution further abolished the affiliation of trade unions to international organizations or soliciting of funds outside Kenya without COTU's approval. This meant that the government was legally endorsing itself to eavesdrop and control what

⁴⁴¹ F. Barchiesi, Labour, *Neoliberalism and Democratic Politics in Nigeria and South Africa: A Comparative Overview*. Labour, Capital and Society, Vol.32, No.2, 2006: pp.154-217, <http://www.jstor.org/stable/43158114>. accessed: 17/09/2015.

⁴⁴² Ibid.

⁴⁴³ Oludhe, "The Role of Collective Bargaining in Wage Determination: A Case Study of Cargo Handling Services at Mombasa Port", p.6.

was going on in the labor movement. Moreover, the move to disallow external funding would mean that trade union leadership would be deprived of a strong financial base that would enable it to effectively run its operations to oppose the government. The final blow to trade unionism in Kenya seemed to be in 1975 when all the strikes were banned under a Presidential Decree. This deprived unions of their ultimate weapon.⁴⁴⁴ This assured the government of a lethargic labor movement that had no valid threat to cow it when it engaged in activities that were traditionally abominable to the labor movement.

The Nigerian government resorted to state repression to curb labor militancy to create a conducive environment for the implementation of SAPs. With the economic difficulties of 1980s and 1990s, the state virtually pushed the unions from the policy arena. This step by the state was motivated by the awareness that the unions would oppose SAPs. The state-union relations thus, changed from corporatism to containment and exclusion. This was achieved by the reduction of the numerical strength of the union and the erosion of their financial base, thanks to the introduction of the Structural Adjustment Programmes. The NLC relied on the government for funding, hence, became docile to the government. The result was a weakened union's organizational unity and independence. Moreover, massive redundancies and retrenchments translated into difficult, risky and costly union activism both at the shop-floor and the central level.⁴⁴⁵

By the late 1980, labor's pre-eminence dwindled due to state repression coupled by organizational weaknesses. This threw the labor movement into disarray. The state excelled in muzzling the unions by using three main methods. These included; increased use of statutes such as military decrees to control and restrain trade union actions; use of judicial processes to achieve the same ends; and the use of coercive state machinery against the labor movement.⁴⁴⁶ The military decrees pervaded all phases of union life. It defined what a union was, determined who could participate in and/or lead unions. Just like in Kenya, the state prohibited industrial action of the

⁴⁴⁴ Oludhe, "The Role of Collective Bargaining in Wage Determination: A Case Study of Cargo Handling Services at Mombasa Port", p.6.

⁴⁴⁵ E. R. Aiyede, *United We Stand: Labour Unions and Human Rights NGOs in the Democratisation Process in Nigeria*. *Development in Practice*, Vol.14, No. 1, 2004:pp.224-203, <http://www.jstor.org/stable/4030128>. Accessed: 17/9/2015.

⁴⁴⁶ Ibid.

unions in certain sectors by defining them as essential services not amenable to disruption by union activities. The state barred some union leaders from trade union activities and detained many of them without trial for unspecified periods. The oversight of the union was vested in the Registrar of Trade Unions, unions were restructured unilaterally by the state and the state also gave a directive that ‘no work, no pay’.

In the period between 1982 and 1998, the government used income policies to impose and sustain wage freezes. The use of decrees and presidential orders buttressed the hand of the state and its functionaries to regulate unionism and decide on the international organization and the structure of the union, their international affiliation, and the activities of union leaders and workers. The National Industrial Court (NIC) and the Industrial Arbitration Panel (IAP) were empowered to harass and deal with workers.⁴⁴⁷ Subsequently, workers and union leaders were routinely arrested, detained and intimidated. In 1994, the government sacked the NLC leadership and appointed administrators to run its affairs. This threw the federation into disarray and some of the affiliate unions, especially those of the oil industry allied with the civil society to agitate for democracy.

In 1996, General Sani Abacha redefined the role of union membership and weakened the influence of full-time union employees who formed the bulwarks of trade unions. This was followed by the co-option of union leaders to weaken labor opposition to state policies that were dictated by SAPs. Pertinent to note is that union leadership did not sit and watch the erosion of its powers. The union moved to counter the assault by the government by employing a number of methods. They embarked on militancy and used strikes to disrupt established procedures in firms and the society. NLC leaders marshaled resources to support collective action. They drummed up external and public support for their cause in confrontations with the state. They also used particular government representatives as scapegoats in an attempt to secure advantage.

⁴⁴⁷ F. Barchiesi, *Labour, Neoliberalism and Democratic Politics in Nigeria and South Africa: A Comparative Overview*. *Labour, Capital and Society*, Vol.32, No.2, 2006: pp.154-217, <http://www.jstor.org/stable/43158114>. accessed: 17/09/2015

However, the union was not very successful in its endeavor to withstand the state control measures in order to protect workers from the pressing economic hardships brought about by the economic liberalization. This scenario has been ascribed to the general weaknesses of NLC owing to the following reasons.⁴⁴⁸ Because the union did not ensure that the rank and file survived the economic recession stemming from SAPs and the rank and file became unwilling to subordinate their immediate personal aspirations or interests to the union's collective decisions. This was owing to the challenges that confronted labor movement, treachery and opportunism of some trade union leaders and the ambivalent nature of trade union as an institution. By intervening in the leadership succession process, the state emasculated NLC by putting it under its control during the application of SAPs in 1980s. Further, personal economic devastations made union leaders easy targets of co-optation by the state. Some unionists thus, became accomplices of the government in subverting the union's democratic processes. These measures ensured that at the height of the implementation of SAPs in 1990s, the union was even militarized in its internal dealings.

All these reasons combined to form a glass ceiling that insulated the unions from effectively articulating the workers' rights during the era of economic liberalization. The union thus failed to rally workers against the government to effect a change of regime as happened in Zambia. The following section deals with KPAWU's leadership response to effects of economic liberalization.

4.2 KPAWU'S Leadership Response

In chapter three, reference was made to how leadership in Zambia opposed the adverse effects of economic liberalization and mobilized workers to effect a change of a regime. Similarly, the role of South African Municipal Workers' Union in opposing the privatization policies in South Africa was underpinned. The implementation of economic liberalization policies led to the development of practices such as job rationalization, redundancy of workers, retrenchment and deskilling. Such practices reduced the union membership and weakened the organizational ability of KPAWU.

⁴⁴⁸ F. Barchiesi, Labour, *Neoliberalism and Democratic Politics in Nigeria and South Africa: A Comparative Overview*. Labour, Capital and Society, Vol.32, No.2, 2006: pp.154-217, <http://www.jstor.org/stable/43158114>. accessed: 17/09/2015

Like many other trade unions, the Kenya Plantation and Agricultural Workers Union's leadership chalked out mechanisms that would enable its members to go through challenges brought about by economic liberalization.

Prominent among the challenges faced by workers in the era of economic liberalization was deskilling. This presented a situation where emerging technology demanded new approaches to work without relying on the traditionally developed skills. To respond to this problem, the KPAWU leadership organized seminars in which members were taught multi-skilling. These comprised training workers to do many jobs in order to enable them seek employment in a different department in case of a lay-off in their departments of work.⁴⁴⁹ For example, some workers in the Naivasha flower farms of Shar Karuturi, Vandelberge and Oserian reported that during the period between 1989 and 1994, they learned how to pack and grade cut flowers. This was an effort to ensure that in case of a job loss in the grading department, they would seek to be re-employed in the packing department and vice versa. Additionally, the workers involved in planting, weeding and harvesting also mastered all the tasks to survive a job loss in any of the areas.⁴⁵⁰ The union leadership averred that such steps were necessary because the government had excelled in employing various corporatist maneuvers to defeat the union's plan to marshal its members against both the government and the employers. A key informant was quick to note,

The employers under the auspices of the government support had successfully set all their machineries to defeat the popular resistance by the working class. We, as leaders, therefore had to devise our own ways of survival. Remember this was a daily-bread matter to the workers. You know, they say that desperate situations call for desperate measures.⁴⁵¹

According to Armstrong, deskilling makes the workforce unable to cope with the totality of production process.⁴⁵² This, he notes, opens the whole labor process to capitalist control through the intellectual component of productive labor. He notes that

⁴⁴⁹ Oral Interview, Meshack Khisa, July 31, 2014.

