

Teaching and learning notes for the teacher and student.

FORM THREE

HISTORY AND GOVERNMENT

BY E. CHELOTI

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FRIENDS SCHOOL KAMUSINGA

1. EUROPEAN INVASION AND THE PROCESS OF COLONIZATION OF AFRICA

Introduction

In the last Quarter of the 19th century, Britain, Germany, France, Italy, Belgium and Portugal were in Africa, competing for colonies to boost their social, economic and political standing. They convened the Berlin conference of 1884-1885 (convened by Otto Von Bismarck, the Germany Chancellor) where they shared Africa in Europe without regard to the inhabitants. This is what is termed the invasion of Africa.

By 1914, apart from Liberia and Ethiopia, the rest of Africa had been colonized

The scramble and partition of Africa.

Scramble.

It refers to the rushing for something.

In the African situation, it meant the rush for and struggle by European powers to acquire various parts of Africa during the 19th century.

Partition

It refers to the sharing of something

In the African situation, it referred to the actual division of Africa by European powers during the Berlin conference of 1884-1885

Methods used by Europeans to acquire colonies in Africa.

1) *Signing of treaties;*

a) *Treaty signing with African leaders.*

~ The British signed the Maasai Agreements (1904 and 1911), Buganda Agreement of 1900 and the Lewanika-Lochner treaty with Lozi. The royal Niger Company had by 1884, signed 37 treaties through George Goldie, with African leaders in Niger delta, Yorubaland and Gambia.

~ Carl Peters signed treaties on behalf of Germany with the chiefs of Uzigua, Ukami, Usagara and Ungulu.

These treaties facilitated the acquisition of those areas for colonization.

b) *Treaties signed amongst European powers.* These were known as *Partition Agreements*. For example;

~ The Anglo-Germany Agreements of 1886 and 1890 and Heligoland between the British and the Germans over the sharing of East Africa.

~ The Anglo-Italian treaty signed in 1891 between the Italians and the British over possession of Eritrea and the Somali coast.

~ The treaty between the British and Portugal and France in 1890 on the sharing of Madagascar (France) Mozambique and Angola (Portugal).

2) *Military conquest/ Use of force.* Europeans employed outright war against those societies that resisted their invasion. E.g

a) The French war against the Mandinka of Samori Toure (1870-1899) and their conquest of western Sudan from Senegal to Chad specifically in the Tukulor Empire, Segu and Masina by 1898. Tunisia, Morocco and Algeria were acquired forcefully.

b) The British used military force in the Nandi resistance from 1895-1905, the Chimurenga wars involving the Shona/Ndebele against the British, forced acquisition of Egypt and Sudan

c) The Germans fought the Maji Maji wars from 1905- 1907.

- d) The Italians were defeated during their Ethiopian campaign, by Menelik II in the battle of Adowa in 1896.
- e) The Portuguese forcefully established their rule over Angola, Guinea Bissau and Mozambique.
- 3) *Use of missionaries as frontrunners.* The Europeans used missionaries, carrying a bible in one hand and a gun in the other, who tried to convince the Africans to support the European goals.
 - ~ Missionaries manipulated local quarrels and took sides in a view to promote European occupation. For example, in the case of Buganda where we had religious conflicts between Protestants, Muslims, Catholics and Traditionalists.
 - ~ Sometimes the missionaries went to war against each other and against Africans. E.g the *Franza-Ingeleza war* of 1892 that pitted the Protestants (British) against the Catholics (French). Fredrick Lugard's intervention on the side of Protestants set stage for the acquisition of Uganda by the British.
 - ~ In Buluzi, Father Francois Coillard convinced Lewanika of the benefits of British protection.
 - ~ In Nyasaland (Malawi) which was depicted as Livingstone's country, missionaries (*read role of Scottish missionaries*) shaped public opinion in favour of imperial control.
- 4) *Treachery and Divide and rule policy.*
 - ~ The Europeans instigated inter-tribal wars causing some Africans to support them against warring communities. E.g. use of the Wanga against the Luo and the Luhya in Kenya, the Ndebele/shona against the Lozi in Rhodesia.
 - ~ The Italians lied to Menelik II by signing a treaty of friendship but which was published in Italian version indicating that Ethiopia had agreed becoming an Italian protectorate.
 - ~ The Maasai agreement was written in a language that the Lenana never understood.
- 5) *Use of company rule.* The British and the Germans used chartered companies to acquire and rule their colonies. for example, the role played by the British South African Company of Cecil Rhodes, Imperial British East African Company of Sir William Mackinnon and the German East Africa Company of Carl Peters.
- 6) *Luring/enticements.* The Europeans gave gifts like cloth, weapons tools, drinks etc to African chiefs like Lewanika of the Lozi and Mwanga of Buganda thus luring them into collaboration.
- 7) *Diplomatic skills.* This involved building relations with African leaders, which were later, used to acquire the areas. The British employed this method in Maasailand and Yorubaland.
- 8) *A blend of diplomacy and force.* The British for example initially signed treaties with the Ndebele (Moffat and Rudd treaties), but they fought them during the Ndebele war of 1897.

