PROBLEMS OF POLITICAL REPRESENTATION IN KENYA

by

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Definition of the Problem

In 1938 the Secretary of State for the Colonies announced in Parliament that the ultimate political goal of Britain's colonial policy in Africa was self-government within the Commonwealth. This policy in the postwar\(^1\) period has been implicitly modified to allow for self-government or independence outside of the Commonwealth. As a stated ultimate objective of colonial policy it did not represent an essentially new orientation, but rather was an extension to Tropical Africa of the political goal implicit in British colonial constitutional development. In nearly all African territories the political structure of legislative and executive had been established. The achievement of self-government through the gradual liberalization of the colonial constitutions was now, however, explicitly recognized and African political development would clearly follow in its broad outline the traditionally accepted evolution that the White Dominions had followed and that Asian territories were pursuing toward self-government. No one, however, foresaw the rapid social change that was to occur in Africa in the immediate postwar period and the political changes and orientation that this would give rise to.

Essentially Britain's postwar colonial policy in Africa, although now wedded to the ultimate goal of self-government, continued

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1. "Postwar" and "prewar" in this paper, unless otherwise stated, refer to World War II.
to approach political and social problems within the framework of its traditional empiricism. That is, political change, constitutional building and development were considered more in the light of meeting immediate needs and solving specific problems, than in providing a definite and directed course of action for the achievement of self-government. Self-government remained a vague ultimate goal, and its attainment was not in the foreseeable future. Britain could not or did not foresee the demands which were to be made by rapidly emerging nationalist movements. In meeting the demands of West African nationalists in the postwar period, British policy abruptly reevaluated its prior concepts of slow evolution and rule and adopted a "planned" policy of achieving self-government within a reasonable, if not a stated, period of time. This may be explicitly seen in the major political and constitutional changes which occurred in the Gold Coast constitution of 1950 and the Nigerian constitution of 1951. The essential characteristics of this new approach or model colonial policy are: the rapid transformation of the traditional forms of colonial Legislative Council into democratically elected Parliaments; universal suffrage; the introduction of a Ministerial system; an effort to speed up the process of Africanizing the Administration; the requirement that British officials regard themselves as servants of African Ministers, not as members of a Ruling Institution, implying that control of the Public Service be transferred from the Colonial Office to the new national Governments; the substitution of the concept of Local Authority for that of Native Authority; and finally, the
the acceptance of the principle that constitutional reforms are preliminaries to the granting of full independence within the Commonwealth at an early date.  

It has been stated that this abandonment of an ad hoc policy in favor of rapid political and social progress toward the policy goal of independence was possible because of the basic consensus of the population and the lack of powerful non-African minorities. However, in Central Africa Britain also accepted a definite policy goal in the creation of the Federation of Rhodesia and Nyasaland, where power was not to be transferred to an African majority as in West Africa. Essentially there was devolution of power to a large European minority, although certain safeguards were retained for the protection of African interests. Partnership was to be the definitive principle in European-African relations. The implementation of partnership within the new Federation was, nevertheless, essentially to be controlled by the European group.

Thus it is apparent that Britain has adopted two definitive yet different political goals in Africa, each of which has been controlled in large part by the internal situation of the territories. In West Africa, colonial policy has granted power of decision to African political leadership, while in Central Africa, political authority has been given in large measure to the local European minority.

Contrasted to these two major decisions, Britain has not adopted specific definitive policy goals for Kenya. The general goal of self-government is too vague to be meaningful to the different members of its disparate multi-racial population. The immediate question that is usually considered is: self-government for whom? To what racial or ethnic group does the ‘self’ refer? In West Africa, it certainly meant Africans and in Central Africa it has meant Europeans. What accounts for the unwillingness of Britain to define specific and immediate policies in Kenya? It is believed that an answer to this problem through analysis of the internal political and social situation will reveal not only the distinct problems that Kenya poses for policy, but will suggest that the present policy of traditional empiricism may not be able to meet the critical problems of this territory.

Method of Analysis

In analyzing the various internal forces of the Kenya situation it must be made clear that the ultimate balance of power and authority rests with Great Britain. It is the metropolitan government which provides the enormous public capital required for economic development, as well as the armed forces to put down rebellions and maintain security.

3. In Uganda, however, definite policy statements have guaranteed that this territory will develop as an African unitary state, gaining political independence within the near future. In the Sudan a situation existed similar to that of West Africa. With the added impetus of Egyptian pressure the idea of less gradual transfer of power and complete independence was accepted by Great Britain.

4. It should be noted, however, that this policy has had major successes at other times and in other territories.
While it is essential to acknowledge the importance of the Imperial factor, this study is primarily concerned with an internal analysis of Kenya. This includes an examination into the power relationships of the three main racial groups in Kenya, a study through time of their respective power positions and the changes in these positions in the postwar period.

A general but adequate definition of political power as used in this paper is that given by Franz Neumann:

> It is social power focused on the state. It involves control of other men for the purpose of influencing the behavior of the state, its legislative, administrative and judicial activities...

While this definition is adequate, it must be fitted into the particular power relationships dealt with here, since societies differ in the manner in which political power is distributed within them. The traditional classifications of power structures—monarchy, aristocracy and democracy—are useful as general analytical tools, but the fact is that political structures are not in reality so neatly arranged. One shades off into the other with degrees of difference that cover a political continuum. Any of the points on the continuum may theoretically be magnified for intensive investigation, but the relative utility of such an analysis in a multi-racial and less representative contexture is decreased. In Kenya, for instance, we are dealing with a society that lacks some of the normal requisites associated with

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democratic government, i.e., a general will, enlightened electorate, universal franchise and a vehicle for the expression of public opinion. In the present context, power is understood as the mixture of influences exercised both formally and informally in Kenya and informally in the United Kingdom. For example, a racial group may exercise formal power by sharing in the political structures of government, such as the Legislative Council, Council of Ministers, governmental committees, or local government councils. However, a racial group or a political action community may also possess effective control over other groups and institutions by extra-constitutional means, i.e., activities in labor unions, political organizations like the Nairobi African Congress or the European Electors' Union. Both qualitatively and quantitatively there are gross disparities between Europeans, Africans and Asians in the command of these influences which are the properties of political power in Kenya.

This study of the internal power relationships of Kenya is focused on the issue of political representation because the struggle for power has essentially been one of translating informal political power into a share in the authority of the political structure. Through effective representation a racial group, such as the European settlers, may have a dominant share and influence over the exercise of public policy. It is precisely the importance of this share established through the system of representation (that is, the kind of representation and amount) that makes the focus of political representation paramount in the study of political change in multi-racial territories.
Indian question during the 1920’s, the issue of closer union and European demands for an unofficial majority, the issue of equality of representation in the immediate postwar period, the problems over parity of representation and the Lyttelton constitution were all major events and issues in this struggle for or consolidation of formal representative position.

Kenya has now adopted a multi-racial constitution but the major issue of political representation has not been solved. The three main racial groups appear to differ fundamentally concerning a system of representation which would permit peaceful political advancement and gain the support of all groups. In broad ideological outlines this struggle is between those, like the majority of Europeans, who believe in qualified participation in major decision making and those, represented by African leadership, who have apparently accepted the doctrine of 'one man one vote.' To date British policy has found no acceptable compromise between these two major views. Although the internal situation of Kenya in the prewar period permitted the conduct of a policy of empiricism, such a policy in the postwar period has not been able to meet the increasing demands of the political realities or needs of a definitive political goal. Without a conception of what the nature of future authority will be, each constitutional change gives rise to major controversy and fundamental disagreement. It contributes to instability and to the possibility of anarchy.
CHAPTER II - ANALYSIS OF PRINCIPAL GROUPS

The ethnic differences in Kenya make it a classical example of a plural society, here defined as "a society comprising two or more elements or social orders which live side by side, yet without mingling, in one political unit." The population may be divided into four major groupings: African, Indian, Arab and European. Each has numerous subdivisions. It should be noted that the term "Asian" is generally synonymous with Indians in Kenya, whether they be Muslims or non-Muslims. Likewise the term "European" has a broad connotation.7

**African Grouping.** Among the African population there are 23 languages spoken. A brief survey of the different tribes shows four main types: Hamitic, Nilotic, Nilo-Hamitic and Bantu. The Kikuyu, a Bantu group, and the Luo, a Nilotic group, rank first and second numerically (19.5 per cent and 14.4 per cent respectively of the total African population) and are also the two groups that have been most receptive to European ways and responsive to European education.8


7. In British Africa a 'European' means, generally, anyone who is white. An American in Kenya is a European. Though most of the Europeans are British, there are also Poles, Italians, Scandinavians and South Africans (who make up 22% of the white population). In addition to this, Kenya Egyptians and Palestinian Arabs are called Europeans, though Arabs from Arabia are Asian; people from the Seychelles in the Indian Ocean are European or Asian according to the pigment in their skin. John Gunther, *Inside Africa* (New York, 1955), p. 314.

The African population has had a minor role in the European-dominated political, economic and social order. This is manifested by a limited participation in the formal process of central governmental authority and lack of informal influence in the social order. Economically circumscribed by lack of technical skill, education and capital, the African's participation in the market sector of the economy is small. The low African wage scale and the poverty of the reserves help to maintain economic insecurity and limit social mobility to an educated few. Limited social intercourse and non-assimilation into the European society prevent access to positions of informal influence. The color bar has multiplied the frustrations of the elite by limiting access to positions of prestige and wealth. To assert himself effectively the African must compete for power in a political system alien to him with little command of the prerequisites and techniques of the system. In addition, there is extremely little social and political solidarity among Africans on a territorial-wide level.

Although this appears a static condition, the fact is that the political and social role of the African is changing. It must be remembered that the 1923 declaration by the Imperial power that African interests were to be paramount did not affect the power structure of Kenya. At the most this declaration was a moral principle of trusteeship rather than a basis for practical politics. It helped to prevent European over-all control and at least gave rise to questions

of what the developing role of the African should be in the future. Two decades later the goal of racial partnership replaced the early doctrine.

The ability of the African to affect power relationships did not come about until the postwar period; in fact, not until 1944 did the first African Representative sit in the Legislative Council. Although the African wields little actual political power in the exercise of governmental authority, he is able to effect some changes by his potential strength. Prior to 1944 the only African participation was found on the local district council level, which gave him limited participation in matters directly concerned with his rural life. However, the African was able to be heard in England and have attention focused on his position by some representations made from social and political organizations, especially among the Kikuyu. He also found support among certain missionary groups and Europeans who were concerned with justice for the African. In the prewar period, however, the Colonial Office had to be primarily concerned with European demands for self-government and Asian drive for equality of status. It was the European and Asian conflict that was the focus of attention and major policy.

The marked change in the African political position in the postwar period is highlighted by a consistent effort to increase formal unofficial representation in the local and central councils of government. African leadership adopted both legal and non-legal action to achieve this end. The main African demands came to be focused on African parity and the achievement of a common electoral roll.
Presently the African representatives in the Legislative Council are nominated by the Governor from informal district council recommendations. However, provisions for African elections in the Lyttelton constitutional agreement have been enacted. In March 1957 direct African elections for their legislative representatives will take place. Although only approximately 125,000 Africans have been registered instead of the 300,000 to 500,000 estimated to be qualified, this number still exceeds the combined European, Asian and Arab registry of voters by 17,000. While the total number of registered is small, perhaps because of widespread distrust of Government motives, i.e., the electoral rolls will be used for taxation purposes and the use of loyalty tests for the Kikuyu, nonetheless, this electoral roll is the outstanding African political achievement of the postwar period.

Though limited in application at first, it will provide a constitutional vehicle for political education and action and will give meaning and sanction to the views of African representatives. At the same time it will no doubt reinforce the communal system of representation, fail to promote inter-racial consensus and more sharply define the struggle for political power.