⁴⁵⁰ Oral Interview, Peter Olira, July 31, 2014.

⁴⁵¹ Ibid.

⁴⁵² P. Armstrong, "Labour and Monopoly Capital", in R. Hayman and W. Streeck (Eds.), *New Technology and Industrial Relations*, Oxford: Basil Blackwell, 1988, p.150.

re-skilling is necessary with the introduction of technology because in a capitalist work organization, skills are created and destroyed.

However, multi-skilling can open up disputes among different trade unions. This is because the practice blurs traditional boundaries between jobs. Nevertheless, unions can overcome this difficulty through amalgamation.⁴⁵³ When asked how multi-skilling as advocated by union leadership was effective in tackling the challenge of deskilling, many KPAWU members agreed that it partially helped to address the problems of redundancy that was brought about by deskilling.⁴⁵⁴ Pertinent to note is that this practice also came with some limitations. For instance, it was observed that while the management would lay-off some workers employed in the tea-picking department, it was not willing to re-employ those workers in other departments, in spite of the fact that such workers had skills that would allow them work in those other departments.⁴⁵⁵ It, therefore, became evident that KPAWU's approach of multi-skilling did not yield much in addressing job loss by redundancy. This was because lay-offs in one department did not guarantee re-employment in a different department. A worker who was affected observed,

It seemed the employers had a different reason as to why they laid us off other than the deskilling excuse that they gave. I had learned how to pack and grade flowers but when I was laid off in the grading section in 1996, we were given no time for explaining that we had other skills that were required in the company. Instead, we were ordered to leave the premises as we were no longer the company's employees.⁴⁵⁶

Studies on economic liberalization and its effects on trade unionism have revealed that it led to industrialization in third world countries through the transfer of capital. Industrialization was noted to have catapulted rationalization of services, which reduced trade union membership. Scholars on trade unionism argue that trade unions should have a capacity to represent the heterogeneous social interests of full-timers, part-timers and those without employment so that they can have a firm and uniform stance on their interest when they present them to the employers. They should stop

⁴⁵³ H. Rainbird, "New Technology, Training and Union Strategies", in R. Haymann and W. Streeck (Eds.), *New Technology and Industrial Relations*, Oxford: Basil Blackwell, 1988, p.181.

⁴⁵⁴ Oral Interview, Meshack Khisa, August 20, 2014.

⁴⁵⁵ Oral Interview, James Owuor, August 20, 2014.

⁴⁵⁶ Oral Interview, Elizaabeth Nekesa, July 30, 2014.

confining themselves narrowly on behalf of the interests of the workforces in the new productivist core sector.⁴⁵⁷

Through ‘ideal-type’ policy, unions demand to be consulted by employers in order to influence the type of technology to be used before its implementation; train its officials and members about technical and social issues associated with technological change; refuse the use of technology to invade their privacy; and finally, demand to be involved in the regular review of technological change.⁴⁵⁸ Because industrialization as a product of economic liberalization brought about the use of technology in agricultural farms, Bamblar thus, recommended two types of policies to be devised by the unions to address challenges accruing from the use of technology.

These provisions by Bamblar provide a yardstick for the assessment of KPAWU’s responses to the introduction of technology as a result of the economic liberalization. It was in this regard that KPAWU’s leadership demanded to be involved in the decision to introduce a tea-picking machine by suggesting that the machine be used on only 3% of the total tea acreage in Kericho.⁴⁵⁹ For example, in February 1984, the national Organizing Secretary of KPAWU, David Wahome Gitonga, urged the management of the Kericho tea farms to stop the introduction of tea-plucking machines, which he complained would lead to lay-off of 30,000 workers in Nandi district only. He observed this would aggravate unemployment which was already high in Kenya.⁴⁶⁰ These pleas by the union leadership were, however, not heeded to by the management.

Members of the Focus Group Discussion held in Kericho contended that the inability of the union to successfully convince the management was informed by the fact that the introduction of the machinery came at a time when the union was very weak.⁴⁶¹ The weakness was ascribed to the practices, such as redundancy and retrenchment as well as the fear by some workers to join the union owing to the mobilizational obstacles that were tailored by the management. All these practices combined and led

⁴⁵⁷ Jacobi, “New Technology Paradigms, Long Waves, and Trade Unions”, in R. Hayman and W. Streeck,(Eds.), *New Technology and Industrial Relations*, Oxford: Basil Blackwell Ltd., 1998, p.199.

⁴⁵⁸ Ibid.

⁴⁵⁹ Oral Interview, Thomas Kemboi, July 31, 2014.

⁴⁶⁰ “Machines Worrying Workers”, Daily Nation, February 14, 1984.

⁴⁶¹ Focus Group Discussion, Kericho, 30th July, 2014.

to reduced membership of the union. It was further noted that most management of the flower farms bribed the top union leadership into silence as the economic liberalization policies were becoming increasingly economically unbearable to workers. Consequently, such union officials shied away from adding impetus to the call by some section of the union leadership, especially the junior officials that demanded to be consulted by the union before introducing farm mechanization practices.⁴⁶²

Through substantive objectives, Bambler posits that unions should demand the redeployment of their members who have lost jobs as a result of the use of technology. These objectives became difficult to pursue by KPAWU leadership because the amendment of the Financial Bill of 1994 made redundancy inevitable. Under this circumstance, KPAWU leadership had no alternative but to negotiate with management for its members who were declared redundant to be paid their benefits before they left. However, most of the union members interviewed for this study faulted their leadership for not having appropriately addressed their plights during the period of economic liberalization.⁴⁶³ They indicated that workers rendered redundant ought to have been counseled and helped to find alternative employment. Without this, it was observed that most union members who became victims of redundancy left with the feeling that the union was a letdown to their cause.⁴⁶⁴

Another way in which KPAWU leadership responded to the adverse effects of economic liberalization that accrued from the introduction of technology was organizing workshops and seminars for retraining members. Through this approach, workers were trained to work with the machines introduced or to work elsewhere. A case in point was in the Kingfisher flower farm where the union members were trained on how to work in the warehouses as well as packing and grading flowers. When machines used in the grading and packing of flowers were introduced, the workers who had been declared redundant were absorbed in the warehouses.⁴⁶⁵

⁴⁶² Oral Interview, Peter Otieno, August 20, 2014.

⁴⁶³ Oral Interview, Vincent Makachia, August 20, 2014.

⁴⁶⁴ Ibid.

⁴⁶⁵ Oral Interview, Meshack Khisa, July 31, 2014.

This retraining was a joint effort between the management and the union leadership. In Kericho tea farms, the union trained its members to operate the machines in order to remain on job. However, the step towards farm mechanization was received by vehement opposition from KPAWU as it subjected more workers to job loss but only accommodated a negligible number.⁴⁶⁶ Similarly, in an effort to cushion its members from job loss as a result of the use of machines, the KPAWU leadership engaged in negotiated trade-offs with the management. The aim of such step by the union leadership was to reach agreements through an interactive process of making offers.