FACTORS THAT LED TO THE SCRAMBLE FOR COLONIES IN AFRICA.

Economic factors

1. *The industrial revolution in Europe.*

- a) The revolution led to search for markets for European manufactured goods in Africa resulting in scramble for and partition.
- b) The need for raw materials. The machines invented processed goods faster than use of hand. The Europeans came to Africa in search of raw materials like cotton, palm oil, copper and iron ore.
- c) Cheap labour was also readily available in Africa after the abolition of slave trade.
- d) There was desire by the entrepreneurs to invest excess capital gained from accumulation of

profits from industrial investment. Africa provided an avenue for investment.

- e) Industrial revolution led to improved transport system, which was necessary for effective colonization.
 - f) The military hardware manufactured during the revolution enabled Europeans to conquer African territories.
 - g) The discovery of medicine enabled the Europeans to survive the African conditions and protect themselves from diseases such as malaria, yellow fever etc.
 - h) Those who were rendered unemployed in Europe due to invention of machines had to move to Africa to assist in harnessing raw materials.
 - i) Industrial revolution led to intense rivalry in trade, which was projected, into Africa.
2. *Speculation about the availability of deep pockets of minerals in Africa.* Gold and Bronze had been items of trade in Africa for centuries. The discovery of Diamond at Kimberly in the 1860s and Gold in the 1870s precipitated their appetite for Africa more.

Political reasons.

1. *Unification of Germany after under Otto Von Bismarck after the Franco-Prussian war of 1870-71.* The rise of Germany upset the balance of power in Europe and there was need to rebalance out through acquisition of colonies in Africa. France for example had to redeem her lost glory (especially after the loss of mineral rich Alsace and Lorraine provinces) by acquiring eight colonies in Africa.
2. *The rise of Public opinion in Europe.* There was growth of public support towards the acquisition of colonies. With the rise of democracy in European states in the 19th c, it was fatal for any government to ignore public opinion.
 - a) For example in 1882, due to public demand, the French assembly was compelled to ratify De Brazza's treaty with Chief Makoko thus creating a French colony in Congo.
 - b) German took over South-West Africa (Namibia), Togo and Cameroon due to what Bismarck termed as public demand.
 - c) In Britain, the public demanded that Britain must maintain her position as the leading colonizing power by taking her share in Africa.
3. *Militarism.* Army officers in Europe favoured colonial expansionist wars to give them greater opportunities for glory or promotion.
 - a) For example, in Sudan, it was the military offers, in search of glory, and not the French government who directed the extent of French colonization.
 - b) British soldiers like Wolseley Kitchener supported the expansion of the British Empire in Africa.
4. *The rise of Nationalism.* In Europe, there was the rise of a general feeling of civilians that their nations should acquire overseas colonies for national prestige. The Germans began feeling they belonged to a superior race that must be shown by acquiring colonies in Africa.

Strategic reasons.

1. *Construction of the Suez Canal. (The Egyptian question).*
 - ~ The construction of the Suez Canal, opened in 1869, promoted a link between Europe and Asia/ shortened the routes to Far East. It also promoted international trade. It also made Egypt gain some strategic importance to Europeans.
 - ~ The inability of Khedive Ishmael (1863-1879) to pay for the cost of the construction of the canal (due to his extravagancy) led to British full occupation of Egypt in 1882, being a major