The grant of this electoral roll to Africans will contribute to the growth and development of African nationalism, which must be recognized as the chief potential source of African power. Perhaps one of the greatest obstacles in the development of nationalism has been

the small number of educated men who either sought or were able to function as a national elite. African political movements have been unable to overcome an essentially tribal identification. The most significant political movements were Kikuyu in orientation and appeal, using slogans and symbols derived from Kikuyu values, thus having little effectiveness among non-Kikuyu people. The propensity of the Kikuyu to absorb Western civilization has had a deep effect on the people of that tribe. As a result, most of the African political leaders in Kenya have been Kikuyu, who could not work effectively within the cultural setting of other Kenya tribes. This prevented the creation of trans-tribal linkages among emerging indigenous leaders. The movements which did develop tended to become secretive, conspiratorial and insurrectionary, and this negative character prevented the development of an African political society or nation state. The failure of the Labour Government and the Government of Kenya to recognize the changing social situation contributed to this revolutionary rather than constitutional means of altering the distribution of power.

In summary, the African role is changing. The greatest visible political gain has been the attainment of the franchise. The important factor with this group is its potential rather than actual strength.

11. See Margery Perham, "The Struggle Against Mau Mau," The Times, 23 April 1953: "The Kikuyu suffered most because their region pivoted upon Nairobi and was almost surrounded by European settlement while they became the purveyors of labour." Compare L.S.B. Leakey, Mau Mau and the Kikuyu (London, 1953), pp. 57-66 for the impact of European penetration.
Though trans-tribal linkages have not come about in the past, they appear to be developing and assuming the nature of a vehicle of trans-tribal nationalism.

**Aslan Grouping.** As a community the small group of Arabs have played no really effective part in the political life of Kenya. Philip Mason writes of the Arab community:

> With few exceptions they are inclined to look to the Government of Kenya as a protector who will safeguard their remaining rights as a privileged minority, rather than make themselves a place in the world of the future by their own efforts.

The term 'Asian' in Kenya is generally synonymous for Indians, whether they are Muslims or non-Muslims. The largest sector of the Asian community is the Indian group, of which Goans number less than 10,000. There are two groups of Indians with subdivisions among them. The majority of the Muslims are known in Africa as Khojas, i.e., Muslims of the Ismailiya sect, followers of the Aga Khan, heretics in the eyes of other Muslims. On the instructions of the Aga Khan they have given up traditional Indian ways and consider themselves citizens of Kenya, looking to the West for standards of behavior. The non-Muslim Indians comprise two main groups, Sikhs and the politically dominant Hindus. On the whole Indians in Kenya filled a gap in the trading field by bringing goods to sell in African areas away from European contact, thus initiating Africans into a simple mercantile economy.

12. The population figures for the four communities are: African - 5,815,000; Arab - 31,000; European - 52,400; Indian and Goan - 144,100; other - 5,100. These are de facto population estimates for 1955. Colonial Reports, Kenya 1955 (London, 1956) H.M.S.O.

In the political sphere Asian power has been declining in the postwar period in relation to that of the European and the African. The principal reason for this is the system of communal representation which has limited the Asian's influence in both the central and local government. Membership in councils of government has never been more than half that of Europeans and is now about equal to the African number. The two ministerial posts presently assigned to Asians in the Council of Ministers do not cover significant fields, all important posts going to Europeans.14

Asian ideology has been rooted in equal political and social opportunity for all, particularly with Europeans. Asian political power in the 1920's had an important voice in British Imperial politics, but with the granting of independence to India and the abolition of the India Office, access to positions of high authority has been restricted. With India's growing position in the Asian-Arab world, any appeal by Konya Asians in that direction would confirm European anxiety over their divided loyalties. Attempts at political boycott and alliances with the Africans have failed as measures to enforce the demanded equality with the other immigrant community.

Asians seek to retain their formal influence within the parliamentary system in the face of emerging African power and continued

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14. It is interesting to note that in the present Kenya Council of Ministers the allocations under the Three and a Half Year Plan by Ministerial Portfolios (1954-1957) are as follows: of the two active European Ministers (one being without portfolio) - 36.1% of the total; of the one active Asian Minister (one being without portfolio) - 12.3% of the total; of the one African Minister - 0.5%. These expenditures are based on a three and a half year budget of £23.7 million. Colonial Office List 1956, H.M.S.O., 1955.
European claims of dominance. Racial and religious conflicts promoted by racial isolation have reduced the possibility of substantial and sustained political action. Economic clashes occur, but religion is the basis for organization and within this frame Asian political activity takes place. In large measure disparate religious affiliations prevent a united political front in opposition to European power, despite the drive for such a front by the Kenya Indian Congress and its predecessor. A limited number of positions of prestige are available to Asian leaders in the professions and the commercial community. Competition among these leaders has been keen, and all groups have used their religious influence in support of their political and social aspirations. Both Sikhs and Muslims sought separate representation in the Legislative Council with the Muslims succeeding in 1952. European policies have for the most part fostered more dissension among the Asians than unity. European settlers have not hesitated to exploit these divisions by favoring Muslim minorities against the Hindu majority.

In summary, Asian political power is limited compared to the other communities. After the 1920-23 Indian question effective opposition to European domination ended. With the rise of African leadership and the intransigence of the Europeans, the Asian community is caught in between. It will be this group that will be most weakened by future power shifts.

European Grouping. The Imperial Government invited European colonization of Kenya shortly after the turn of the century, largely to support the Uganda Railway, which opened in 1901. Lord Delamere, who had visited the highlands of Kenya, urged Britons to take advantage of this valuable land. As a result upper middle class British and a large number of South Africans, affected by the depression following the Boer War, were among the early European settlers. Under the forceful leadership of Delamere the small white group elicited important concessions from the Imperial Government. In 1919 the elective principle was adopted for selecting European unofficials to the Legislative Council. A heated 'Indian question' ensued for the next four years resulting in the establishment of the present form of communal representation. What Professor Dilley calls the 'campaign of commissions' began in 1924.\(^\text{16}\) The first was the Parliamentary Commission to East Africa under the chairmanship of the Honorable W. Ormsby-Gore to obtain information for the East Africa (Southborough) Committee, one of two appointed by the Secretary of State to inquire into trusteeship. In 1927 the Hilton Young Commission considered the question of closer union of the East and Central African territories. Its report published in 1929 led to the sending of Sir Samuel Wilson, Permanent Under-Secretary of State for the Colonies, to Kenya to achieve a plan acceptable to the Europeans, yet fulfilling the major recommendations of the Hilton Young Commission. With the issuance by

the Government of its conclusions on closer union a Joint Select Committee of Parliament was appointed in November, 1930 to consider them. After this Lord Moyne was to study finance; Mr. Roger Gibb, railway rates and finance; the Carter Land Commission, native claims; and the Bushe Commission to consider judicial organization. The campaign of commissions suggests at the very least a decade of unrest in the dominant community at the time, the Europeans.

The world wide depression of the thirties hit Kenya hard. Despite measures of retrenchment by Government and private citizens alike, many farmers became insolvent, adding to the general grief of the settlers. Throughout this period the Kenya Government became the whipping boy of the European community and efforts toward self-government were revived during periods of major disagreement. The Imperial Government, however, was adamant in the 1930's against any major political change, despite some renewed demands on the part of European settlers. The income tax struggle of the thirties was used to establish major settler influence over financial policy in the Legislative Council, and to obtain a large share of influence in the Executive Council.

Despite the fact that European colonists are outnumbered by approximately 170 to 1, they are the dominant group, the one which

17. British colonial civil servants are included in the demographic estimates of the European population. No clear distinction can be made between the permanent and non-permanent sectors of the European population since some local Europeans are civil servants and others are retired British civil servants. The permanent European population is estimated to be 35,000.
wields the greatest power. Two main reasons for their power are:

1) the economic superiority they possess over Asians and Africans; 2) close cultural links with Great Britain. Considering the cultural heritage of the European first, it is evident that its basis in British traditions, values and techniques has given him an advantage in the pursuit of power within Kenya's formal structure of authority. The propensity of the British to organize effective political action in the constitutional process, access to and influence over positions of authority locally and in Great Britain, the appeal to 'kith and kin' in the mother country, plus an intimate knowledge of parliamentary rules—all have contributed to the achievement of European dominance.

The economic superiority of the European in Kenya is due primarily to his technical skill and education as well as the capital at his disposal. He is able to use modern methods in organizing the factors of production and to achieve economies available only to large scale capital users. These have resulted in a higher standard of living for the Europeans than for either the Africans or the Asians. The average white wage is double that of the Indian and several times higher than the African. Stemming from economic superiority is the position of European dominance in the internal affairs of Kenya, the continued reservation of the "White Highlands" and the control of the largest proportion of commerce, mining and industry. The overflow of control into the social sphere is evidenced by the color bar in all phases of Kenya life.
From their initial occupation of the territory Europeans have considered themselves political and social elites, the only group that should, and from their viewpoint could, exercise authority. The pursuit of this ideal by aggressive attempts to control all situations has been the history of racial politics in Kenya. Under the dynamic leadership of Lord Delamere, aided by political victories over the Imperial Government, European belief grew in the feasibility of complete political control. In part this belief was fostered by the ambivalence of British policy, the willingness of successive Governors to consider seriously and act favorably on many European demands. At no time was the possibility of European control positively denied, and they found encouragement in the granting of self-government to Southern Rhodesia in 1923. European self-government was a distinct possibility in their minds. If justification was not found in ability alone it was certainly due as their 'natural right.' Lord Hailey has written that in certain periods European settler interests "have exercised an influence on policy hardly less than that which they might have attained under a fully developed form of responsible government." 18

The prewar political development of Kenya was characterized by a drive to enlarge European influence; since World War II their efforts have been directed toward consolidating this hard won position. A detailed study of this change will be made in the next chapter.

CHAPTER III - GROWTH AND DEVELOPMENT OF EUROPEAN DOMINANCE

Two facts are paramount when considering Kenya politics:
1) the ultimate control of all Kenya activities lies in the hands of the Imperial Government; 2) that Government has stated repeatedly and officially that eventually Kenya would obtain self-government. As in many other parts of the British Dependent Empire, the discrepancy between the men on the spot and Whitehall is in the meaning of the word eventual, in other words, the timing of what is assured.

European Political Organizations. Professor Dilley points out that in 1902, before there was a concerted effort to colonize East Africa, the Colonists' Association was formed to save the highlands for white settlement. A year later this Association was taken over by the Planters' and Farmers' Association, largely to facilitate marketing. By 1905 its interests were predominantly political and concerned with all the settlers, and the name was changed back to the Colonists' Association. With the rapid increase of settlement, district associations sprang up dealing with local interests and in the main non-political. A certain degree of animosity prevailed between the small groups and the Colonists' Association until 1910 when Lord Delamere formed the Convention of Associations to unite the district organizations. The older main body became the Nairobi Colonists' Association and a member of the new Convention. An

Executive Committee provided continuity between the time of the regular bi-annual meetings. Resolutions that were adopted were sent to the Government as the representative view of the settlers and it was customary for Governors and/or officials to attend Convention meetings to answer inquiries. Prior to elective representation to the legislature in 1920, the Convention was the major means of expressing European opinion.