The contents of the proposals involved in negotiated trade-offs were, however, a function of the strategy of the agents involved in the negotiation. Such strategies were geared towards the attainment of increased social welfare of the union members. For example, in a business premise, a negotiated trade-off can mean paying a higher price in order to obtain an earlier delivery date or waiting longer in order to obtain a higher quality service.

In the industrial relations, it is a situation where a union accepts the introduction of machines in exchange for certain trade-offs relating to the implementation of technological change. This was done in Kericho tea farms when the management embarked on the mechanization of tea plucking. As a response to this decision by the management, the Kenya Plantation and Agricultural Workers Union's leadership negotiated and agreed with the management that only 3% of the total acreage under tea holding would be put under the mechanization in order to provide work to many union members.⁴⁶⁷ Moreover, KPAWU leaders agreed with the management of Finlays tea farm in Kericho that 10 percent of the union members working in the farms would be temporarily given a compulsory three-month leave during the drought period when the tea took a longer time to re-grow for plucking.⁴⁶⁸ This approach to the problems that stemmed from the use of technology in the farms was believed to be a peaceful method of solving such problems. One of the union leaders noted,

You know, unions are known for their predilection to violence. However, it reached a time we resorted to such negotiation strategies because sometimes,

⁴⁶⁶ Oral Interview, Meshack Khisa, July 31, 2014.

⁴⁶⁷ Oral Interview, Thomas Kemboy, July 31, 2014.

⁴⁶⁸ Oral Interview, James Okoth, July 30, 2014.

dawa ya moto ni maji(water puts out fire). Moreover, a change of strategy was necessitated by the realization that constant bickering could lead to the management not taking the leaders seriously.⁴⁶⁹

However, this method employed by the union leadership did not escape criticism by some members and a section of shop stewards. The two groups felt that such decisions as allowing some members to be subjected to a compulsory leave was abominable and accused the union leadership of having been compromised by the management. In addition, the method was a recipe for chaos in the union as it became an arduous task to select the union members who were to go for the leave. Whatever the method used, those sent on the leave always suspected a raw deal and felt betrayed by the union leadership.

Bambler notes that a union's leadership can respond to effects of economic liberalization through unconditional acceptance.⁴⁷⁰ Under this response, the union and the workers accept the introduction of technology as has been unilaterally decided by the employers because the workers believe it is the sole responsibility of the management to initiate such changes. He contends that this type of response is a commonplace action by unskilled workers. This response was reported by many workers in the Del Monte Company farms who believed that the union could do nothing to save them from the lay-offs that were brought about by the introduction of technology.⁴⁷¹ On realizing that their hands were tied, union leadership settled for the option of negotiating for the workers declared redundant to be paid their benefits before they left.⁴⁷²

KPAWU's leadership also responded to the effects of economic liberalization through what can be called reluctant acquiescence. In this, the employers made decisions and presented them to the union leadership on a 'take-it-or-leave-it' basis. This phenomenon pervaded the plantation and agricultural sector during the period between 1980 and 1995. During this time, the economic difficulties stemming from the economic liberalization vitiated the union's capacity to successfully mobilize its

⁴⁶⁹ Oral Interview, Issa Wafula, August 3, 2014.

⁴⁷⁰ Bambler, "Technological Change and Unions", in R. Haymann and W. Streck, (Eds.), *New Technology and Industrial Relations*, Oxford: Basil Blackwell Ltd., 1998, p.209.

⁴⁷¹ Focus Group Discussion, August 15, 2014.

⁴⁷² Oral Interview, James Okeyo, August 15, 2014.

members against the employers to oppose their policies that were not friendly to the union. Another reason identified to have accounted for this state of affairs was the government's legislation banning strike action, which was the ultimate weapon that could have addressed such situation. Asked to elaborate how workers responded to such defeatist response by the union leadership, a key respondent was at pains to note that the move made some workers who had refused to join the union be vindicated for their decision and also triggered the withdrawal of some union members. Such union members argued that the union had become insensitive to the plight of the workers and joining it was tantamount to sentencing one's self to financial loss.⁴⁷³ This belief was shared by a majority of the union members. One of them complained,

The union leaders were very agile when it came to collection of the monthly subscription and recruitment of new members. But once you joined the union, it was business as usual! The leaders were inaccessible when a worker had problems and most of their interventions would be fruitless as workers would still be laid-off.⁴⁷⁴

Another method used by the leadership of the Kenya Plantation and Agricultural Workers Union was the strike action. This was the last resort by the leadership to resolve a deadlock, especially when the employers remained adamant after all the negotiation machinery was exhausted. Pertinent to note is that most strikes occurred after 1995. This was the time when the government had implemented most of the SAP policies. These policies created a charged atmosphere owing to their effects on workers. The neoliberal policies made employer companies pay workers paltry wages, with claims that such policies made the government to increase taxes, hence the cost of production increased. The KPAWU leadership under these circumstances mobilized its members for strikes. This labor militancy that was directed to the biting neoliberal policies was attributed to the vibrancy of union leadership with which Francis Atwoli entered KPAWU leadership, which later fizzled with the passage of time.⁴⁷⁵ In April 1995, 2,000 workers in the Del Monte farms in Thika went on strike for three days, despite the company's threat to dismiss them. These workers were demanding a 100% salary increment and complained that the application of SAPs had

⁴⁷³ Oral Interview, Thomas Kemboi, July 31, 2014.

⁴⁷⁴ Oral Interview, Elizabeth Nekesa, July 29, 2014.

⁴⁷⁵ Oral Interview, Peter Otieno, August 3, 2014.

caused inflation, which rendered their wages irrelevant to the economic conditions of the time.⁴⁷⁶

Similarly, in February 1997, more than 5,000 KPAWU members of Majani Mingi sisal estate in Nakuru went on strike due to non-payment of their salaries. They claimed that they had not received their salaries for two months, but the estate officials were claiming that the taxes imposed on them by the government due to SAPs had made the company incur losses hence unable to meet its financial obligations.⁴⁷⁷ Earlier in the same month, KPAWU's secretary general Francis Atwoli had mobilized a strike of 10,000 members working for the Kenya Tea Development Authority (KTDA). He accused the management and the minister of Labour, Philip Masinde, for not creating a new CBA for workers whose CBA had expired in the previous year. He decried the inadequacy of the expired CBA in addressing the ignoble effects of economic liberalization. The government ordered Atwoli to call off the strike.⁴⁷⁸

However, the use of strike as a weapon against the management was never a smooth ride. It met its obstacles in the large size and the fact that the union encompassed members who were spread all over the country depending on the location of the employing firms. Since KPAWU was spread all over the country and comprised members employed in different sectors of agricultural production, it was difficult to mobilize members employed in tea production farms in Kericho, for instance, to down their tools in support of union members whose rights had been violated in the Del Monte pineapple farm in Thika.⁴⁷⁹ The employers during the period between 1980 and 1998 took advantage of the austerity measures of the time to pay workers less salaries knowing that the achievement of workers' collective decision was not possible owing to named organizational challenge of KPAWU.

It therefore remained to be seen that despite the amalgamation of several unions dealing in plantation and agricultural sectors to form one omnibus KPAWU, the union had members employed in different sectors located in different parts of the country

⁴⁷⁶ "Moi Receives Youth Fund Contributions", Daily Nation, April 7, 1995.

⁴⁷⁷ "Workers Resume Duties", Daily Nation, February 27, 1997.

⁴⁷⁸ "Union Asked to Call Off Planned Strike", Daily Nation, February 6, 1997.