- shareholder in the Anglo-Suez Company that owned the canal.
- ~ The dismayed French planned diversions of the Nile waters, and make Egypt a desert, after occupying territories to the south of Egypt.
 - ~ It was against the backdrop that Britain claimed Uganda (source of the Nile) in 1894, Kenya (the gateway to Uganda) in 1895 and Sudan (where the Nile passes) in 1898.
2. *French activities in West Africa and the Congo*
The activities of France in Congo and West Africa, after loss of Egypt, through their Italian agent Savorgnan de Brazza in connection to acquisition of colonies alarmed other powers. This encouraged powers like Germany to join in the scramble and acquire Togo, Cameroon, Namibia and Tanganyika.
 3. *The personal activities of King Leopold II of Belgium.*
 - ~ He endeavored to create a personal empire. In 1876, Leopold convened the Brussels Geographical Conference where he formed a business company, the International African Association comprising explorers and traders with a mission to civilize Africa, abolish slave trade and establish free trade.
 - ~ As a result of the activities of his agent, Henry Morton Stanley who created the Congo Free State, Leopold had established a personal empire in 1884.
 - ~ It was the activities of king Leopold leading to intense rivalry amongst European nations over Congo that led to the convening of the Berlin Conference in 1884.

Social reasons

1. *The work of Christian missionaries*
 - ~ They created an atmosphere of friendship with Africans by giving those gifts like cloths and beer, introducing economic activities like farming, carpentry, clerical work, among Africans, that were important virtues in the process of colonization.
 - ~ Where they were in danger, they pressurized their home governments to protect them.
 - ~ The missionaries had direct contact with the people of the interior of Africa and they were front-runners who paved way for the colonialists through their works.
 - ~ They preached peace, love and hard work and hence calmed down the emotions of Africans towards the Europeans.
 - ~ Some of them wrote exaggerated reports about Africa to convince Europeans to take interest in Africa.
2. *The growth of European population.* The growth of European population –steadily to about 420 million in the 19th century led to the quest for new outlets to resettle the population. E.g– Britain settled some of her people in Australia, New Zealand, USA, Canada and South Africa. German, Portugal and Dutch also had to find places in Africa to settle some of their people.
3. *Anti-slave trade campaigns- Humanitarian factor.*
The humanitarians in Europe like William Wilberforce and Granville Sharp, and the missionaries who led the crusade against slave trade advocated for colonization of Africa in order to stop it and introduce Legitimate Trade.
When slave trade was abolished, many European nations used it as an excuse to remain in some parts of Africa, control the region, enforce the anti-slavery treaties, and promote legitimate trade.

The pull factors

- a) *Existence of Vast natural resources in Africa.* There were pockets of minerals in various parts of Africa and ivory awaiting exploitation. This attracted the Europeans.
- b) *Well developed trade/trade routes in the interior.* Imperialists used these routes as transport routes to penetrate the interior.
- c) *Existence of Navigable Rivers.* For example, rivers like Congo and Niger made transportation easy
- d) *Existence of weak Decentralized local communities.* Most African communities were decentralized with no military structures therefore offering little resistance to European invasion.
- e) *Frequent wars / inter community wars.* These wars weakened African communities and were left ill prepared for any resistance. Some readily collaborated with the Europeans.

THE PROCESS OF PARTITION

The fore –runners to the process of partitioning Africa were the early explorers, missionaries and traders. Their activities were succeeded by the making of treaties and agreements in various parts of Africa between trading companies and the locals. . For example, the Buganda Agreement, the Heligoland Treaty and the Berlin act of 1884-1885.

In places where the Europeans employed diplomacy, they won the support of many Africans who collaborated with the intruders. The Europeans sometimes blended diplomacy with wars of conquest or use of force especially against the resisting communities.

The partitioning boundaries were drawn along physical features like rivers, mountains, etc.

The Berlin conference

On 15th November 1884, Britain, Germany, France, Belgium, the USA, Portugal and Italy convened in Berlin to lay down the rules for the partition and eliminate conflicts amongst European nations. Africans, whose continent was being shared, were not represented in the conference

The Berlin Conference of 1884-85, partitioned Africa into different spheres of influence without recourse to war.

Terms of the Berlin act of 1884-1885.