Though the organization lapsed during World War I it was quickly reformed in 1918 with larger and more vocalized interests. A year later at a welcoming dinner for General Edward Northey, the new Governor, held coincidentally with an annual meeting of the Convention, Major Grogan, the then President of the Convention, addressed the group for two hours directing his remarks to the new Governor. He said in effect, after outlining the aims of the Convention, that if the Governor cooperated with them, they would help him; if not, then they would actively oppose him. Up to the time of elected representation Department Heads of the Government not only discussed matters before the Convention but in cases were roundly criticized. After the principle of elected representation was conceded to the Europeans, Elected Members were censured by Convention if they failed to consult them before making decisions. For complete cooperation, they were praised. Thus, Elected European Members were responsible both to their constituencies and to the Convention. Under the guidance of Lord Delamere this organization was an important factor during the 1920's. It gave the impression that a united European front existed.
when actually the small commercial community was not in sympathy with the Convention. Because of their organization they wielded tremendous influence beyond their constitutional position and their numbers. They adhered to the basic tenet of agitation because of its effectiveness; a spontaneous campaign of protest could be organized in a few short weeks.20

The Convention operated in much the same way as its successor, the Electors' Union; that is, as an active interest group concerned only with European ambitions. There would have been little reason for its existence if it could not present to the Government the European consensus on particular matters. Three main drives have dominated the workings of both the Convention and the Union: membership, money and issues (not necessarily in order of importance). The Executive of the organization knew that they could only claim true representation if the membership rolls were swelled. The financing of this organization took large sums of money. Deputations to England had to be paid for, a central organization had to be maintained, and a vast communication system kept up. Money came in from members and non-members at a rate indicative of the political temperament of the Colony. When major issues were in the fore, funds were easily available. But at other times, apathy took hold, and only minor financial support could be found.

20. Mr. MacGregor Ross says that the Governors have always been subservient to the Convention. This, he thinks, was partly the result of the vocal ability of the organization which made it easier for the Governor if he agreed with it.... Its unattractive feature has been its abuse of those officials who, in its opinion, thwarted it. He speaks of the Convention as the Colony's "Big Noise." (167 H.C. Debates 5a, 25 July, 1923, col. 521.) as quoted in Dilley, p. 41.
It may be said that neither the Convention nor the Union was entirely representative. At the peak period of settler population and with major issues burning, the total active sustained membership of the Union was never more than 4,000 people. There were open splits at times with the Associated Chambers of Commerce and with the general commercial community. The agricultural group, not the commercial group, were the active supporters of the Convention and the Union.\textsuperscript{21}

In the thirties the influence of the Convention of Associations began to decline. The depression crippled the Kenya economy and made active interest in politics secondary to survival. A few issues during this period rallied the Convention and were heard by Government. These dealt primarily with tax and fiscal matters. Perhaps the last important act of the Convention of Associations was the part it played in the fostering of Executive Council reorganization as a compromise for the imposition of an income tax.

With the coming of World War II, political agitation and activity was held in abeyance for the duration. The war period witnessed a great surge in Kenya's economy, and the postwar period brought great numbers of new immigrants. However, Kenya's European population was becoming largely urbanized, and a new type of vigorous organization was felt to be needed. In 1942 a Nyanza Province European Electors' Association was formed; soon most other rural and settled areas began to form

\textsuperscript{21} I am again indebted to Dr. Rosberg for allowing me to use material he collected while a Ford Fellow in Kenya. This includes files from 1945 to 1955 containing practically all the minutes of the Electors' Union meetings, plus newspaper reports on Kenya activities during the same period. This information on the Electors' Union is derived primarily from this source.
local organizations. A national organization was lacking. By October 1943 six Electors' Associations held a conference at Nakuru to discuss the need for a unified central body. An organizational committee of the Convention of Electors' Associations held several meetings to discuss the nature and role of the new territorial organization. Suggestions were made to make the new group an advisory body to the European Elected Members Organization, and to attempt unification with the old Convention of Associations, which was dormant but still possessed a treasury. Both plans failed. However, at a convention of Electors on March 24, 1944, attended by representatives of ten of the eleven European constituencies, a new organization was formally founded—the European Electors' Union. Among the aims of the Union at this time were: mobilization of European voting strength; to act as an advisory body to the European Elected Members; to safeguard the White Highlands; to increase white settlement in the colony by every means; and "to reiterate and press for the right of the white community in Kenya to be consulted by and associated with Government in their joint responsibility as trustees of Native Africans."22

It is interesting to note that in at least one respect neither the Convention nor the Union was effective over the years, i.e., in mobilizing European voting strength. Chronicles of Kenya history make continuing reference to the apathy of the voters in general elections, regardless of the period. The 1944 election was no exception.

Despite the six year tenure of the Council (extended two years because of the war) and the pre-election discontent, plus the tub-thumping by the Union for a large turnout—there were contests in only four constituencies, resulting in only one defeat. Two new men came to the Legislature—one by contest and one unopposed. Taking into consideration the war, the number of troops who were away, etc., this is not an unusual showing for a Kenya election. The same over-all conditions existed in Northern Rhodesia, but there participation was much higher. This, it would appear, reinforces the idea that settler organizations lived on issues and were unable to maintain sustained interest in Kenya affairs even at election time.

Since the granting of elective representation in 1920, Kenya has always had some sort of European Elected Member group (now known as the European Elected Members' Organization), a loose unofficial association of the Elected Members of the Legislative Council, with one of their own who is designated 'leader.' It is difficult to assess the effectiveness of this organization. Much depended upon the personal leadership of its members—such as Lord Delamere, who dominated it and the Convention of Associations for years. Although clashes between the Elected Members and the Convention of Associations were rare until the postwar period, such clashes were evident from 1945 until 1952. Their clashes have their basis in the unwillingness of Elected Members to be directly responsible to the Electors' Union rather than their individual constituencies. On the whole, however,

24. Not until 1934 did elected Europeans select a Leader and a Whip, agree on general policy and bind votes. Lord Delamere had been Chairman in the past.
Elected Members have always considered it necessary to account for their actions to this organization of public opinion. An agreement was reached at one time whereby the Executive of the Union would act as a secretariat to the European Elected Members' Organization, which bound the two groups closely together.

Perhaps one example may be given to show the effectiveness of the Union and the European Elected Members' Organization when joined together in opposition to the Imperial Government. The matter of closer union of the East African Territories had been under discussion for many years. On November 22, 1945 the Governor issued a statement, after discussions with the Colonial Secretary in London, to the effect that amalgamation of the East African territories was not practical at this time. On December 12, 1945 the Colonial Office issued the document 'Colonial 191' on Inter-territorial Organization in East Africa, for exploratory purposes. It received a violent reaction in Kenya because of the suggestion that a proposed inter-territorial assembly seat members on the basis of racial equality. Ten days after issuance on December 22, 1945 the majority of the Elected Members, through their organization and supported by the Electors' Union, categorically rejected Colonial 191. The balance of European members in the Legislative Council merely rejected aspects of it. The reaction that followed was the high point in effectiveness of the Union judged by the sharp increase in membership, swelling of the treasury and growing opposition to it from the Coast Province and the commercial community in general and the Associated Chambers of Commerce in particular.
Battle of Theories. One of the determinants in the present day evolvement of Kenya was the Indian-European conflict or the Indian question of the early 1920's. A detailed investigation into the Indian question is beyond the scope of this work. However, the main outline of this clash of interests needs to be described. The Indian-European conflict led to other considerations and to a general examination of the relationship of all three racial groups to one another in the political system. Prominent among these considerations were the theories and concepts of paramountcy, trusteeship and dual policy.

In the granting of elective representation to the Kenya Europeans in 1919 no provision had been made for Indian representation. However, in the same year Lord Milner, then Secretary of State for the Colonies, instructed the Governor that the Council should comprise in addition to the eleven European Members, two Indian Members elected communally by the Indian community. This action on the part of Lord Milner brought into political focus the Indian crisis which culminated in 1923. The Indians had behind them the India Office and a resolution of the 1921 Imperial Conference favoring removal of Indian disabilities in the Dominions. An initial attempt at settlement of the matter came when the British Government accepted proposals agreed upon between the Colonial and India Offices. These provided for a

common roll with property or education qualifications so that the Indian voters would be limited to 10 per cent of the total voters. In addition there would be complete freedom of Indian immigration. This was unacceptable to the Europeans, and in the spring of 1923 Lord Delamere headed a delegation to South Africa and the United Kingdom to present the European case and demands. Though ineffective in South Africa, the London meetings resulted in an agreement which allowed eleven European Elected Members as before, but a total of five Indian Members elected on a communal franchise.26 The White Paper which set forth this settlement stated, after reviewing the history of the problem, that both Indian and European communities agreed that it was important to safeguard the interest of native Africans. The White Paper stated that:

"Primarily, Kenya is an African territory, and His Majesty's Government think it necessary definitely to record that the interests of the natives must be paramount (underscoring the author's) and that if, and when, those interests and the interests of the immigrant races should conflict, the former should prevail.... But in the administration of Kenya His Majesty's Government regard themselves as exercising a trust on behalf of the African population, and they are unable to delegate or share this trust, the object of which may be defined as the protection and advancement of the native races.27"

Among other things the paper precluded any thought of self-government in the foreseeable future.

26. Indians in Kenya, Memorandum (Cmd. 1922) (1923), called the Devonshire Paper after the then Colonial Secretary.

27. Ibid., p. 9.
From the above declaration stems what has been called the battle of ideologies. In attempting to contain the Indians, the Europeans became more solicitous of African interests than they actually were. Paramountcy carried to its logical conclusions might well have led to the eventual exclusion of Europeans from Kenya. Thus in 1924 when the Report of the East African Commission enunciated the "dual policy" the European community looked upon it more favorably than paramountcy. 28 The Report stated that throughout East Africa the native is regarded as a child, which implies that the Europeans should act as guardians of the African natives. In giving this definition of trusteeship the Report stated that a moral duty and attitude is imposed upon the trustee. There is, however, another kind of trusteeship which the European exercises in tropical Africa:

As Sir Frederick Lugard has pointed out...we are not only trustees for the development and advance in civilization of the Africans, but we are also trustees for the world of very rich territories. This means that we have a duty to humanity to develop the vast economic resources of a great continent. There is no reason to suppose that these trusteeships either should or do conflict. 29

Thus in addition to the usual understanding of trusteeship, i.e., maintenance of peace, security and justice for the natives, was added the concept of the economic development of the indigenous people. In

28. Report of the East Africa Commission, 1925 (Cmd. 2387) (1925), p. 22. Professor Dilley notes that the idea of "dual policy" had been developed in Kenya before that of paramountcy but the term was first used in 1924. It actually arose over the position of the Imperial Government with regard to labor policy. Dilley, pp. 181-186; 234.

This light trusteeship became an integral part of the dual policy, for if the native was to receive the services the trustee was obliged to give, he (the native) had to produce enough to provide for these services.\(^{30}\) Dual policy was discussed in various White Papers and by several Commissions during the balance of the 1920's. In the final analysis the idea of dual policy gained acceptance over that of paramountcy.

Allied to dual policy but distinct from it was the concept of dual trusteeship, i.e., Europeans in Kenya should share with the Imperial Government the trust for the interests of the natives. Though never formally expressed prior to the publication of the 1927 White Paper,\(^{31}\) it was implied in the demand for a European elected majority in the Legislative Council. Though an elected majority was not granted until 1948 it was one of the main drives toward ultimate self-government and is intricately tied up with the political development of Kenya. It was inconceivable to the settler that he should undertake an elected majority without at least sharing in, if not taking over, trust commitments of the Imperial Government. In this vein the Europeans were encouraged by the 1927 White Paper,\(^{32}\) which

\(^{30}\) This development of the complex concept of 'dual policy' is based partly on Rosberg, Study of Communal Representation, 1954.