⁴⁷⁹ Oral Interview, Thomas Kemboi, August 15, 2014.

hence, total mobilization in times of need became arduous during the demanding epoch of the neoliberal policies. This corroborates Musandu's study that posits that a more specialized union that represents workers in only one specific sector is more effective in championing workers' interests as opposed to a general workers' union covering a wide range of service industries such as KPAWU.⁴⁸⁰

Another way by which the Kenya Plantation and Agricultural Workers Union leadership responded to the effects of economic liberalization was through seeking legal protection for its members. The key legal space through which this protection could be guaranteed was participation in the Collective Bargaining Agreement (CBA). Thus, notwithstanding the union's quest to satisfactory protection of its members during the era of economic liberalization, was the sluggish increase in workers' wages during the collective bargaining agreement. Most companies blamed the devaluation of currencies embedded in the Sessional Paper No.1 of 1986 as the cause of the inflation that increased the cost of production, hence stifling the ambitious wage increment demands by KPAWU leadership. For example, while 1997 CBA had set workers' minimum wages at Ksh2,700, seventeen years down the line (2014), the minimum wage set by the 2013/2014 CBA was still a meager Ksh4,050. This was despite the fact that inflation had more than tripled, increasing the cost of living to an unaffordable level to most union members.

Even in 1997, Mugalla, the then COTU (K) secretary general bemoaned the high cost of living caused by inflation and lamented that the wage guidelines had been eroded, making the minimum of Ksh2,700 to be 'irrelevant'. He noted that at that time, the inflation had made workers' wages to decline by 30% making workers poorer than they were ten years earlier.⁴⁸¹ This view has been encapsulated by Musandu's study that pointed out that collective bargaining has failed to improve the lives of Kenyan workers because it has been ineffective since the onset of the neoliberal policies.⁴⁸² This ineffectiveness has been ascribed to lack of financial resources to facilitate the

⁴⁸⁰ B. Musandu, *Effects of Fragmentation of Trade Unions on Collective Bargaining in Kenya's Hotel Industry: A Case Study of KUDHEIHA and KHAU*. MA Project, University of Nairobi, Unpublished, 2007, p.51.

⁴⁸¹ *Daily Nation*, June 5, 1998.

⁴⁸² Musandu, *Effects of Fragmentation of Trade Unions on Collective Bargaining in Kenya's Hotel Industry: A Case Study of KUDHEIHA and KHAU*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2007, p.20.

collective bargaining process. The policies of SAPs as implemented by the government and the employers impoverished the union by invading its financial base as a result of the rationalization and contractual employment. The rationalization, contractual employment and redundancies reduced KPAWU membership; hence the resultant niggardly monthly subscription fee could not finance proper collective bargaining agreement. Moreover, the negotiations during the Collective Bargaining Agreements ended up in an increment of wages which in most cases was to be implemented in phases. This just scratched the surface of the problem of constant demand for wage increment by the workers because by the time the increment was fully implemented, inflation had already rendered the increment negligible. A union member complained,

Our leaders took a lot of time negotiating and kept on giving us hopes that we would benefit from the process. However, when the process was over, there was nothing to smile about! Despite the increment being niggardly, it was implemented in phases hence one saw no difference and wondered why such a process had to take such a long time. It was piteous that the economic liberalization policies that had impoverished us were implemented by the same government that allowed the employing companies to exploit us. The government had all the powers to compel the companies to pay us a reasonable amount that reflected the economic situations of the neoliberal era.

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In addition, the management would compound the wage problem by being half-hearted in the execution of the wage increment agreed upon during the Collective Bargaining process.

Finally, KPAWU leadership responded to effects of economic liberalization by embarking on marathon recruitment drives to increase the union membership.⁴⁸⁴ This move was necessitated by the realization that most effects of economic liberalization led to a reduction in union membership. The union officials were in agreement that a strong union required large membership as a formidable force against the recalcitrant employers. As had been mentioned earlier, the loss of union members through practices, such as redundancies and retrenchments, attracted vehement union opposition as they were conceived to be reducing the union's dues and financial resources. These recruitment drives by KPAWU leadership were not a smooth ride.

⁴⁸³ Oral Interview, Vincent Makachia, July 29, 2014.

⁴⁸⁴ Oral Interview, Meshack Khisa, July 31, 2014.

They were impeded by bureaucratic obstacles by the employers' association as well as threats by some companies that sacked members who joined the union. This was noted by the union's secretary general in November 1998. While addressing workers at Finlays flower company in Naivasha, Francis Atwoli complained that only 700 out of 3,000 workers in the company were union members. He observed that the lack of unionization by a majority of the workers had led to them living in a pathetic condition, with up to seven members sharing a single room.⁴⁸⁵

Atwoli's stance is shared by Musandu's study that points out that unionized workers are well placed to ward off hostile employers from trampling on their rights.⁴⁸⁶ Such workers are empowered through internal unity and are able to secure industrial democracy and political influence requisite of union's strength. The lack of internal unity was brought about by the application of SAPs that culminated in the bribing of some union leaders by the management in order to divide the workforce and weaken their opposition to the practices such as contractual employment and retrenchments that were occasioned by economic liberalization. Many respondents were of the view that unionization enabled them to access and benefit from job protection by being guaranteed representation to employers and the government. The erosion of the effective unionism by the debilitating effects of economic liberalization was, thus, noted to have made workers vulnerable to the exploitation by the employers as the neoliberal policies continued to bite. Similarly, in 1998, Atwoli appealed to the government to compel all the companies owning flower farms in Naivasha to allow workers join the union. He noted that out of the 100 companies owning flower farms in the region; only 24 had allowed their workers to join KPAWU. This refusal by the companies to allow their employees to join the union, he contended, gave such companies leverage for infringing on workers' rights.⁴⁸⁷

⁴⁸⁵ "Trade Unionist Blames Officials", Daily Nation, November 23, 1998.

⁴⁸⁶ B. Musandu, *Effects of Fragmentation of Trade Unions on Collective Bargaining in Kenya's Hotel Industry: A Case Study of KUDHEIHA and KHAWU*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2007, p.42.

⁴⁸⁷ "Union Appeals to Court Over Workers' Welfare", Daily Nation, July 11, 1998.

4.3 KPAWU's Leadership and the Effectiveness of the Responses Made to Economic Liberalization.

The term leadership has received several definitions by many scholars. As much as most of these definitions reflect such scholars' theoretical inclinations, their stances all point to the view that leadership is the ability to lead; the ability to guide, influence or direct people. According to the effective leadership theorists, the most prominent of who is Burns, the blueprint for judging leadership is the result he or she has attained as opposed to the promises he or she has made. Burns observes, "leadership must not be measured by press clippings, spin doctoring and words, but by results, by what was done and not by what was promised".⁴⁸⁸ Thus, effective leadership theorists perceive a good leader as he or she who inspires his or her followers to put the highest efforts to achieve a worthwhile goal. He or she does not force, cajole or prod his or her followers to do what needs to be done.

Taking this approach, KPAWU's leadership can only be meaningfully judged by how effectively it organized and inspired workers to survive the adverse effects of economic liberalization. Most union members interviewed for this study revealed that KPAWU leadership dismally performed in regard to the expectation of its members. This position derives its reasons from a number of scenarios. In the early 1990s, Kathini Maloba Caines formed an NGO, KEWWO, to champion for women workers' rights in the cut flower industry. According to Ogutu, this step was necessary to fill the leadership vacuum that existed at the time owing to the failure by KPAWU leadership to adequately address the plight of workers in the flower industry during the era of economic liberalization.⁴⁸⁹ The following section deals with the factors that account for the unsatisfactory performance by KPAWU leadership during the era of economic liberalization.