- a) That all signatories must declare their sphere of influence an area under each nation's occupation
- b) That once an area is declared a sphere of influence, effective occupation must be established in the area through establishment of firm colonial infrastructures to be followed by colonial administration.
- c) That any state, laying claim to any part of Africa must inform other interested parties in order to avoid future rivalry.
- d) That any power acquiring territory in Africa must undertake to stamp out slave trade in favour of legitimate trade and safeguard African interests.
- e) That if a European power claims a certain part of the African coast, the land in the interior next to the coast became hers.
- f) That the Congo River and the Niger River basins were to be left free for any interested power to navigate.
- g) The European powers vowed to protect and safeguard European interests in Africa irrespective of their nationality.

Impacts of the Partition.

Political effects

- a) Introduction of European administration minimized intertribal wars and civil strife.
- b) It led to development of strong African leadership and beginning of state formation.
- c) Colonial government structures inherited by most independent African states have continued to be models of governments in African countries.
- d) Rise of African nationalism to fight colonialism led to the development of African political awareness.
- e) The Europeans gained fame, prestige and national glory by having colonial possessions.
- f) Negatively, it led to collapse of African traditional political systems and leadership.
- g) Use of divide and rule promoted ethnic disunity that continues to trouble Africa many years after independence.
- h) Boundary creation split apart many African communities. For example, the Somali are found both in Kenya and in Somalia, the Maasai in Kenya and Tanzania and the Ewe in Ghana and Togo.
- i) In some cases some communities whose cultures were incompatible found themselves bunched together.

Social impacts

- a) Through the protection offered to missionaries, it stimulated the spread of Christianity to various parts of Africa.
- b) It led to development of urban centres. Some towns grew as centres of administration e.g. Nairobi and Machakos. Others grew as railway terminus e.g. Kisumu.
- c) African welfare was boosted. Some African benefited from western education and health facilities introduced by the Europeans.
- d) European languages were introduced in Africa.
- e) Negatively, it created landlessness as European settlers appropriated African land.
- f) The Africans adopted some negative aspects of western culture.
- g) Many Africans lost their lives through resistance.

Economic effects

- a) There was construction of roads, railway and other forms of infrastructure, which helped to open up the interior.
- b) Imperialization helped to widen market for African produce especially with the establishment of local industries.
- c) Africans were exposed to European manufactured goods/ increase in essential commodities.
- d) Partition speeded up the economic growth of European nations.
- e) Negatively, forced labour and exploitation of African resources left many parts of Africa impoverished and underdeveloped.
- f) Africans were exposed to heavy taxation and denial to participate in economic activities like farming, trade etc.

AFRICAN REACTION TO EUROPEAN COLONIZATION.

RESISTANCE

Some communities were keen on defending their age-old and ancient political, social and economic institutions and viewed the arrival of the Whiteman with suspicion. Their leaders did not want to lose their power, wealth and sources of prestige. Others were militarily prepared for the Europeans. E.g the Mandinka, Nandi, Ndebele and Ethiopia.

Some resisters were centralized states enjoying immense unity making it easy to mobilize people for a war.

The Maji Maji Rebellion (1905- 1907).

The Maji Maji Uprising in Tanganyika was the most significant African challenge to German colonial rule in its African colonies. The Uprising lasted two years c over 10,000 square miles. Tanzania had been acquired largely by Dr. Karl Peters, who signed treaties with the Chiefs of Usagara, Ungula, Uzigua and Ukami, in 1885. The Rebellion involved the Zaramo, Matumbi, Bena, Ngindo, Pogoro, Bunga, Ngoni, Luguru, Wamwera and Ndendeule

Causes of the maji maji rebellion.

1. When Germany established its control over Tanganyika by 1898, it imposed a violent regime in order to control the population. Kings who resisted German occupation were killed. *Africans resented the cruel, brutal, harsh and ruthless rule of the Germans.*
2. Africans resented the *Creation of new system of administration using Akidas and Jumbes* who terrorized the people and misused their positions.
3. The African population was also subjected to *high taxation* by the Germany East Africa Company to raise revenue for administration. The Matumbi on their part felt that the Germans should instead have paid the Africans for using their land.
4. *The Africans resented a system of forced labour*, whereby they were required to grow cotton and build roads for their European occupiers. The Africans were treated inhumanely while at work by the Akidas.
5. *The Germans had no respect for African culture* in that they misbehaved with Ngindo women. Crimes like rape, fornication and adultery, committed by the Germans were punishable by death among the Ngindo.
6. *Christian missionaries discredited traditional belief and practices* e.g. condemning sacred places as places of witchcraft. This greatly offended the Africans.
7. *Germans had alienated land from Africans* as a way of making the railway pay for the cost of its construction. The arrival of German settlers in Usambara area in 1898, Meru in 1905 and Kilimanjaro area in 1907 led to massive loss of African land.
8. *Africans were forced to grow cotton in the communal cotton growing scheme*, where they got very little payments. In 1902, Peters also ordered villages to grow cotton as a cash crop (for export) with each village, charged with producing a quota of cotton. This policy annoyed Africans who could no longer effectively work on their on farms to produce food.
9. *The Ngoni were seeking revenge for the Boma Massacre of 1897* during which their soldiers were killed in large numbers.
10. *The role of Kinjeketile Ngwale* in instilling confidence in the Africans to unite and rise up against the Germans