\(^{31}\) Future Policy in Regard to Eastern Africa (Cmd. 2904) (1927)

\(^{32}\) There were three official statements of policy in East Africa after 1920 which are known as White Papers: Indians in Kenya (Cmd. 1922) (1923), previously cited; (Cmd. 2904) (1927), cited above; and Memorandum on native policy in East Africa, (Cmd. 3573) 1930.)
recommended that the colonists be associated with the execution of this trust. Mr. Amery, the then Secretary of State for the Colonies, favored such an association. But the Hilton Young Commission\textsuperscript{33} did not affirm the principle of dual trusteeship. In 1930 Lord Passfield, the Labour Secretary of State for the Colonies, stated in Memorandum on Native Policy in East Africa that the responsibility for trusteeship could not be devolved. The abrupt change is due partly to the Labour Government which was then in office. In the next year Lord Passfield did not greatly clarify the issue when he told the Joint Select Committee that he accepted the 1927 White Paper which granted association in trusteeship to the resident European community. He said, "There is no departure intended in the White Paper of 1930 from the White Paper of 1923.... I am in a position to say that the White Paper (1930) does carry out the 1927 White Paper in so far as it differs from the 1923 White Paper.\textsuperscript{34} It is somewhat difficult to reconcile this statement with the other White Papers. The Joint Select Committee in 1931 recommended that the responsibility for trusteeship should be retained by the Imperial Government but it accepted the principle that non-natives should increasingly be associated in the discharge of the trust.

\textsuperscript{33} Named after the chairman of the Commission, it issued the Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa (Cmd. 3234) (1929).

\textsuperscript{34} Joint Select Committee: Minutes of Evidence, H.C. Paper No. 1956, 1931, Vol. II.
This appears to be the last official pronouncement on dual
trusteeship.\textsuperscript{35} The ideal, however, had not been dropped by the
Europeans. In the postwar period the European Electors' Union
declared it to be their right to "associate with Government in their
joint responsibility as trustees of Native Africans."

Having touched on the different problems and theories for
action which arose in the 1920's, it is well to note again that they
are inextricably tied up with both the demand for an elected European
majority and the movement towards a union of East Africa. The White
Papers issued at this time and the very 'campaign of commissions'
had as their central goal the clarification of Kenya problems. The
problems were indeed pressing, or at least made to look so by the
vocal European minority. It is doubtful that the Imperial Government
and the House of Commons would have given the matter such constant
attention unless it was thought to be urgent. It is likely also that
the economic depression of the thirties was a welcome political
breather in the movement towards European demands. The effective-
ness of the Joint Select Committee cannot be overestimated; its most
important contribution was that it said nothing new, apparently just
what all 'contestants' wished to hear. The exhaustive nature of the
Committee's Report left little to be desired in the field of investi-
gation. As for union of East Africa, the Committee said that "this
is not the time for taking any far reaching step in the direction of

\textsuperscript{35} Joint Select Committee on Closer Union in East Africa, Vol. I,
to the House of Commons Papers are found in Rosberg, Study of
Communal Representation, Chap. V.
formal union." As mentioned above the Committee recommended that the responsibility for trusteeship should be retained by the Imperial Government. Concerning the Kenya Legislative Council the Committee recommended the maintenance of an official majority and the continuation of the communal basis of representation. In effect East Africa made no progress in the solution of its difficulties and stood approximately at the same place it did in January 1927. Professor Dilley sums up the two principal issues adroitly:

The Europeans urged closer union in connection with an elected majority for themselves in their Legislative Council but, when the tables were turned and an elected or unofficial majority was considered to be feasible only if there were some central authority with power in certain fields to maintain Imperial interests, they ceased to be interested. 36

It may be added to the above quote that they ceased to be interested 'pro ton.'

As mentioned before, the income tax struggle of the 1930's was the signal for renewed demands of European elected majority. It was in July 1932 that the Imperial Government introduced an income tax measure and the settlers replied with 'taxation without representation.' When it was found that the Imperial Government was adamant in its stand against an unofficial majority, the European community acted to circumvent the normal channels of political development by pressing, quite openly, for European control of the Executive branch of government, in that way establishing themselves securely in a

36. Dilley, p. 84.
dominant position. The first major step in this direction was taken in August 1945 when Major F. W. Cavendish-Bentinck, a European Elected Member, was made Member for Agriculture, Animal Husbandry and Natural Resources, assuming that portfolio in the Executive Council.

In this period Indian claims were predominantly defensive, urging the adoption of the common electoral roll. The African community was dormant. The issue of closer union was more an academic problem by the late 1930's. Each of these factors is further discussed in the following chapter dealing with the postwar period.
CHAPTER IV - POSTWAR KENYA: EUROPEAN CONSOLIDATION

It can be very generally said that the predominant theme in postwar Kenya politics was the institutionalization of the European power position. But like any generalization, this leaves a great deal unsaid. Depending on the definition given to 'postwar period' another unmistakable development was the emergence of limited African leadership. European political power had to be more and more concerned with the emergence of African leadership and the potential represented by incipient African nationalism.

European leadership in the postwar period came to the conclusion that the possibilities of gaining control of the legislature were limited. The possibility of gaining control of the Executive Council offered a fruitful avenue of exploration, but it was vital that the system of parity of representation between European and non-European interests in the Legislative Council be maintained. The issue of parity of representation became a major one and plans for European over-all control in the Executive Council were abandoned, although not forgotten.

Closer Union - The End of a Struggle. The twin issues of closer East African union and European elected majority made up the fabric of Kenya political life from the mid-20's until 1950. If one were to weigh the wordage spilled on these two questions it would probably outbalance all other issues combined. The idea of closer union became significant when Tanganyika came under British control.
after the first World War. It was initiated by the Imperial Government and thought to be economically feasible. Although occasional meetings had been held since 1919, the first formal conference of East African Governors took place in Nairobi in 1926. Mr. L. S. Amery, then Colonial Secretary, was actively interested in closer union and spoke of "the ideal of a united East Africa." Lord Delamere originally opposed the idea, but when he sensed its inevitability he tied the essential qualification of an unofficial European majority in the Kenya Legislative Council to any move toward closer union. The matter remained in generally this position until 1945. It had survived the 'campaign of commissions' and the decade of the thirties with little more effected than the recommendation of the Joint Select Committee that there be established a Joint Inter-territorial Secretariat and regular Governors' Conferences. As mentioned earlier, it remained an academic question throughout the 1930's, although in 1934 and 1935 resolutions were passed by Europeans in both territories urging that circumstances had so changed as to render the early union of Kenya and Tanganyika desirable.

During the war years, through the medium of the Governors' Conference and its Secretariat, a large degree of cooperation and common action existed among the three territories, indicating not only the feasibility of union but in some instances providing the instrument to carry out a particular function. In December 1945, as mentioned above, Colonial 191 on Inter-territorial Organization in East Africa was issued 'for discussion only.' It proposed the creation
of an East African High Commission made up of the three Governors of Kenya, Tanganyika and Uganda, a permanent Secretariat to correlate common inter-territorial services, mainly economic. In addition an East African Central Assembly was proposed which would seat nominated members and representatives elected by the unofficial Members of each Legislature in a ratio of one European, one Indian and one African. The proposal made explicit the point that if accepted the political fusion of the territories would not be involved. The furor caused by the submission of this proposal was discussed above. Several reasons were given, but the 'categorical rejection' was based mainly on the proposal of equal representation. The Electors' Union began an active campaign to oppose the proposal and backed unanimously the categorical rejection. The proposal was called a frontal assault on the European position in Kenya, although it was found acceptable in Indian and African quarters. In contrast to the high degree of unanimity on rejection, there was very little forthcoming in the way of counter proposals that all could agree on. It was not until May of 1946 that alternate proposals of the European Elected Members were published. The principal suggestion was that a Standing East African Council be appointed, with a Secretariat, for a period of four years initially, and that unofficial members of the Council be nominated by the territorial Governors, not elected. The East Africa and Rhodesia in an editorial termed the alternate proposals a "negation of statesmanship." The East African Standard maintained them to

be unworkable, while Mr. S. V. Cooke, Elected Member from the Coast Province said they were "monstrous and fantastic." The alternate proposals caused an open rift between Coast and commercial elements on the one hand and the upland representatives on the other, for there were important economic benefits to be gained by the commercial community through the creation of a High Commission. The commercial community also believed that the agricultural sector of the population had reacted irrationally and could think only in terms of the status quo. A sub-committee of the Electors' Union meanwhile drew up and approved a complicated new constitution that insured European predominance.

In the summer of 1946 Mr. A. Cresch-Jones, the Under-Secretary of State for the Colonies, toured East Africa and met with various groups endeavoring to dispel fears and calm the agitation which had arisen. In 1947 revised proposals of the Imperial Government were published. These provided for a Central Legislative Assembly composed of a Speaker, seven ex officio members who would be officers in the High Commission, three nominated official members, one from each territory, and four members appointed from the unofficial side of each Legislature, one each Indian, African and European, while the fourth would be an at-large member representing all the unofficials. Although the European community was generally in favor of the revised proposals it was felt that their position in the Legislative Assembly


would be jeopardized by an increase in the non-European representation in the Legislative Council. With the Governor's announcement that an unofficial majority might be linked to the revised White Paper, and that the fourth member would be a European, European opinion solidified behind the proposals. Although the Imperial Government denied it, the principle of equal representation had been abandoned. The Indian and African communities were opposed to the revised plan; the East Indian National Congress called the new White Paper "this unhappy surrender" and a victory for the Europeans. The Governor, Sir Philip Mitchell, proposed that the official members of the revised Kenya Legislature should number 15 and the unofficials 22, consisting of 11 Europeans, 5 Indians, 4 Africans and 2 Arabs. There would also be a speaker of the Legislative Council.

African representation was considered at this time as part of the general reorganization of the Council. In early 1947 Mr. B. A. Ohanga, a member of the Luo tribe and a former school master, was appointed to the vacancy created by the resignation of Archdeacon Beecher who had represented African interests since 1943. The Reverend Archdeacon recommended to the Governor that African representation be increased to six, a suggestion strongly endorsed by Mr. Mathu, the African nominated unofficial representative in the Council. After discussions with unofficials in the Legislature the Governor recommended that African representation be increased to 4, one each to represent Nyanza Province; Central Province, including Nairobi; Coast Province; Rift Valley Province and the remainder of the Colony.
Africans would continue to be nominated by the Governor after he is advised by the local native councils.

On April 16, 1947, the revised proposals for inter-territorial organization were voted upon in the Kenya Legislature and accepted by a thirty to eight division, all Indian, Arab and African members voting in opposition. On July 28, 1947 the Secretary of State for the Colonies announced in the House of Commons that the inter-territorial organization would come into force on January 1, 1948.

Thus the question that had so long plagued Kenya was settled not in terms of a political union, but merely as a limited administrative one for specific common services. European demands for an elected majority in the Legislative Council prevented the Imperial Government from the creation of the political union of East Africa in 1930. By 1946, political union was not possible because of African fears in Uganda and Tanganyika of European settler control or influence. Something far less than 'closer union' had to be accepted, but even here European unwillingness to accept the principle of equal representation made the Imperial Government make important modifications. It also demonstrated again to Indian and African leadership the dominant role the European settlers had in influencing and in dictating public policy. That is the meaning of this "unhappy surrender."

41. Ibid., 17 April, col. 97.
42. 441 H.C. Debates 5a, 28 July, 1947, col. 15.
The 1947 High Commission Order in Council, which became effective on January 1, 1948, provided that the Central Legislative Assembly should have a life of four years, terminating on December 31, 1951. During 1951, however, the Legislative Councils of Uganda, Tanganyika and Kenya passed resolutions moving for a continuance of the Assembly for an additional four year period "in its existing form and without change of function." The necessary provision was made in the East Africa (High Commission) (Amendment) Order in Council, 1951, which came into operation on 6th December, 1951. Effective December 12, 1956 representation in the Assembly was broadened and strengthened from 24 to 34. The nominated members were increased from 3 to 6 and the unofficials from 13 to 20. Two nominated members were appointed by each territorial Governor.