⁴⁸⁸ J. Burns, *Leadership*, New York: Harper Collins, 1975, p.178.

⁴⁸⁹ J.Ogutu, *The Life and Times of Kathini Maloba Caines, 1952-*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2013, p.93.

4.4 Factors that Hampered KPAWU Leadership's Effective Response to the

Adverse Effects of Economic Liberalization

4.4.1 Widespread Ignorance of the Union's Officials

It was noted that most of KPAWU leaders were widely ignorant on the market trends and the forces that determined the same. The leaders failed to research on what transpired in the European flower market, hence, failed to cooperate with organizations in an effort to ameliorate its members' working conditions at the time. The lack of market knowledge strained the leadership's contribution in wage increment negotiations as their contribution lacked both the legal and economic justification.

4.4.2 Subordination of the Office of the Shop Stewards

KPAWU's top officials were largely reported to have subordinated the role of the shop stewards. The shop stewards who had some good ideas on how the union could effectively respond to the challenges facing the workers in the early and mid 1990s were not allowed to freely air out their concerns. The union's top officials did not accord them the requisite cooperation and goodwill.⁴⁹⁰ Additionally, KPAWU's secretary generals preferred ignorant workers and leadership who would not be very voluble on the workers' rights. It was explained that the secretary generals feared that voluble leaders would expose their ineptitude in addressing workers' challenges during the era of economic liberalization. One of the workers observed,

It was the shop stewards who worked with us and understood our problems better. However, when a shop steward aired out the grievances of workers and suggested a remedy, he would be taunted by the branch secretary that he was not the secretary general of the union.⁴⁹¹

Most members also felt that the exclusion of the shop stewards from the union's leadership payroll also disillusioned the shop stewards, hence, demoralizing them from adequately working for the union. The hierarchical nature of KPAWU's leadership system, coupled with the subordinated and de-motivated shop stewardship led to top leadership's lack of touch with the ordinary worker. This further deteriorated the workers' deplorable working condition in the early 1990s. In other

⁴⁹⁰ Oral Interview, Henry Omasire, August 3, 2014.

⁴⁹¹ Oral Interview, Elizabeth Nekesa, July 30, 2014.

studies, it has been noted that lack of involvement of shop stewards in CBA negotiations can cause a split in trade unions.⁴⁹²

4.4.3 Affiliation of KPAWU to COTU (K)

In Chapter Three, it was mentioned that the affiliation of the Mineworkers' Union of Zambia to the Zambia's Congress of Trade Unions added impetus to the struggle for the workers' rights as well as the re-introduction of the multi-party democracy. However, in South Africa, the affiliation of South African Mine Workers' Union to COSATU did not hamper the union's response much because COSATU was co-opted to the African National Congress (ANC), but their relationship was well structured hence COSATU became one of the most vocal anti-SAPs unions. KPAWU's case was different from South Africa since the affiliation of KPAWU to COTU (K) worked more to its detriment as opposed to its good, noting that COTU had no legal rights to call a strike action against the government's decisions between 1980 and 1998. It was pointed out that the co-option of COTU to the then ruling party, KANU, worked to debilitate KPAWU. Moreover, as a federation, COTU was not involved in the collective bargaining process indirectly as this was left to the industry unions. This left COTU increasingly remote from industrial issues and deprived it of a meaningful interface with the rank and file. A case in point was in 1993 when COTU organized a strike that aborted. The strike was supposed to be for protesting against the indiscriminate retrenchment and bolster a call for improvement of wages that were observed to be too low in regard to the soaring inflation at the time.⁴⁹³

It was reported by KPAWU members interviewed for this study that the failure of the strike to take off was because most members believed that the strike was meant to serve the interests of COTU officials as opposed to their own. Moreover, the co-option of COTU (K) to KANU hindered KPAWU's effective mobilization of workers to cause a popular uprising against the government in order for the latter to address the workers' plight during the demanding epoch of economic liberalization.

⁴⁹² B. Musandu, *Effects of Fragmentation of Trade Unions on Collective Bargaining in Kenya's Hotel Industry: A Case Study of KUDHEIHA and KHAWU*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2007, p.50.

⁴⁹³ P.Muthamia, *An Investigation into Some of the Challenges Facing Trade Unions in Kenya: A Case Study of Bakery, Confectionary, Manufacturing and Allied Workers' Union in Nairobi*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2003, p.43.

Following the mother union's footsteps, KPAWU also seemed to have endorsed the co-optation into the government and the ruling party. This was evident in its participation in the fundraising drives organized by the KANU regime that were presided over by the president himself. Under these programmes, all government departments and ministries were expected to give out monetary contributions to the president as he presided over harambees to assert their loyalty to both the ruling party and the regime. In 1996 for example, KPAWU officials attended such an harambee and contributed Ksh170, 000 to the president. This munificent contribution by the union enraged many members whose living conditions were pathetic at the time. They argued that such a large sum of union's money should have found a better use in the betterment of members' deplorable living conditions during the era of economic liberalization. The total money raised on that day was Ksh1, 470,000 in an event that was termed as Youths' Funds.⁴⁹⁴ This intimacy between KPAWU and the government was understood by respondents to have led to a compromise by the union leadership in ventilating their anger against the detrimental effects of economic liberalization.⁴⁹⁵

4.4.4 Ill-Informed Leadership

During the period between 1980 and 1998, KPAWU leadership was bedeviled by incompetence among many of the officials. Shop stewards, branch officials and even the general secretaries had not done much to ameliorate workers' conditions. It was intimated that union leaders were lacking in skills for negotiations, arbitrations, appeal and general grievance handling.⁴⁹⁶ This resulted into delayed or no conclusion of trade disputes since procedures could not be followed, making industrial actions not to be legalized by the industrial court. Most union officials were incompetent to bargain, negotiate, settle grievances, handle disciplinary matters in the union, contribute sufficiently in tribunal hearings and even strikes. Further probing into the leadership matter revealed that most leaders conceived trade unions as based on fire-fighting or violence rather than conciliation and arbitration. This made their contributions dismissed on technical grounds in the industrial court.⁴⁹⁷ This came against the backdrop of a dire need for a strong legal backing of the union to enable it wither the storm of economic liberalization.

⁴⁹⁴ "Moi Receives Youth Fund Contributions", Daily Nation, December 7, 1996.

⁴⁹⁵ Oral Interview, Peter Otieno, July 29, 2014.

⁴⁹⁶ Oral Interview, Vincent Makachia, August 3, 2014.

⁴⁹⁷ Oral Interview, Peter Olira, July 31, 2014.

Further, most union leaders did not have a mastery of obvious areas, such as pay hours, conditions of work, contract of work as well as industrial and government policy during the period between 1980 and 1998. In their predilection to violence, many KPAWU officials assumed that trade unionism had all to do with lockouts, picketing and strikes. When addressing workers at Finlays Flowers in Kericho district, Francis Atwoli acceded of the reality that trade union officials were compromised and incompetent and were no longer active during that demanding time. He observed that the lethargic union leadership had made the union dormant.⁴⁹⁸ Musandu underscores the need for having trained negotiators and researchers in a union for the success of the sound collective bargaining process that he observes was imperative during the period between 1980 and 1998. He contends that this would equip the union with the capacity to address the new and emerging labor related issues within a liberalized economy.⁴⁹⁹ This could be achieved through skills training and good education among union leaders. Most KPAWU leaders had low level of education and could not understand the nitty-gritty of economic liberalization. This state of affairs was attributed to the deunionization mechanisms brought about by the application of SAPs.