11. The 1905, a *drought* that threatened the region making Africans incur heavy losses on a crop that was not even edible, combined with opposition to the government's agricultural and labor policies, became the immediate cause of the rebellion against the Germans in July, 1905.

Course of the maji maji war.

The oppressive regime bred discontent among the Africans, and resentment reached a fever pitch in 1905 when drought hit the region.

A Ngarambe prophet, Kinjikitile Ngwale emerged, who claimed to know the secret to a sacred liquid which could repel German bullets called "Maji Maji," which means "sacred water." Ngwale claimed to be possessed by a snake spirit called Hongo.

Thus, armed with arrows, spears, and doused with Maji Maji water, the first warriors of the rebellion began what would become known as the Maji Maji Rebellion. The rebellion was led by Kinjeketile Ngwale, Abdalla Mpanda and Ngamea.

On July 31, 1905, Matumbi tribesmen marched on to Samanga and destroyed the cotton crop as well as a trading post. Kinjikitile was arrested and hanged for treason. However, Kinjeketile's ideas were spread widely through a whispering campaign called *Njwiywia* or *Jujila* by the Matumbi. Matumbi warriors uprooted cotton from an Akida's farm at Nandete to provoke the chiefs to fight.

On August 14, 1905, Ngindo tribesmen attacked a small party of missionaries on a safari; all five, including Bishop Spiss (the Roman_Catholic_Bishop of Dar es Salaam) were speared to death. The Ngindo drove their hated Akidas from their area. They boycotted cotton picking.

By August 1905, Germans were restricted to four military stations i.e. Wahenga, Kilosa, Iringa and Songea. The apex of the rebellion came at Mahenge in August 1905 where several thousand Maji Maji warriors attacked but failed to overrun a German stronghold.

On October 21, 1905 the Germans retaliated with an attack on the camp of the unsuspecting Ngoni people who had joined the rebellion killing hundreds of men, women, and children. This attack marked the beginning of a brutal counteroffensive that left an estimated 75,000 Maji Maji warriors dead by 1907. Forces from Iringa under Captain Migmann assisted in the recapture of Kabata by Major Johannes.

Reinforcement arrived from Germany and in 1907 warriors were defeated by Governor Graf Von Gotzen. The Germans employed the scorched earth policy which destroyed all property on sight

The Africans lost faith in the magic water. Some surrendered while others fled to Mozambique.

Consequences of the maji maji uprising.

- a) There was massive loss of lives. In its wake, the Maji-Maji rebellion left 15 Europeans and 389 African soldiers and between 75,000 and 100,000 insurgents dead.
- b) There was massive destruction of property, as villages and crops were burnt when Germans applied the scorched earth policy.
- c) Southern Tanganyika experienced severe famine as farms and granaries were destroyed. This disrupted economic activities such as agriculture and trade.
- d) Thousands of families were displaced during the war. This was because of the fear that

gripped the land, forcing people to flee in different direction.

- e) The war undermined the German economy in Tanganyika, as numerous economic activities came to a standstill.
- f) There was loss of leadership in African communities which created disorganization and demoralized the African people. Most captured leaders were hanged or imprisoned. A total of 47 Ngoni chiefs were hanged.
- g) Africans resigned to colonial authority. The revolt broke the spirit of the people to resist and the colony remained calm, realizing they did not have better weapons to fight with.
- h) The uprising undermined the Africans' confidence in their traditional religion. The magic water failed to protect them against the German bullets.
- i) The uprising laid the foundation to Tanganyika's Nationalism. The uprising would become an inspiration for later 20th Century freedom fighters who called for similar interethnic unity as they struggled against European colonial rule.
- j) Although the Maji Maji Uprising was ultimately unsuccessful, it forced Kaiser Wilhelm's government in Berlin to institute reforms in their Tanganyika administration as they realized the potential cost of their brutality.