Parity of Representation - An Irreducible Minimum. There is little doubt that the heart of Kenya's political problem is the difficult question of representation. The land question, which looms large, the color bar, the economic disparity between Europeans and Africans—all are important in the Kenya picture. Important social and economic reforms could be undertaken without an immediate challenge to European dominance in the Legislative Council. However, to maintain their position of dominance, or "leadership" as Europeans phrase it, it is vital that there the balance in representation between Europeans

44. The Times, December 6, 1956.
and non-Europeans be maintained. Europeans argue that any increase in non-European representation without a comparable increase in their representation would be the first step in the swamping of the European community. It is for this reason that they have held fast to this principle, and even in the present Council of Ministers the principle is acknowledged and accepted. In fact, it accounts in large measure for the particular type of constitution that Kenya possesses, that called multi-racial government.

During the postwar period the Indian community was weakened by internal divisions along religious lines. In 1935 three Indian electoral areas had been created, two of which were to return two members to the Legislative Council and the other, one member. Previously the whole territory had formed one constituency returning five Indian members. Temporary legislation was introduced in 1948 to reserve two of these seats for the Indian Muslims. This legislation was reenacted until 1951, when a bill was passed which included a separate electoral roll for the Indian Muslims to return two of their own representatives. The main reason for the split was perhaps the fear on the part of Indian Muslims of being overwhelmed by the numerically superior Hindu section. The East African Indian National Congress opposed the move when it was first demanded in 1946. The Congress feared that Indian political representation would be made more ineffectual and that this would hinder their demand for a common
Indian or Asian-European franchise. European leadership in general was not unhappy at the prospect of the Indian split. Although the Indians posed no great threat, they were constantly pressing for a common roll and in a very few instances joined with the Africans in opposing certain legislation. With the separate Muslim roll the Europeans were able to say that a common roll was impractical because the Indian community could not even agree among itself.

While the splintering of the Indian community indicates the unhappy aspects of communal representation, that is, the proliferation and parallel development rather than unity; balanced representation or parity demonstrates the acuteness of the problem of political representation in a multi-racial society. The problem was not manifested until 1950 when the Governor announced that the Imperial Government intended to appoint further African and Indian representatives to the unofficial side of the Legislature. The campaign by the Europeans to maintain parity between themselves and the non-Europeans was motivated by their intent to retain domination or "leadership," as they preferred to call it, over the affairs of the Colony. Without

45. Mr. A. B. Patel gave two reasons for the Muslim-Hindu split: "A large number of voters on the Indian roll did not care to exercise their votes on the merits of a candidate and were often influenced by the caste, religion or section of the candidate concerned. That was one of the most unfortunate reasons which created difficulties. And as events in India became worse...the candidates exploited the situation by appealing to the religion, caste or section of the voters, and unfortunately, most of the voters succumbed to such appeals." Colony and Protectorate of Kenya, Legislative Council Debates, 13 December, 1951, col. 1026. And Rosberg, Communal Representation, Vol. I, p. 349.
parity, which was their "irreducible minimum," the attempt to secure increasing European influence in the Executive Council (which began in the late 1930's and was progressing well) would be to no avail. European attitudes were based on the common belief that their domination had to continue. But there was little agreement as to the methods to be employed in securing this domination in the face of increasing African demands. In June 1948 the Electors' Union conference passed a resolution declaring the immediate political objective of the European community should be to gain the greatest possible measure of control over their own affairs. 46 In 1950 the Chairman of the Executive Committee of the Electors' Union told the conference they must steer a course between the extremists and the Fabians. "While all races in Kenya must work together in accord, the Europeans and especially the British must be the senior partners." 47 In the Kenya Plan the Union stated: "We oppose those who see self-government for the African and by the African as a practicable possibility within any foreseeable future." 48

Two other related factors should be pointed out here, both of which made the maintenance of parity a necessity to European leadership. The first was the lingering hope held by the European community that a union of East and Central Africa was a definite possibility; the second was the trend of constitutional development in Tanganyika, a trend which would threaten ultimate unity.

Regarding East and Central African unity, there were some inter-territorial meetings with Northern Rhodesia in the middle 1920's, though problems closer to home prevented any really active interest. Kenya was throughout this courtship the suitor, Northern Rhodesia being somewhat apprehensive at inheriting the multi-racial difficulties of Kenya so long as her own native situation was relatively stable. Concerning the other two Central African territories, Nyasaland was considered almost entirely bush and valueless, while self-governing Southern Rhodesia was clearly not interested. Active interest in East and Central unity came in the late 1940's. The report of the United Nations Visiting Mission to Tanganyika in 1949 was viewed in Kenya with antagonism and as a threat to the growing idea of East and Central African union and the concept of European control. In the early part of 1949 the Kenya Electors' Union was invited by Sir Godfrey Huggins, the Prime Minister of Southern Rhodesia, to send an observer to the Victoria Falls Conference, which was trying to find a basis for Central African unity. This Conference had little to do with East and Central African union, although it was a great encouragement to the Kenyans who were interested in East and Central African union. Consequently when the Tanganyika Government announced in December 1949 its proposals for the constitutional reform it was a direct challenge to the unionist group in Kenya. These constitutional reforms would upset the whole basis of East and Central African unity. The Electors' Union announced that they proposed to "frustrate with
all the means in their power the proposed constitutional changes in Tanganyika which may mean the end of British rule in that territory.  

Throughout 1950 the matter of East and Central African unity was pushed by the Electors' Union. That the move was not as strong as the Union would have one believe is indicated by the precarious financial position of the Electors' Union at that time and a drive for membership because of falling interest. Additional meetings were held between representatives of the East and Central African territories on a purely informal basis. In early 1952 a meeting was held between representatives of the Electors' Union and the Tanganyika European Council. It was stated that Sir Godfrey Huggins would shortly go to the United Kingdom to press for arrangements for a Central African Federation and a conference to be held in London during the summer of 1952. It was thought necessary that the six territories should agree on a common statement of principles to be presented to the London conference if union was to be successful at all. There is no record that such a common statement was presented to the London Conference. It appears, however, that two factions were involved in the move for East and Central African unity: the one represented at the meeting mentioned above and the other, perhaps the dominant, represented by the Executive Committee of the Electors' Union. The reason for this is the watered-down statement of policy made in the Annual Report of the Electors' Union in June 1952. Contrasted to the

above suggestion this official statement read, under the caption of 'East and Central African Policy,' "The promotion of greater understanding and cooperation between the East and Central and South African Territories and so far as is practicable to act in concert with them."\(^{50}\) This latter group held that it would be wise to wait and see the outcome of Sir Godfrey's plan for Central African Federation before any further action was taken.

With the advent of the emergency in the fall of 1952 the idea of an East and Central African Federation faded into the background. A proposal was made to the Electors' Union Annual conference in September 1952 stating that the Union should not become preoccupied with East and Central African Federation to the detriment of a strong constitutional position for Kenya. Though this proposal was not formally adopted, the feeling of the Conference seemed to indicate that this was the correct tack to be followed. With the formation of the Central African Federation in 1953 the issue was ended. The Electors' Union 1953 Annual Report closed the issue with the phrase "East and Central African Federation will be under continual observation."\(^{51}\)

\(^{50}\) Electors' Union, Annual Report 1951-52, p. 31.

\(^{51}\) The Electors' Union, Annual Report 1952-53, p. 16. The background of this East and Central unity move is taken from the minutes and proceedings of the Electors' Union collected by Dr. Rosberg while in Kenya and on deposit at the African Research and Studies Program of Boston University.
Several observations may be made regarding East and Central African unity, and the question of parity. Initially Sir Godfrey Huggins, though not overly receptive to the move, was sympathetic. This was sufficient encouragement to interested groups in Kenya. When the Central African Federation became a distinct possibility it was obvious that Kenya or East Africa in general would be a detriment with its multi-racial problems and economic poverty.

Sir Godfrey, it is known, had a difficult time uniting the three Central territories; there is little evidence to show that he had much interest in East and Central unity at the same time. Perhaps the determining factor in this whole picture is the sentiment in the Colonial Office either for or against the larger federation. Empirically evaluated, the little available evidence seems to indicate that the Colonial Office was opposed to a large multi-racial federation.

Parity became a major issue when in 1950 the Governor announced an impending change in the Legislative Council of Kenya. The European community stood firm on parity because of the inroads the Africans had already made in their constitutional position and as mentioned above any imbalance would thwart both Executive infiltration and the then possibility of East and Central African unity. After visiting Kenya in the spring of 1951 the Secretary of State for the Colonies announced in the House of Commons on May 31, 1951 that no major changes would now be made. He would, however, appoint within twelve months

52. H.C. Debates, 5s., 31 May, 1951, col. 408.
of the beginning of the next session of the Legislative Council in May, 1952, a commission representing all the communities of Kenya with a neutral chairman from outside Kenya to plan constitutional development. The main proviso was the understanding that ultimate control was to remain with the Imperial Government. He proposed interim adjustments, maintaining parity, although personally not endorsing it, in which African membership would be increased from 4 to 6; Indian from 5 to 6; European from 11 to 14. The official side would be raised from 16 to 26 to avoid any great disparity. The latter members would be expected to support Government on a motion of confidence when called upon to do so, otherwise they were free to vote in any way they saw fit.

The members of the new Legislative Council took their seats in June, 1952, after the May General Elections. The unofficial members numbered 23; 21 were elected (14 Europeans, 6 Asian, 1 Arab) and 7 were representative members (6 Africans and 1 Arab). The official side of the Council numbered 26, composed of 8 ex officio, 8 official nominated members and the 10 new nominated official members. This latter group, the nominated cross-bench members, were made up of 6 Europeans, 1 Arab, 2 Africans and 1 Indian. The policy of the Government of Kenya was defined in a detailed statement on May 23, 1952, the cross-bench members assuming their seats on the basis of this statement.53

In summary it should be noted that the proposed conference of the Secretary of State for the Colonies to take place in 1953 was postponed because of the declaration of the emergency in late 1952. This was unfortunate because major constitutional questions, particularly the problem of representation, would continue to be a source of political conflict in Kenya. The postwar period up to the time of the emergency saw significant changes in Kenya: the creation of a membership system in 1945, European attempts to achieve Executive control, the solidification of the policy of parity of representation along with the failure of an inept attempt to achieve East and Central African unity. African representation was increased in this period while Indian representation was weakened by the split along religious lines. On balance it may be said that the European position was also weakened during this period, shown not only by the lack of unity of purpose but more tangibly by the proliferation of the European community in the period to follow. The Electors' Union's sudden rise in the postwar era was reversed after 1950 and as a political organization suffered the most by the European proliferation. It served a useful purpose, though, as a vehicle for developing and presenting settler opinion. If one single element could be cited as the motivating factor behind European actions in this period it might well be the growing potential of African strength. Merely observing the constitutional scene it would appear that no dramatic change had taken place aside from the increase in African representation; however, the events in the postwar period were rapidly changing the
political environment. European leadership was becoming increasingly aware of the potential represented by incipient African nationalism and the danger of a nationalist movement to their favorable political position in the Colony. Thus by 1952, European opinion began seriously to diverge over methods to meet this challenge.

The nature and importance of this political regrouping of the European community is the main subject of the next chapter.
CHAPTER V - POLITICAL DEVELOPMENT DURING THE EMERGENCY

European Disunity. Though 1952 saw the retirement of Governor Sir Philip Mitchell and declaration of the emergency on October 21, it was a relatively inactive year as far as political advancement was concerned. The Electors' Union heard motions to merge the Union with the European Elected Members Organization and to have the latter responsible to the Union. This was more a device to save the faltering Electors' Union than a move from strength. It did, however, find some active support, for in July 1952 a detailed statement of policy for a proposed Kenya Party was drawn up with an elaborate diagram to show the place and function of the organization. It was not a clandestine move but rather a realization on the part of a sector of European leadership in the Union that unless the Delamer dream of complete unity within the settler group was maintained and strengthened there would be no possibility of gaining the needed control of the elective instruments of government.