Low level of literacy in the union undermined the achievement of quality leadership in the union during the era of economic liberalization. Trade Union Act Cap 233 does not specify the level of education of a person aspiring to be a union leader. This legal gap allowed the ascension into office by individuals with little or no knowledge in industrial relations as the union lacked enough funds to attract quality personnel that would steer it through the turbulent era of economic liberalization. Because SAPs led to austerity measures that reduced the union membership due to redundancies and the failure of the employing companies to renew the contracts of workers who joined KPAWU, the union did not raise enough funds as it solely relied on the monthly subscriptions fee from the few members that remained in the union at the time. When the researcher for this study enquired from the interviewed union leaders the level of education one needed to attain to become the union's secretary general, the leaders were at pains to explain the laxity allowed by their constitution in vetting the

⁴⁹⁸ "Trade Unionist Blames Officials", Daily Nation, November 23, 1998.

⁴⁹⁹ B. Musandu, *Effects of Fragmentation of Trade Unions on Collective Bargaining in Kenya's Hotel Industry: A Case Study of KUDHEIHA and KHAWU*, M.A Project, University of Nairobi, Nairobi: Unpublished, 2007, p.25.

educational credentials of their leaders. Their responses were not uniform. While others reported that one needed a good pass in the Kenya Certificate of Primary Education (KCPE), others talked of KCSE certificate, and yet others asserted that the union did not wall off its members from leadership on the basis of educational achievements.

Another way through which semi-illiterate leaders found their ways into office was that educated and competent leaders were weeded out from KPAWU using bureaucratic maneuvers as they were feared by top union officials lest they over shine their bosses. The application of SAPs had deprived the union of adequate financial base and made impecunious the union officials. The union officials complained that during the period after the formulation of the Finance Bill of 1994, many KPAWU members lost their jobs through redundancy. Due to the loss of such members' monthly subscription fee, the union became so financially starved that it became a herculean task to pay its staff.

The broke union leadership, thus, became so wary of any attempt to replace them because they understood that despite their delayed salaries, life outside the union leadership was worse.⁵⁰⁰ It was mentioned in Chapter Two that one who wanted to contest the post of a secretary general had to deposit a sum of Ksh1 million accompanied by a letter to the incumbent secretary general affirming his intention to contest. This letter had to reach the incumbent secretary general 21 days before the Election Day. Because it was the incumbent secretary general who called the quinquennial conference that elected a new secretary general using the delegate system, it was reported that the incumbent would manipulate the electoral process in his favor. For example, when the incumbent secretary general realized that some branch secretaries were supporters of his opponent, he either expunged their names from the delegates' list or they were not told the correct venue of the elections.⁵⁰¹ Moreover, such a huge sum of money could not be afforded by the union members impoverished by the economic liberalization policies.

⁵⁰⁰ Oral Interview, Thomas Kemboi, July 31st 2014.

⁵⁰¹ Oral Interview, Peter Otieno, August 3, 2014.

Similarly, the enviable post of the secretary general had its occupant elected by branch secretaries as opposed to the rank and file of the union. This walled off union members with good credentials for the office because the ordinary members lacked the requisite machinery to mobilize their bosses, the branch secretaries, to vote for them. Similarly, the inflation and poor pay during the era of economic liberalization had financially handicapped the union members, hence, any money got by the members was directed to immediate physiological needs, and issues like contesting for union leadership were considered luxurious needs for which the hard-to-get financial resources were not worth spending.⁵⁰² In effect, economic liberalization succumbed prospective able leadership to the dominance of the senior leadership and believed that it was impossible for them to serve in the capacity of a secretary general. Asked about what could have been done to reverse the situation, a member was quick to suggest.

The constitution was supposed to be revised to introduce a system by which ordinary members were allowed to contest the post of the secretary general. This would have avoided the scenario where the branch secretaries took advantage of our impoverishment by the austerity measures and met and selected an individual that we only heard over the radio, but was invisible in the farms where we workers faced a number of problems.⁵⁰³

Consequently, the leadership of the union was composed of individuals whose incompetence hampered the processing, registration, and speedy resolution of the disputes that were brought about by the application of SAPs by the government and the employing firms.⁵⁰⁴ Most members interviewed agreed that KPAWU lacked quality leadership during the era of economic liberalization. One of them observed,

KPAWU lacked professional legal advisors, economists and competent health practitioners to enable us meet the professionalism displayed by the Agricultural Employers' Association during the negotiations aimed at cushioning the union members from the adverse effects of economic liberalization.⁵⁰⁵

⁵⁰² Oral Interview, Peter Otieno, August 3, 2014.

⁵⁰³ Oral Interview, Elizabeth Nekesa, July 29, 2014.

⁵⁰⁴ Oral Interview, James Okeyo, July 29, 2014.

⁵⁰⁵ Oral Interview, Peter Otieno, August 3, 2014.

Also related to the problem of leadership during the era of economic liberalization was the leadership wrangles. As the employing firms were forced by the government to execute the austerity measure, they came up with unpopular practices such as unpaid overtime, rolling contracts and increased targets. Some shopstewards were bribed by the management not to oppose such policies. This led to disagreement between the shopstewards who sided with the pro-management leadership and those who opposed the exploitative tendencies of the management. Such wrangles were occasioned by pecuniary conflicts as well as desire to land in some leadership positions. The wrangles were very common a few months before the union elections.

During such times, some leaders would scheme to eliminate their arch rivals either from the ballot paper or malign them in order to be rejected by voters.⁵⁰⁶ The result was poor representation of workers' interests, leading to poor negotiations as the SAPs were continuing to bite. As was mentioned in chapter two, the period between 1980 and 1994 was pervaded by leadership wrangles, which diverted KPAWU's leadership attention from serving workers' interests to laying down stratagems for defeating their opponents. To secure this defeat, the electoral rules were revised by the incumbent leaders in order to keep themselves in office.⁵⁰⁷ Such rules made it extremely difficult for a visionary leader to ascend into the office of the secretary general in order to provide an alternative leadership that would adequately tackle the challenges brought about by the economic liberalization during the period between 1980 and 1998.

Such behavior by union leaders resulted into loss of confidence in their leadership by some union members hence developing the desire to split. For instance, in 1997, 15,000 employees of the Kenya Tea Development Authority (KTDA) resigned from KPAWU, accusing the general secretary, Francis Atwoli, of poor representation and failing to heed their requests. While holding a peaceful demonstration along Kericho streets, they carried placards requesting KTDA management to ignore Atwoli and implement the negotiated house allowance as "we are not affiliated to his union." They explained that they had severed links with KPAWU because Atwoli had incited

⁵⁰⁶ Oral Interview, Peter Otieno, August 3, 2014.

⁵⁰⁷ Ibid.

KTDA management against some shop stewards.⁵⁰⁸ The interim chair for the proposed union, Thomas Anyonje, observed, “Mr. Atwoli cannot serve the workers efficiently because he has divided loyalty in trade union affairs and active politics.”⁵⁰⁹ He insisted that workers could only be freed from the financial burden brought about by SAPs if Atwoli was not part of the union leadership.