Reforms introduced by the German administration after the maji maji uprising.

- a) Corporal punishment was abolished by the German administration. Those settlers who mistreated their workers were punished.
- b) Forced labour for settler farms was abolished.
- c) Communal cotton growing was stopped and Africans were to plant their own cotton and get profit from it.
- d) Better educational and medical services for the Africans were introduced.
- e) Africans were involved in administration of the region as Akidas and Jumbes.
- f) Newspapers that incited settlers against Africans were censored.
- g) Kiswahili became an official language.
- h) A colonial department of the German government was set up in 1907 to investigate and monitor the affairs of the German East Africa.
- i) The new governor rejected extra taxation of Africans.
- j) Colonial administration in Tanganyika was now tailored to suit the Africans.

Role of religion in the Maji Maji rebellion.

- a) It gave people courage, loyalty and confidence to fight the Germans.
- b) It gave spiritual strength to fight a superior force.
- c) Through religion, suspicions among communities were wiped out.
- d) Religion stood above tribal loyalty/all followed it regardless of tribe.
- e) Religious cults like bolero/kolelo promised people the destruction of the white man.
- f) It provided the ideology, which guided the war efforts.
- g) It sustained the morale of the warriors.

- h) It provided a common plan of action based on mass action
- i) It provided leadership during the war e.g. the prophetic leaders.
- j) It was used, to address the so many African grievances emanating from the harsh German rule.

The Mandinka Resistance.

Samori Toure (c. 1830-1900)

One of the great kings and fighters of African freedom was the great Samori Toure. Born about 1830 in Sanankaro, SE of Kankan in present-day Guinea, Samori Toure chose the path of confrontation, using warfare and diplomacy, to deal with the French colonial incursion.

His father was a Dyula trader, leading Toure to follow his family's occupation. In the 1850s, he enrolled in the military forces at Madina (present-day Mali) to liberate his mother, captured during a slave raid by king Sori Birama of Bisandugu. Displaying extraordinary military skill and prowess, he and his mother were subsequently released in 1858.

Coupled with his experience as a Dyula trader, he built his army. Samori employed the triple thrust of persuasion, threat and war, in the same way as Sundiata did in Mali, to organized Malinké chiefdoms and expand the Mandinka state. Between 1852 and 1882, Samori Toure had created the Mandinka Empire with the capital at *Bisandugu*, in present day Gambia.

Samori's army was powerful, disciplined, professional, and trained in modern day warfare. They were equipped with European guns. The army was divided into two flanks, the infantry or *sofa*, with 30,000 to 35,000 men, and the cavalry or *sere* of 3,000 men. There was a third wing of 500 men forming specially trained bodyguards. In 1881, Samori extended the empire to the east as far as Sikasso (in Mali) to the west, up to the Futa Djallon Empire.

Meanwhile, the French were extending eastwards from Futa Djalon while the Mandinka were extending westwards towards Kenyeran trading centre, Next to the rich Bure Gold fields.

In 1882, at the height of the Mandinka empire, the French accused Samori Touré of refusing to withdraw from an important market center, *Kenyeran* (his army had blockaded the market). They thus started war on him.

His bid to obtain assistance from the British to deal with the French failed as the later were not willing to enter into conflict with the French. From 1882 to 1885, Samori fought the French and had to sign infamous Bisandugu treaty on 28th march 1886 and then 1887.

Significance of the Bisandugu treaties (1886-1887)

- a) To Toure, these were acts of delay the real confrontation that with the French that would come at an opportune time.
- b) He hoped that by this treaty, he would reach out at the British for a friendship treaty to enable him secure trade routes from the north under Tieba of Sikasso.
- c) The French on their part hoped to use the treaty to enable them to arrange the conquest of the Tukolor Empire.
- d) The treaties put the Mandinka under brief French protection.

In 1888, he took up arms again when the French reneged on the treaty by attempting to foster rebellion within his empire.

In 1890, he reorganized the army and concluded a treaty with the British in Sierra Leone, where he obtained modern weapons. He now stressed defense and employed guerilla tactics.