A Coordinating Committee of the Electors' Union was set up early in 1953 to consider further the merger of the Union and the European Elected Members Organization. Little progress was made in this direction because the Elected Members were the center of criticism in the prosecution of the emergency. The majority of the Union, however, was adamant in turning their organization into a disciplined political party. Since this was not the view of the total membership, a splinter group broke with the Union and formed itself
into the **Kenya Empire Party** under the leadership of Major A. G. Keyser, a former European Elected Member. This embryonic party took an extreme position on issues, maintaining the right of Europeans to share in exercising the trust for the natives and gaining home rule for Kenya under the European settler group. Toward the latter part of 1953 the Kenya Empire Party attempted a merger with the Kenya Protectionist Association. During 1953 some of the leaders of the Electors' Union continued to seek out some way by which the political activities of the Union could be coordinated with those of the Elected Members. This group decided upon a common secretariat for the two organizations and a new name for the Electors' Union. It was to be called the "Kenya Convention." Their success was to be limited.

In late 1953 the Elected Members issued a set of nine policy statements that was printed and published some months later. It was, on the whole, a moderate statement of policy, considering the gravity of the times. It bore the imprint of the leader of the European Elected Members, Mr. Michael Blundell, and was generally interpreted as a rapprochement with the other races rather than a drive for white domination. The issuance of this policy statement caused an immediate split, as was expected. The so-called 'die-hards' withdrew from the Electors' Union to form a new party, the **White Highlands Party**. The leaders included Major B. P. Roberts, a Nyanza farmer.

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who was the chairman of the United Kenya Protection Association, and Mr. Leo Vigar, a Nairobi contractor and publisher of *Comment*, a weekly magazine which expounds his 'Halanist' views. Vigar had been organizing the Kenya Empire Party. Now both this and Roberts' party were to merge into the White Highlands Party. The policy of the Highlands Party was a form of apartheid, a division of Kenya into white and black territories with a self-governing and separate Highlands.56

The other communities were not silent during this period of European reorganization. The Kenya Indian Congress issued their statement of policy in September, generally critical of the European statement. It reiterated the regular claims of a common roll, no discrimination and ultimate self-government within the Commonwealth. A bid was inserted which indicates a new Indian position. It desires to cooperate with the 'other racial groups' for the benefit of all races. Instead of opposing European demands outright, this appears to be a desire to share formal power with the Europeans in exercising the native trust. The African Unofficial Members' Organization met in December 1953, and issued a policy statement which was composed of moderate demands. They emphasized, however, the need for land adjustment, education and a direct African election. The Central Sikh Association also met in December and presented demands for separate Sikh representation on all the Government and local bodies.

In addition the statement pressed for the opportunity for Sikh youth to serve in the military forces of Kenya and to advance to the commissioned ranks.

**Lyttelton Constitution.** The growing disunity among European leadership after 1952 was caused by the different approaches of various leaders to the problem of protecting and expanding European political power. The emergency contributed to this division in forcing leaders to take definite positions vis-a-vis the Government. All groups were concerned with the maintenance of European dominance, but some believed that this objective could be best accomplished by cooperating with Government by assuming positions of authority in the Executive. Others, such as the Kenya Empire Party, later merged into the Federal Independence Party, favored some form of a modified apartheid policy. Still other leaders regretted the formation of different European parties and believed that this destruction of European unity and solidarity would seriously weaken European political power. Basically, however, the essential division was between those leaders who believed that the European community could not hold their power if they continued to act essentially as a parliamentary opposition group to Government, and those who sought a complete revision of the Constitution which would grant them over-all control. The former group had within their ranks the majority of the Elected Members, and they were concerned with formulating some plan whereby they could control Executive positions while still not giving up their position.
of being direct representatives of their community.

By the end of 1953, it was becoming very clear to Government that some method of associating Europeans with policy had to be found. Government was exposed to serious criticism from European leadership, and Government sought a method by which European leadership could share in the responsibility for its decisions. However, provision had to be made for the representation of other groups. Thus some constitutional arrangements had to be introduced which would grant Europeans important roles of Governmental leadership while at the same time not pass any effective political power to the African or Asian. The answer was found in the Lyttelton Constitution. However, when the Secretary of State for the Colonies visited Kenya in March, 1954, various European groups had plans prepared as to how they believed constitutional reorganization should be undertaken. The proposals of the Secretary of State for the Colonies reviewed these, but proposed something new. That further contributed to the marked divisions of the European population.

In January 1954 a Parliamentary Delegation visited Kenya. The Delegation suggested among other things that the Governor appoint to the Executive Council representatives of all the main races to assume responsibility for appropriate portfolios. On February 18 the Electors' Union recommended to the Governor that a War Cabinet should immediately be formed to take complete charge of the prosecution

of the emergency. In addition an outer Cabinet composed of other races would handle administrative work concerning their own races. Several days prior to Mr. Oliver Lyttelton's visit to Kenya, discussions were carried on at an Electors' Union meeting, outlining what would be acceptable to the Union should the Colonial Secretary present definite proposals: no basic constitutional change would be tolerated until the end of the emergency, a War Council was essential, and any proposals forthcoming would have to be fully discussed before the Union in conference and if necessary put to the voters for a test.

Mr. Michael Blundell, leader of the European Elected Members' Organization, announced at the same meeting that it was lamentable that the Elected Members were split on the issue of other races in the cabinet. This split was based predominantly on the unwillingness of some European Elected Members to have any Indian representatives in Executive positions. He favored limited cooperation with Asians and Africans in Government but these two races should not be represented on any proposed Cabinet. On the day of Mr. Lyttelton's visit the Union presented an elaborate plan to him, embracing an Inner Cabinet composed of the Deputy Governor, three Members with portfolios, a secretariat and three Members without portfolio, all Europeans. The Colonial Secretary spent several days in the Colony and discussed the constitutional situation with various groups, indicating that he would present his proposals to the Elected Members' Organization and the other racial representatives within three days. On the 9th of March
Mr. Lyttelton gave his proposals in detail to the representatives, stating categorically that he wanted an affirmative or negative answer to his proposals that very day! Despite the argument of the members that they must consider the matter with their constituents, the Secretary of State for the Colonies stood firm. The European and Asian representatives accepted what came to be known as the "Lyttelton Constitution." It altered the political structure of Kenya by the introduction of a Council of Ministers as the principal instrument of Government, even though final authority and responsibility within the territory still rested with the Governor, who in turn is responsible to the Secretary of State for Colonies. The Council of Ministers consists of fourteen members, six of them unofficial. The latter are drawn from the membership of the Legislative Council. Three are elected Europeans, two are elected Asians and one is a nominated African representative.58

The Electors' Union in a meeting shortly after acceptance of the Lyttelton plan criticized many points put forth, but in the end

58. Proposals by the Secretary of State for Colonies for a Reconstruction of the Government of Kenya, March 9, 1954. "Provision was also made for not more than five and not less than three Under Secretaries, of whom one would be an Arab and two would be Africans. The Constitution was to be regarded as experimental until the next General Election (September, 1956). If at this election the electorate (European and Asian) return members who are willing to serve as Members of the Government, there will be no further change in the proportions of members of the Legislative Council or the Council of Ministers, either as between the main racial groups or as between Officials and Unofficials, before 1960. The British Government also agreed not to initiate any changes in the communal basis of the franchise until 1960. But if this Constitution proves unworkable, i.e., if members are elected who refuse to accept posts in Government, the Imperial power may revert to the Constitution of 1952 and take other constitutional action that may be necessary." Rosberg, "Struggle for Power in Kenya," p. 4.
endorsed it in principle, terming it a fait accompli and suggesting endorsement by the European community, cautioning them to watch the Council carefully and point out its failings where they appear. The Council of Ministers was formally organized on April 20, 1954 with mixed reactions in the different sectors of the Kenya population. Mr. Blundell accepted the plan fully and took it upon himself to convince the people of its worth. In essence Mr. Blundell became the unofficial spokesman for Government policy. During the spring and early summer extremist groups pushed two separate plans, one for a regional type of government in the highlands and another for a federal system of government embracing all of Kenya. In early July the Council of Ministers issued a statement of policy containing eighteen points, including economic, social and political advancement for all communities. This was a modest multi-racial document and did not envisage any radical reforms in Kenya. The spirit of reconciliation and statesmanship in the document were more important than what was proposed. The Electors' Union countered two days later with their own statement of policy. Later the same month Mr. Blundell formed the United Country Party, devoted to furthering the system of multi-racial government. The balance of 1954 saw intermittent criticism and praise for the Council of Ministers. Aside from an abortive move to re-form the Convention of Associations late in the year, Kenya appeared to have entered on a new phase of political life.
Despite the improvement of the military situation during 1955, there was little active or forceful "politicking" in Kenya. All communities seemed to have adopted a wait-and-see attitude toward the Council of Ministers, although some extreme elements were pressing their demands and the moderates appeared to be jockeying for position.

The Federal Independence Party opposed the Lyttelton plan and proposed that Kenya be divided into 5 provinces: 1 European, with all cities and major towns; 1 Arab on the Coast; 3 African. There was no objection to the franchise in African provinces. A central legislature would seat Europeans only. Along this same line a suggestion was made by a committee composed of all European political parties that a multi-state federal scheme be enacted in which Kenya and Tanganyika would unite with the Central African Federation. This super state would also be divided into European, Asian and African provinces. The proposed date was 1960. However, this declaration came to nothing, and no responsible leadership took it seriously.

Minor changes were made in the Council of Ministers when in July 1955 Mr. F. W. Cavendish-Bentinck retired and Mr. Blundell moved from Minister without portfolio to Minister for Agriculture. A split occurred in the African representative community over the appointment of the African Parliamentary Secretary to the Ministry of Agriculture. When Mr. Ohanga, Minister for Community Development, and Mr. J. Jeremiah, Parliamentary Secretary to the Ministry for Local Government, refused

to resign, three African unofficials formed a new organization without them. Distinct from this was the Government's granting permission for African political parties to form. These, however, would be restricted to local areas and no national organization would be allowed. Also Government introduced the appointment of tribal chiefs in the urban areas, which seems to imply the continued determination of Government to prevent any unity of action developing among the various tribal groups of Kenya. There had been no African parties since the proscription of the Kenya African Union, a predominantly Kikuyu group.

With the conditions of the emergency continually improving, a greater number of moderate Europeans became aware of the fact that Africans were permanently associated with them in the government of the Colony. This was a slow and crucial development in European thought which would be tested in the 1956 general election. The signs of African participation in all phases of Kenya life were ample. Aside from the formation of political parties and pressure groups, like the Nairobi District African Congress, there was the position of Africans in the Kenya Federation of Labour. African leaders of the labor movement grew in stature in the eyes of all communities when they demonstrated moderation and even cooperation in ending mass strike movements.