Many respondents interviewed for this study observed that economic liberalization culminated in high prices of basic goods making survival very difficult. The peanuts wages paid to the plantation workers made them find the monthly subscription fee too high to produce. Many members felt that withdrawing from the union would make them save a coin by not paying the subscription fee. The reduced membership as a result of such moves denied the union its financial strength. Hence paying the staff became arduous to the union. Some union officials, therefore, resorted to embezzling the union funds or schemed to occupy union leadership posts as a way of survival. These two steps brought a lot of leadership wrangles in the union. For instance, in January 1991, there were two instances of leadership wrangles in KPAWU that were electorally instigated. First, there was a court battle that pitted three KPAWU officials, namely, secretary general Philip Mwangi, organising secretary David Wahome, and his assistant Joseph Wandai Were against the newly elected twelve officials. The latter were barred by the High Court from assuming office following the application by the three officials who accused them of having appointed themselves.⁵¹⁰

On 14th of the same month, a row emerged when secretary general Philip Mwangi was forced by the General Council of KPAWU to retire on health grounds. He was replaced by the assistant secretary general, Stephen Kariuki Mathuki, in an acting capacity.⁵¹¹ Molo Branch Secretary, Mr. Joel Rono, led a group that condemned the move and accused the then secretary general of COTU, J.J. Mugalla of interfering with KPAWU’s affairs. He accused Mugalla of wanting to remove Mwangi from chairmanship of COTU in the impending COTU elections. Economic liberalization, thus, brought about tough economic situations that militated union leadership and

⁵⁰⁸ “Proposed New Tea Union Sparks Row”, Daily Nation, December 30, 1997.

⁵⁰⁹ Ibid.

⁵¹⁰ “Court Restrains Union Officials”, Daily Nation, January 19, 1991.

⁵¹¹ “Major Row as Union Boss is ‘retired’”, Daily Nation, January 14, 1991.

made them divided in tackling the challenges brought about by the application of SAPs. The ever-fighting union leadership performed dismally in protecting workers from the violation of their rights and difficult economic conditions.

4.5 Conclusion

The implementation of economic liberalization policies from 1980s prodded the union to embark on a number of mechanisms to address the deleterious effects of the neo-liberal policies. The mechanisms included, training workers to embrace multi-skilling; retraining of workers, especially on how to operate the machines used in farm mechanization; agreeing on the negotiated tradeoffs between the union and the management; strike actions; seeking legal protection through Collective Bargaining Agreement; and launching marathon recruitment drives to forestall the massive loss of membership. In Nigeria, the Nigeria Labour Congress did not adequately protect workers from the detrimental effects of SAPs owing to the repression by the military regimes between 1980 and 1998. Trade union leadership plays a humongous role in the well-being of the trade union members. For a union to succeed in shielding its members from the violation of their rights by the government and the employers, it must have literate, competent, vibrant and incorruptible leadership that is ever vigilant to curb any attempt by the management to trample on its members' rights.

These notwithstanding, most members felt that KPAWU's leadership performance during the era of economic liberalization did not meet the threshold of the members' expectation. This was attributed to the fact that the union's leadership was paralyzed by ignorance of most officials, subordinated shop stewards, affiliation of KPAWU to COTU, ill-informed union officials, financial bottlenecks, and political meddling. These challenges debilitated the union, hence, prevented its leadership from satisfactorily acting as a vanguardist union against the Moi regime during the period between 1980 and 1998 when the neo-liberal policies were implemented.

CHAPTER FIVE

CONCLUSION

This study sought to find out the effects of economic liberalization on the Kenya Plantation and Agricultural Workers Union between 1980 and 1998. The specific objectives of the study were to establish the genesis of trade unionism in Kenya and the subsequent formation of the Kenya Plantation and Agricultural Workers' Union. The study also endeavored to assess the link between economic liberalization and trade unionism in Kenya as well as the impacts of economic liberalization on KPAWU. Finally, the study aimed to assess the leadership and workers' responses to the effects of economic liberalization. The economic liberalization policies were austerity measures that were forced on the third world countries by international financial institutions, such as the World Bank and the IMF, ostensibly to solve the balance of payment deficit and strengthen the third world economies. These policies took the form of reduced government expenditure in education and health sectors, trade liberalization, privatization, currency devaluation, abandoning of import-substitution industrial strategy, as well as legislations that encouraged deunionization.

The study findings reveal that Kenya implemented neoliberal policies to win the confidence of the donor institutions in order to obtain funds for financing her development projects. The implementation was done grudgingly because it deprived the government of its role in provision of goods and services to the citizenry. The adoption of economic liberalization in Kenya was introduced when the country was experiencing economic difficulties occasioned by a flagging agricultural sector, landlessness, rampant unemployment, and adverse weather changes.

The Kenya Plantation and Agricultural Workers Union was adversely affected by the effects of economic liberalization. To start with, the reduced government expenditure on health rendered the plantation workers financially incapacitated, which thwarted their quest to access better health care. This is because the application of SAPs eliminated the subsidies and tax exemptions that were previously offered to the employing companies and exposed such companies to stiff international competition in which they lost in most cases. To survive the adverse effects of economic liberalization, companies paid plantation workers less wages and laid-off many

workers. Low wages made proper healthcare unaffordable to workers while lay-offs denied workers their sources of income hence impoverishing them. The introduction of user-fees in public health facilities that characterized the government's determination to cut its expenditure on health sector, further complicated matters for the economically-oppressed plantation workers. In an effort to survive the harsh economic reality, the plantation workers resorted to seeking alternative means of accessing healthcare. They visited lay leaders of independent Christian denominations, such as Legio Maria and Roho Msalaba among the Luo, and Dini Ya Msambwa among the Luhyas. These religious healers were preferred as their services were offered at a cheaper rate and at locally arranged terms. However, such traditional and religious healers used dubious means of treatment whose effects on the recipients could not be ascertained. Apart from the introduction of the user fees, the drugs that were sent to the public health facilities were stolen by some unscrupulous staffs in the government health facilities, leading to serious shortages of drugs in the health facilities.

Similarly, the economic devastations during the era of economic liberalization compelled the female union members to engage in acts of promiscuity to augment their meager pay in order to make ends meet. The offering of sex in exchange for money and shopping by such female workers further provided a social ecology for the spread of the HIV/AIDS scourge. It is no wonder the study revealed that many union leaders and members perished from HIV/AIDS-related complications. In effect, the reduction on government expenditure on health sector deprived the plantation workers of proper medical care and exacerbated the spread of HIV/AIDS among the plantation workers.

As observed in this project, the government was focused to reduced expenditure on education, which meant a reduction in subsidies to the sector. Concomitant to this action, students at university were asked to pay fees. The low wages paid to the plantation workers could not meet such payments, making their children unable to access higher education. The hopeless plantation workers under these circumstances viewed higher education as a preserve of the rich. Even the Higher Education Loans Board that was formed to help poor students to access university education was not a panacea to the plight of the plantation workers' children. This was because the

workers could not meet the legal obligations requisite of securing the loans. Subsequently, the plantation workers became a group whose children's education did not go beyond the elementary levels.

The removal of subsidies and tax exemption to formerly subsidized companies under import-substitution industrial strategy prodded such companies to map out mechanisms that would avoid losses. Such practices included the introduction of 'rolling contracts'. This temporary employment of workers prevented such workers from joining the union for the fear of not having their contracts renewed. This reduced the union membership, denying it the ability to pile pressure on the employers that were trampling on the workers' rights during the period between 1980 and 1998. The recruitment drives organized by the leadership under such situations merely scratched the surface of the reduced membership problem. To execute trade liberalization policies, the government encouraged the foreign direct investments that culminated in the establishment of Export Processing Zones. These EPZs were showered with a lot of incentives that did not commensurate with the employment they offered to people who lost jobs in the public sector or the unemployed. Similarly, the government seemed to be blind to the flagrant violation of workers' rights in such EPZs. Their creation, thus, was an assault to the well-being of the plantation workers.