The Franco- Mandinka war (1891-1898)

Causes of the Franco-Mandinka war (1891-1898)

- a) Samori wanted to safeguard the independence and religion of his empire. Being a staunch Muslim, he could not tolerate non-Muslims on his land.
- b) He was not ready willing to lose the rich Bure Mines to the French whether through diplomacy or warfare.
- c) His empire was at that time enjoying military and economic superiority. The French incursion was merely a threat to his territorial expansion that was to be fought at all costs.
- d) His participation in trade had enabled him to acquire modern arms thus enabling him to build an equipped and well trained army which did not fear the encounter French. He even had facilities for arms repair.
- e) His scheme to play off the British against the French, between 1882 and 1889, had failed. This upset him and therefore left him only with the fighting option.
- f) The activities of the French of selling arms to his enemies such as Tieba of Sikasso were viewed by Samori as an act to weaken the Mandinka dominance.

Course of the franco-mandinka war.

Samori waged a seven –year war against France whose army was led by Major Archinard. In 1891, with his improved weaponry and reorganized army, he defeated the French. In 1892, French forces overran the major centers of the Mandinka Empire, leaving death and destruction in their wake. In 1894, the French assembled all their troops in western Sudan (Senegal, Mali, Niger, etc...) to fight Samori.

Between 1893 and 1898, Samori's army retreated eastward, toward the *Bandama* and *Como*, resorted to the scorched earth tactic, destroying every piece of land he evacuated. He moved his capital east from *Bisandugu* to *Dabakala*, thus creating a second empire in 1893. This enabled him to delay the French. He formed a second empire, and moved his capital to *Kong*, in upper Cote d'Ivoire.

Disadvantages of Samori's second empire.

- a) He was cut off from Freetown where he used to buy firearms.
- b) He was at war with the communities, which he had attacked in his expansionist wars.
- c) His southern frontier was open to French attacks from the Ivory Coast.
- d) At his new empire, Samore was cut off from his gold mines at Bure thus; he had no wealth to keep his army running.
- e) The occupation of the Asante Empire by the British in 1896 meant that enemies from all corners surrounded Samori Toure.

In 1898, Samori, forced to fight a total war against innumerable odds like famine and desertion that weakened his forces, was captured on September 29, 1898, in his camp in *Gué(lé)mou at the town of Sikasso* in present-day Côte d'Ivoire and exiled to Ndjolé, Gabon, where he died of pneumonia on June 2, 1900.

Factors that aided Samori Toure in offering a protracted resistance to the Europeans.

- a) He had established military workshops with a trained cadre of artisans whom he used to repair and manufacture his own weapons. This guaranteed regular supply of weapons

during the resistance.

- b) He himself was a courageous fighter, a greater organizer and a military tactician and he personally commanded his army on the battlefield.
- c) His adoption of the Scorched Earth Policy as he mobilized the entire population to retreat left the French to starve and delay their advance.
- d) The success witnessed in trade enabled him to acquire guns and horses from the north, which were important in the resistance.
- e) Through trade and subsequent tribute collection, he obtained adequate wealth, which he used to maintain a large army.
- f) He had a large strong and well-organized army of 35,000 men, which was a formidable force for the French.
- g) He used diplomacy in dealing with the French to buy time to reorganize and strengthen his army, and to negotiate with the British in Sierra Leone to guarantee regular supply of guns.
- h) French soldiers were ignorant of the strange land they were fighting in and were faced with further problem of tropical disease.
- i) Some of his soldiers had served in the French colonial army and were thus familiar with the French tactics.
- j) He used Mandinka nationalism and Islam to unify the army. Many of Samori's soldiers believed that they were fighting a Jihad (holy war) and therefore fought with determination.

Why samori was finally defeated.