The results of the 1956 general election, which was to indicate European reaction to the Lyttelton plan, were initially foreboding.
Eight seats were won by the Independent group which favored modification of the plan; six seats were won by the United Country Party which stood solidly behind the Lyttelton constitution. Extremist groups won no seats, nor did the Capricorn Africa candidates. Added to this picture was the move by African members who withdrew from the Unofficial Members' Organization because of the victory of the Independent group who favor the abolition of Asian and African Ministerial portfolios. Kenya in general was therefore surprised when the European Elected Members announced shortly after the election that they had agreed to discard all group and party affiliations in order to work together to achieve moderate and constructive policies for the country. They simultaneously advised the Governor of the appointment of three unofficial European Ministers. Thus the initial testing period of the Lyttelton constitution resulted in European acceptance. The election showed that a large number of Europeans were agreeable to the association of other races in the principal instrument of government, the Council of Ministers. On October 19, 1955 a joint statement was issued on behalf of the European Elected Members, the Asian Muslim Elected Members, the Arab Elected Member, and the African Representative Members suggesting significant constitutional changes. These unanimous recommendations by the unofficial members of the legislature were warmly welcomed by the Government and immediately accepted by the Secretary of State for Colonies. 60 Basically these changes would

increase the Council of Ministers from 6 to 8 (one African and one European) and increase the Legislative Council by four, including 2 Africans. The present make-up of the Legislative Council (February 1957) is shown below:

<table>
<thead>
<tr>
<th>European:</th>
<th>African:</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>2 Ministers</td>
</tr>
<tr>
<td>Vice President and Speaker</td>
<td>2 nominated Members</td>
</tr>
<tr>
<td>6 ex officio Ministers</td>
<td>6 representative Members</td>
</tr>
<tr>
<td>2 nominated Ministers</td>
<td></td>
</tr>
<tr>
<td>4 unofficial Ministers</td>
<td>10</td>
</tr>
<tr>
<td>13 nominated Members</td>
<td></td>
</tr>
<tr>
<td>10 elected Members</td>
<td></td>
</tr>
<tr>
<td></td>
<td>37</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Asian:</th>
<th>Arab:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Ministers</td>
<td>1 in Council of Ministers</td>
</tr>
<tr>
<td>2 nominated Members</td>
<td>1 nominated Member</td>
</tr>
<tr>
<td>6 elected Members</td>
<td>1 elected Member</td>
</tr>
<tr>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

Plus two Corporate Members who may be of any race, yet to be appointed.

The Official Members are the President, Vice-President, 10 Ministers and 18 Nominated Members. (Although 8 Ministers will be answerable to the electorate, as Ministers they will rank as officials of the Government while in office.) The Unofficial Members are the Elected Representatives and Corporate Members (African Representative Members will be elected as from March, 1957). 61

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61. *Africa Digest*, Vol. IV, No. 4, p. 120
CHAPTER VI - SOME CONCLUDING OBSERVATIONS

Postwar political problems in Kenya can clearly be observed in the issues which concern the method and nature of the system of representation. Involved in this problem is the achievement of a balance between majority and minority interests. In contrast with the prewar nature of this problem, when the conflict of interest was essentially between only the European and Asian, the postwar problem has taken on new dimensions in the demands by Africans for an effective role in the central institutions of the Government. Asian political influence has been declining with the increasing political effectiveness of African leadership, and the basic struggle for political power is to be seen in European attempts to consolidate and even expand their present political role and in the African's increasing ability to bring pressure for major political change. Contributing to and conditioning the postwar political situation has been a rapid acceleration in social and economic change and greater willingness on the part of the British Government to provide funds for African development.

The "Lyttelton" constitution, though mainly an extension of the "ministerial system" introduced in 1945, does provide at least a framework for multi-racial participation in the exercise of public policy. These constitutional arrangements represent the need to associate Africans, as well as Europeans, with Government, even though the African's role is limited relative to the European's.
It does not, however, provide a solution to the problems inherent in communal representation. That system of representation continues to be the mode of selection of representatives as Ministers, and the principle of European parity has also been accepted, at least until 1960, as the method of allocating the number of ministerial posts each ethnic group will have. Though the Council of Ministers recognizes the principle of collective responsibility, the system of communal representation adopted in the selection of Ministers fails to provide a method of achieving any common territorial responsible outlook. Actually, the Council functions more like a coalition, the divisions of which are not a result of party interest, but dictated by the ethnic considerations and the distribution and relative power structure of each group.

The Council of Ministers as a principal instrument of government developed from the increasing influence of the non-official representatives in the Legislative Council. This increase in the share of governmental authority has been the result of European settler pressure for greater responsibility and control over a period of years. African leadership in the postwar period has been pressing for greater participation in central government, and has sought to achieve a major position in government with possible ultimate complete control. Asian leadership, though politically weakened by religious divisions, seeks to protect its
legitimate interests in a rapidly changing political situation. The European leadership group proposes to maintain their present political role as a very minimum. Their former conflicts with Great Britain have given way to a system of informal alliances with the Imperial Government in order to protect their dominant position in Kenya political life. Moderate Europeans agree that their dominant position can not be maintained for more than two decades. Such a position presumes a working and cooperative arrangement with the Imperial Government in which European efforts toward self-government are abandoned and replaced by European leadership seeking to uphold British authority in Kenya. In the long run European leadership must meet the increasing demands for effective participation. If a Labour Government were to be elected, and its policy of numerical democracy extended to Kenya, the European position would be seriously threatened.

The Africans presently desire Imperial control because they realize they are unable to staff and govern the country alone. Further, they fear any extension of authority at this time would only contribute to European political dominance.

African nationalism is a potential source of African political power and a direct threat to European dominance. Development has been slow to the present because of the few educated men who sought or were able to act as a national elite, the essentially tribal character of political developments, and the negative character of such movements. With the emergence of a trans-tribal elite made
up of educated leaders of several tribes who have found positions of leadership in trade union movements and the embryonic District African Congresses, the necessity of territorial political cooperation has become apparent, although territory-wide African organizations are not permitted at present. The recent African electoral rolls form a basis for African organization, a vehicle for political education and the legitimate opportunity for use of African numerical strength in the achievement of power. Rapid social and economic change will increase the number of Africans who would be susceptible to mass mobilization by the emerging elite.

Europeans appear to have two courses open to them: allowing the elites access to positions of prestige and a share in parliamentary authority, or barring access and having the elites mobilize the African mass with the possible result of European displacement from his present position of dominance.

Since neither alternative appears to be attractive to the European leadership or the electorate and African demands for constitutional reform are continually resisted, African leadership seems to be exploiting possibilities of African nationalism.

While not attempting to prognosticate, it appears that future political action will be polarized into European-African conflict. The parallel development of the two communities could not be upset by the Asian third force because of its weakness. It is up to the British government to find transitional institutional arrangements which will divert present parallel development into a
channel of peaceful change. The basis of such a political arrange-
ment must be sought in a solution to the difficult issues of repre-
sentation and franchise.

To work towards a solution, it is doubtful that fundamental
progress may be made until the specific goal of the political future
of the territory is defined. The apparent polarization of conflict
in Kenya brings into question whether a colonial policy of empiri-
cism is adequate to cope with the complex problem of a multi-racial
territory, particularly when the forces of change and resistance
become increasingly even. As the Royal East Africa Commission
argued concerning the need for a definitive economic and social
goal for East Africa, one could argue for a defined political goal
with a planned procedure by which it can be achieved.
Formal organization of Local Native Councils began in 1924. Prior to this a limited authority system was attempted by the Village Headman’s Ordinance of 1902 with subsequent changes in 1908 and the Native Authority Ordinance of 1912. The Local Native Councils or, as they are called today, the African District Councils, were a major step forward. They grew out of native Councils of Elders, a familiar institution in the chiefless tribes of Kenya. The Local Native Councils consist of the District Commissioner, the District Officer, if there is one, and the local appointed chiefs. This latter group are usually chosen from a list presented to the District Commissioner by local natives. Local councils are subject to the central government through the Minister for Local Government. (See Chart I) Another link with central government is through the District Commissioner, who is under the Provincial Commissioner. The latter is in charge of one of the six provinces into which Kenya is divided, and is himself under the Minister for African Affairs.

It should be noted that in Kenya there are two distinct local government systems: African Local Government and European Local Government. In African areas there have been Local Native Councils, or African District Councils, since 1924, as stated above. In the Highlands, District Councils on which all the members were Europeans were established in 1928.
Urban Government in Kenya

Municipalities. Nairobi became a city by royal charter in 1950. It is the governmental and financial capital of Kenya and the rail headquarters for the whole colony. It is the only center in Kenya that is classified a city. The city of Nairobi and the municipality of Nakuru are both administered by municipal councils, and Mombasa, Eldoret, Kisumu and Kitale by municipal boards. Asian and African members serve on all councils and boards.

Townships and District Councils. Urban areas smaller than a municipality are townships. They may be administered by (1) a District Commissioner responsible for the township; or (2) a council of inhabitants which advises the District Commissioner, who is not obliged to follow council suggestions. Only two district councils remain out of the seven which existed before the introduction of the county council system. These are the Trans Nzoia and Uasin Gishu District Councils.

This functional of administration is shown in Chart I:

```
Governor
    | Council of Ministers
    | Minister for
    | African Affairs
    | Minister for
    | Local Government
    | Provincial
    | Commissioner
    | Highlands
    | (District Councils)
    | African Land Units
    | (African District
    | Councils, Location
    | Chiefs, Headmen)
    | Urban Areas
    | City Council; Municipal Council
    | Municipal Board;
    | Township - with advisory committee
    | Township - with control by District Comm.
```
County Councils. Although Chart I illustrates the functional breakdown of Kenya local government it does not consider the actual operation of modern, local government under the County Council system.

It was apparent that the system described in Chart I had many shortcomings. In 1952 an effort was made to fill an important gap in this system, i.e., the European District Councils did not cover as wide an area as the African District Councils; nor did they charge a local rate until 1946. Five county councils are established under the Local Government (County Councils) Ordinance of 1952. These five were for the Nairobi, Nakuru and Naivasha areas in 1953, for Aberdare in 1954, and Nyanza area in 1955. They would correspond roughly to the African District Councils, whose position in the African Reserves would be unaffected; likewise they would be in authority over the District Councils. The six municipalities mentioned above are included in this system of County Council government. Chart II shows the present picture of local government:

Governor
 Council of Ministers


Provincial Commissioner

County Council  → rep. Municipal. Af. Land Units

Urban Dist. Council  Rural District Council  Township
Chart III is a typical County Council arrangement:

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>m</td>
</tr>
<tr>
<td>t</td>
<td></td>
<td>t</td>
</tr>
<tr>
<td>t</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>udc</td>
<td></td>
</tr>
</tbody>
</table>

All the area enclosed in the large rectangle is controlled by a County Council except for m which represents a municipality; udc represents an Urban District Council; t are townships. The small rectangles divided by broken lines represent four different Rural District Councils, i.e., A, B, C, D.

**African District Councils.** There are 24 African district councils governed by the provisions of the African District Councils Ordinance of 1950, which replaced earlier legislation. The councils are bodies corporate and have powers similar to other local authorities including: construction and maintenance of roads, public health, housing, animal husbandry, social welfare. Revenues are derived from poll rates on adult male Africans, cesses on agricultural produce, land rents and royalties and fees for services and licenses issued.

Locational Councils provide scope for local government on a smaller scale within the African district council areas. The members are for the most part elected by the residents in the locations concerned. Since 1955 Locational Councils have a statutory existence which provides them with a legal constitution and powers as local government units, subordinate to the African district council within whose area of jurisdiction they lie.
## APPENDIX III - CHIEF STAGES OF CONSTITUTIONAL DEVELOPMENT IN KENYA

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Before the British</td>
<td>none</td>
<td>local tribal custom</td>
<td>none</td>
</tr>
<tr>
<td>I.B.E.A.</td>
<td>forts and outposts</td>
<td>local tribal custom</td>
<td>semi-military and commercial</td>
</tr>
<tr>
<td>Foreign Office</td>
<td>forts and outposts</td>
<td>local tribal custom</td>
<td>over-all attempt to raise stds</td>
</tr>
<tr>
<td>1900</td>
<td>soldiers, settlers and traders form communities; Nairobi has a township committee</td>
<td>local tribal custom</td>
<td></td>
</tr>
<tr>
<td>1902</td>
<td></td>
<td>village headman</td>
<td>Dept. of Agriculture, Forestry, Medical Services, Judicature, etc. had been set up.</td>
</tr>
<tr>
<td>1903</td>
<td>township Ordinance</td>
<td>hut tax</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Colonial Office takes over from Foreign Office</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1905</td>
<td></td>
<td>Executive Council set up</td>
<td></td>
</tr>
<tr>
<td>1907</td>
<td></td>
<td>Legislative Council set up</td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td></td>
<td>Headman given extended powers</td>
<td></td>
</tr>
<tr>
<td>World War I</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### APPENDIX III (continued)

<table>
<thead>
<tr>
<th>Period</th>
<th>Non-African Local Gov.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1918</td>
<td></td>
</tr>
<tr>
<td>1923</td>
<td></td>
</tr>
<tr>
<td>1924</td>
<td></td>
</tr>
<tr>
<td>1927</td>
<td></td>
</tr>
<tr>
<td>1928</td>
<td>Seven District Councils established</td>
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<tr>
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African Local Government

Central Government

Two European settlers on Ex. Co.
First elections to Legco. Indian on Ex. Co.