Trade liberalization exposed the prior protected local industries to international competition leading to the closure of such industries, as they could not favorably compete with the established international companies. This led to the lay-off of KPAWU members, translating into the loss of jobs and income. This culminated in the impoverishment of the union members. To implement the neoliberal policies, the government prepared the Sessional Paper No.1 of 1986 without consulting the union leadership. This meant that the union lost its power and influence on industrial relations during the era of economic liberalization. It was further revealed that the government dragged its feet in executing some of the policies of economic liberalization that threatened to spoil the government's role as the leading service provider to the citizens. The implementation of the policies of economic liberalization, thus, led to a strained relationship between the government and the donors.

The currency devaluations to curb the balance of payment deficit led to a soaring inflation that rendered the wage increment won by the plantation workers inadequate in meeting their financial obligations. This meant that despite the union's efforts on fighting for the betterment of the pay for their members, the latter were not satisfied with the leadership's efforts. This made the union members to lose confidence in union leadership. Such members felt that their leadership was not doing enough to surmount the challenges brought about by economic liberalization. To this extent, economic liberalization policies caused reduced union membership, as some members withdrew from the union citing the futility of being a union member. Thus, the economic liberalization policies stifled effective unionism by reducing the membership of KPAWU and created obstacles to proper union mobilization by the union leadership.

The Kenyan government also implemented economic liberalization policies that were characterized by the privatization of public enterprises, removal of tax exemption and subsidies on local industries and the abandonment of import-substitution industrial strategy of development. The privatization of public enterprises informed loss of union membership as some new managements scaled down their employees. Similarly, as some companies denied their employees access to unionization by victimizing those who were active in union activities, others outlawed the joining of unions by their employees, a practice that crippled the membership recruitment drives by KPAWU leadership. The removal of tax exemption and subsidies on some employing companies led to inability by some companies that employed KPAWU members to pay for their operations, leading to their closure. Besides, it reduced the profit made by some companies and in some cases, led to running of such companies at a loss. To address such challenges, many companies chalked out mechanisms to increase their profitability by introducing de-unionization practices, such as rolling contracts, contractual employment, declaration of redundancies and retrenchments. In effect, such practices weakened the union, rendering it incapable of protecting the workers from the economic hardships brought about by the economic liberalization.

Similarly, the replacement of import-substitution industrial strategy with outward-looking industrial strategies as a result of trade liberalization exposed the previously protected local industries to international competition. Given the inexperience of such

industries in international market, the affected local industries were overwhelmed by the multinational companies, leading to their closure. This was the case with Kisumu's KICOMI that could not favorably compete with foreign companies that manufactured the used clothes (mitumba). The flooding of such clothes in the Kenyan markets, thus, dealt KICOMI and other textile companies a death blow. In this regard, economic liberalization led to the closure of local industries that employed KPAWU members leading to lay-offs that translated to poverty. In a nutshell, economic liberalization reduced the union membership and created conditions that hampered membership recruitment efforts; led to lay-offs and redundancies declared on KPAWU members; denied KPAWU members accessibility to higher education and proper healthcare and impoverished the union members through inflations that rendered wage increment won by the plantation workers inadequate.

As revealed in this study, KPAWU leadership embarked on measures that were meant to respond to the effects of economic liberalization that included organizing workshops and seminars for training the plantation workers to embrace the skills that could help them survive the adverse effects of economic liberalization, such as deskilling. Such skills included re-skilling and multi-skilling and were meant to address the challenges brought about by farm mechanization that threatened to render union members jobless during the era of economic liberalization. As a result, KPAWU members were trained on how to operate machines as the application of SAPs introduced and spread increased farm mechanization. Besides, the union leadership pursued negotiated trade-offs with the management to ensure that both the union and the management interests were all put into consideration. As the economic hardships from the implementation of SAPs continued to bite, the union leadership sought legal protection through the Collective Bargaining Agreement (CBA). However, this method did not yield much to the union as the economic hardships during the neoliberal era had deprived the union of the competent staff that could match the pedigree professionals employed by the management. Moreover, the wage increment won by the union during the negotiations were rendered negligible by the high inflation that characterized the era of economic liberalization. Inflation lowered the plantation workers' purchasing power at the time when prices of goods were high. This further impoverished the plantation workers.

In addition, the KPAWU leadership organized membership recruitment drives to respond to reduced union membership as a result of redundancies and lay-offs. However, this response was hampered by the proscription of unionization by some employer companies, such as some of the flower farms in Naivasha. At the same time, some plantation workers felt that their leadership was not doing enough to protect them from the adverse effects of economic liberalization, hence, such workers refused to join the union. Similarly, KPAWU leadership responded to the detrimental effects of economic liberalization by embarking on strikes to demand wage increments or condemn an act by the employer companies that trampled on their rights. However, the study revealed that most KPAWU leaders conformed to the government's call to eschew strike action. Therefore, the strikes by union members only succeeded in compelling the management address the workers' complaints when the workers persisted despite their leadership's call to refrain from labor militancy.

Pertinent to note is that most union members felt that KPAWU leadership reneged on its responsibility to protect members from the harsh economic realities that characterized the application of SAPs. The unsatisfactory performance by the leadership was ascribed to the widespread ignorance of the unions' officials, subordination of the office of the shop stewards, the affiliation of KPAWU to COTU and the ill-informed KPAWU leadership during the era of economic liberalization.

The study was guided by two theories; Karl Marx's Labor Theory of Value, and Moral and Ethical Theory of Trade Unionism. The study findings concur with both theories. Karl Marx argues that capitalists exploit workers' surplus values, making workers poorer as the capitalist grow richer. This situation is portrayed by how KPAWU members were impoverished by the Structural Adjustment Programmes, which were tailored by the capitalist institutions i.e. the International Monetary Fund and the World Bank. As the exploitation by the capitalist ensued, the workers embarked on a self-emancipation process which took the form of organizing themselves into a trade union to agitate for their rights. KPAWU conformed to Karl Marx's assertion that workers under their leaders will tend to organize to fight for wage increment and better terms and conditions of work during the era of the capitalist-instigated economic liberalization.

The findings also corroborate Poole's Moral and Ethical Theory of Trade Unionism. According to Poole, trade unions are socio-economic and political organizations whose members strive to defend their general welfare and interests; agitate for equity and justice in the society; and perpetuate democracy. KPAWU leadership engaged in a number of practices in order to defend their members' welfare and interests. They trained the members on re-skilling and multi-skilling in order to avoid job loss; they organized recruitment drives to garner adequate membership that would form a formidable force against the management when the latter imperiled the interests and the welfare of the union members; they sought legal protection of workers through CBA; and organized workers to strike in order to ventilate their anger on the refusal by the government and the management to address their plights.

Despite these efforts, KPAWU leadership did not embrace the democratic principles of trade unionism. The union leaders laid down stratagems to manipulate the electoral processes, hence, determined the outcome of the union elections. This made incompetent and ignorant leaders to occupy the union's offices, leading to a failure by the union to effectively protect workers during the era of economic liberalization. This situation called for policies geared towards the elimination of electoral malpractices in the union for the latter to remain a democratic institution during the period between 1980 and 1998. This would have made it possible for the union to get competent leadership that would have properly defended the members during the neoliberal era.

The study's hypotheses have therefore been confirmed as the union activities during the colonial period led to the formation of the Kenya Plantation and Agricultural Workers' Union. Besides, a clear link has been shown between the economic liberalization and trade unions in Kenya. The study has demonstrated that the financial difficulties that marred Kenya in the late 1970s and early 1980s made it imperative for the country to bow to pressure from the donors to adopt economic liberalization. These policies proved to be detrimental to effective unionism by KPAWU. Moreover, KPAWU's leadership formulated strategies for the response to the economic liberalization. However, most members of the union felt that the leadership approaches by the economic liberalization policies did not satisfactorily address the said challenges.

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