Local Native Councils set up

Indians on Legco.

Reorg. of Ex. Co.

First Af. Mem. of Legco.

Af. Dist. Councils

Unofficial majority on Legco.
E.A.H.C. established
Changes in composition of Legco
Council of Ministers
Changes in C of M and Legco.

First African direct elections
APPENDIX IV - TRICHOTOMIC AFRICA

This appendix describes Trichotomic Africa, a relatively new way of looking at the totality of sub-Saharan Africa and pointing up the significance of Kenya.

Since the advent of the social scientist in this area has been relatively recent and the field of work so immense, theories of studying the territory have been few and ephemeral. This is especially true in the field of political science. Nevertheless, considerable thought on the matter of African political development is emerging in this country. New concepts are being thought out, tested as well as possible, modified, discarded and in some cases used as the basis for still newer ideas.

One accepted way of looking at sub-Saharan Africa is in terms of emerging states. This is an arbitrary classification of territories. One category unites independent or near independent units such as Ghana, Liberia, Ethiopia, the Sudan; another category allows for emerging African states, for example, Nigeria and Uganda; a third classification is the so-called multi-racial grouping which includes Kenya, Northern and Southern Rhodesia, Tanganyika. The bases for dividing the area appear to be the arbitrary political divisions established in the nineteenth century grab for African

*The idea is that of Dr. Carl G. Rosberg, Jr. of the African Research Program of Boston University; the appellation is mine. I am indebted to Dr. Rosberg for discussing this particular aspect with me and allowing me to use it here. It should, perhaps, be further stated that this is a new concept in the first stages of development and has not been refined or tested, nor has it been subjected to the critical examination of Africanist colleagues.
colonies by leading metropolitan powers. This viewpoint does not consider inter-territorial unity evidenced by similarity of economic, cultural, social or demographic conditions or in a broad sense, geopolitical factors. In using emergent statehood as a basis for analysis, artificial barriers are perpetuated at a time when change in Africa tends toward large political units rather than the continuation and/or proliferation of small units. This is shown by the recent federation of the two Rhodesias and Nyasaland, the voluntary union of Togoland with the Gold Coast, the virtual annexation of South-West Africa by the Union of South Africa, and the new greater Somalia movement. The preoccupation with closer union among the three territories of East Africa since 1920, based partly on the idea that they would form a multi-racial bulwark against total African encroachment, was disrupted with the formal announcement that Uganda was to develop as a purely African state under African leadership. The artificially created units cannot survive in tact under the pressure of dynamic change.

Emerging statehood was a useful basis for analysis in the first half of this century, but in the post World War II period change has been so rapid and unpredictable that new concepts for studying sub-Saharan Africa are required. "Trichotomie Africa" is an innovation which looks at the totality of sub-Saharan Africa in an entirely different way by taking into consideration the direction of recent trends in Africa away from territorial entities toward geopolitical blocs which are united not only by cultural, demographic
and political similarities, but also by modern industrial expansion in an export-oriented economy. The essence of trichotomous Africa is depicted in the following map. Simply stated, it considers sub-Saharan Africa as divided into three parts: The northern belt, which encompasses Uganda, stretches from the Guinea coast on the west to the Indian Ocean on the east. It is characterized by limited European settlement and commercial penetration, a distinct lack of industry, Islamic predominance, rapid political change, the problems of federalism and emerging independent states under African control, and trained African leadership which finds a voice in the Afro-Asian bloc. The southern belt includes the white-dominated Union of South Africa and Federation of Rhodesia and Nyasaland plus the other territories shown on the map. In this area there is limited challenge by the indigenous people to white domination. Other characteristics of this area are primary extractive industry, rapidly developing secondary and tertiary industrial growth, a phenomenally high rate of European immigration in an area with a high capacity for absorption, legal protection of the white population and limited African contact with a small and circumscribed leadership group. It is an area where white supremacy is reinforcing itself.

The middle section, or inter-tropical Africa, is comprised of Kenya, Tanganyika and Belgian Congo. The striking element of these three territories is the degree of Asian and European convergence.
Triphonic Africa is depicted on this map with diagonal lines; the northern belt in red; the southern belt in blue and the middle third or area of convergence by two-colored cross-hatching.

Line A: The approximate southern extremity of the Sahara Desert
and the threat of a potential clash between European and African interests. European authority is presently in power, but the authority pattern is changing, and it may tend toward that of either the north or the south. Kenya is the most critical territory, with a small group of emerging African leaders who look to the north. The white element of Kenya, until recently, sought cooperation and outright union with the south, as pointed out in the body of the thesis. African leadership developed in a large plantation system controlled by the white group; limited cash cropping was the only pattern of African economic development until quite recently. All the elements of a multi-racial society are found in Kenya. Islamic influence, though present, is not really powerful in Kenya when compared to the north, where divisions are predominantly Islamic or non-Islamic. Kenya is an area of open stress and strain compared to the relatively stable southern third, where European power is not presently in jeopardy. Also, self-government is sought in Kenya in the absence of internal political unity. Every change and movement on the constitutional scene appears divisive in the eyes of each of the three main communities.

Historically, Kenya has a tradition of white domination under the relatively liberal British colonial policy. Tanganyika, with its mandate and later trusteeship affiliation was somewhat more restricted. In addition to this is the fact that much of the interior of Tanganyika is uninhabitable by white settlers because of the marginal quality of the soil and the prevalence of Tsetse fly.
Belgian colonial policy in the Congo has stressed the social and economic development of the indigenous population with no provision for political training or thought of eventual political independence. Part of the so-called mass awakening of Africa is the realization that with social and economic security and the emergence of middle class elites, political restiveness is a natural consequence. While Tanganyika and the Congo are important from the viewpoint of potential development, Kenya is presently engaged in a political tug of war where day to day changes may be observed and empirically evaluated. Thus the immediate concern with Kenya.

This whole idea suggests that the hope and dream of East and Central African Federation (which would have united Uganda, Kenya and Tanganyika with Nyasaland and the two Rhodesias) is over. The economic backwardness of Kenya, plus its political instability, is too great a liability to the 'solid south.' The conception of Capricorn Africa is not yet recognized in modern middle Africa. The consequence of this is that the Kenya problem must be solved from within. The polarization of the north and the south, combined with the tenuous position of present white leadership, precludes a formal or informal union with the southern bloc. This does not necessarily indicate a black-white, north-south antithesis based on skin color. For instance, there have been basic changes recently in South African policies toward the new African state of Ghana. The apartheid-bent Union is cooperating with African-governed Ghana for economic reasons.
in the development of markets and an exchange of technicians. Such measures must be mutually beneficial or else they would not be undertaken. The industrialization of the south and the expansion of its export-oriented economy permits no color bar where practical business is concerned. Not unrelated to this is the rapid and realistic changes in French policy in the direction of more local power and authority within a large French African Union.

Middle Africa, then, has characteristics of both the north and the south, i.e., industrial development, market economy, white plantations, urban development similar to the south, and African political movements which are of concern to the European minority. A middle way must be found for middle Africa.
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ABSTRACT

Great Britain has adopted two definitive yet different political goals in Africa, each of which has been controlled in large part by the internal situation of the territories. In West Africa, colonial policy has granted power of decision to African political leadership, while in Central Africa, political authority has been given in large measure to the local European minority.

Contrasted to these two major decisions, Britain has not adopted specific definitive policy goals for Kenya. The general goal of self-government is too vague to be meaningful to the different members of its disparate multi-racial population. The immediate question is "self-government for whom?" To what racial or ethnic group does the 'self' refer? In West Africa it certainly meant Africans and in Central Africa it has meant Europeans. What accounts for the unwillingness of Britain to define specific and immediate policies in Kenya? It is believed that an answer to this problem through analysis of the internal political and social situation will reveal not only the distinct problems that Kenya poses for policy, but will suggest that the present policy of traditional empiricism may not be able to meet the critical problems of this territory.

The African population has had a minor role in the Europeandominated political, economic and social order in Kenya, as manifested by a limited participation in the formal process of central government and lack of informal influence in the social order. Economically
circumscribed by lack of technical skill, education, and capital, the African's participation in the market sector of the economy is small. The low African wage scale and the poverty of the reserves help to maintain economic insecurity and limit social mobility to an educated few. Limited social intercourse and non-assimilation into the European society prevent access to positions of informal influence. The color bar has multiplied the frustrations of the elite by limiting access to positions of prestige and wealth. To assert himself effectively the African must compete for power in a political system alien to him with little command of the prerequisites and techniques of the system. In addition, there is extremely little social and political solidarity among Africans on a territorial-wide level.

Asian power has been declining in the postwar period in relation to that of the European and the African. The principal reason for this is the system of communal representation which has limited the Asian's influence in both the central and local government. Membership in councils of government has never been more than half that of Europeans and is now about equal to the African number. The two ministerial posts presently assigned to Asians in the Council of Ministers do not cover significant fields.

From their initial occupation of the territory Europeans have considered themselves political and social elites, the only group that should, and from their viewpoint could, exercise authority. With dynamic leadership and political victories over the Imperial Government,
European belief grew in the feasibility of complete political control, fostered in part by the ambivalence of British policy. Ultimate control of all Kenya activities lies in the hands of the Imperial Government, and that Government has stated repeatedly and officially that Kenya would obtain self-government. But, as in many other parts of the British Dependent Empire, the discrepancy between the men on the spot and Whitehall is in the meaning of the word eventual, in other words, the timing of what is assured.

The predominant theme in postwar Kenya politics was the institutionalization of the European power position, but another unmistakable development was the emergence of limited African leadership. European political power had to be more and more concerned with the emergence of African leaderships and the potential represented by incipient African nationalism. European leadership in the postwar period came to the conclusion that the possibilities of gaining control of the legislature were limited. The possibility of gaining control of the Executive Council offered a fruitful avenue of exploration, but it was vital that the system of parity of representation between European and non-European interests in the Legislative Council be maintained. The issue of parity of representation became a major one and plans for European over-all control in the Executive Council were abandoned, although not forgotten. Parity was intricately associated with the issue of closer union of the East African territories.
By the end of the emergency a greater number of moderate Europeans were becoming aware of the fact that Africans were permanently associated with them in the government of the Colony.

The 'Lyttelton' constitution ushered in a multi-racial ministerial government. The 1956 general elections were to test the European reception of this multi-racial government.

It appears that future political action will be polarized into European-African conflict. The parallel development of the two communities could not be upset by the Asian third force because of its weakness. It is up to the British government to find transitional institutional arrangements which will divert present parallel development into a channel of peaceful change. The basis of such a political arrangement must be sought in a solution to the difficult issues of representation and franchise.

To work towards a solution, it is doubtful that fundamental progress may be made until the specific goal of the political future of the territory is defined. The apparent polarization of conflict in Kenya brings into question whether a colonial policy of empiricism is adequate to cope with the complex problem of a multi-racial territory, particularly when the forces of change and resistance become increasingly even. As the Royal East Africa Commission argued concerning the need for a definitive economic and social goal for East Africa, one could argue for a defined political goal with a planned procedure by which it can be achieved.