- a) Since his army and community were constantly on the move, they could not engage in any gainful economic activity to replenish their supplies.
- b) The abandoning of the rich Bure Gold reserves as Samori retreated meant he had lost an important source of revenue that was initially used to sustain the army.
- c) When he moved to his second empire, He was cut off from Freetown where he used to buy firearms.
- d) Samori failed to get any support from other African societies due to lack of unity. Ahmed Seku of Tukolor and Tieba of Sikasso chose to rather assist the French than support Samori.
- e) His second empire was open to attack from all sides by either the British or the French, making it difficult to defend.
- f) The French had superior weapons and better means to re-equip their stores. They were also determined to defeat samori to set up an overseas colonial empire.
- g) The use of the scorched earth policy was resented by the civilians since it left them with nothing after destruction. It thus starred up local resistance.
- h) Even within his own empire, there was no total unity. The non-Mandinka communities and non-Muslims in the empire who had felt mistreated during his reign supported the French.
- i) The refusal by the British to assist Samori dented his hopes of getting a European ally against the French.
- j) Samori's retreat to Liberia was blocked and his capital besieged. He had to surrender to the French.

The Ndebele Resistance.

Background.

The Ndebele were descendants of Nguni conquerors from South Africa (fleeing from the mfecane wars) who occupied what is now Matabeleland.

Mzilikazi (Ndebele King) opened the door for the London Missionary Society led by Robert Moffat, who settled in Matabeleland in 1859. They assisted him in repairing his guns, inoculating cattle, writing and interpreting letters and providing medical care to the sick. He however had little interest in Foreigners and even had those who accepted missionary influence killed. Mzilikazi died in 1868 and his son Lobengula took over.

Lobengula was the Ndebele king at the outbreak of the Anglo-Ndebele war of 1893. He went to great lengths to appease the increasingly aggressive British imperialists from the South, Portuguese invasion from Angola and Mozambique and Germans from the south west. He used his diplomatic skills to buy time before engaging in war with the British. He even tried to pit one European nation against the other (the Boers and the British). He in 1870 had granted a mining concession to Thomas Baines of Durban Gold Mining Co. in order to diffuse white intervention. In 1888, Lobengula signed the Moffat treaty which stated that he was not to sign any other treaty with other European groups without British permission. Rhodes sent his partner and agent Charles Rudd to compel Lobengula to acquiesce to the *Rudd (mining) Concession*- a verbal agreement between Lobengula and BSA Co granting the company a mining monopoly in Matabeleland. In return, he was to get a gunboat on River Zambezi or 500 sterling pounds, a monthly salary of 100 sterling pounds, 1000 rifles and 100,000 cartridges. Lobengula's conditions for concession were not incorporated in the final text. When the terms of the treaty were interpreted to him, he learned that he had been tricked into surrendering his kingdom to Europeans.

In 1889, he repudiated the treaty and sent a fruitless delegation of Indunas (Motshede and Babiyance) to London to meet Queen Victoria. Despite the Ndebele king's repeal of the concession, Rhodes, supported by the British crown, enacted a charter of the newly created British South Africa Company investing it with an array of rights: the right to make treaties, to pass laws and to subject the natives to its police force, as well as to make grants of minerals and land to white settlers

Lobengula was thus pushed into reluctant resistance by white greedy rapacity.

Causes of the 1893 Ndebele war.

1. The Ndebele detested the treachery used by the British in compelling Lobengula to sign the Rudd Concession
2. British occupation of Matabeleland had ended Ndebele powers over the shona whom they always raided for cattle and women.
3. The British acts of provocation (inciting the Shona to raid the Ndebele for cattle). When the Ndebele chose to attack the shona, the British would then fight them under the pretext of protecting their interests in Mashonaland.
4. The attempt by the Ndebele indunas to punish some shona who disobeyed King Lobengula became the immediate cause.

Course of the war.

The war broke out in October 1893. The British army was led by Dr. Starr Jameson and comprised the shona police and other mercenaries from South Africa. At that time, the Ndebele had been weakened by smallpox and inferior weapons leading to little confrontation between them and the British. Lobengula chose to evacuate his people towards Northern Rhodesia. At the two battles of Shangani River and Mbembezi. The Ndebele were defeated by superior European gun-fire. Lobengula finally fled to Bulawayo where he died in 1894.

The conquerors took advantage of the natives' inner divisions, with people of the low castes remaining passive and even some traitors helping the invaders. The aftermath of the British conquest in Zimbabwe was that cattle were seized from the natives and their land taken. Even for the small plots that were left to them, Africans were often forcibly prevented from ploughing and sowing, since they were subjected to tax-collection and coerced labour in white-owned farms. The Ndebele were pushed to the reserves of Gwaai and Shangani.

Second Matabele War (the Chimurenga war 1896-1897)

The war of liberation which was dubbed '*Chimurenga*', or the **Second Matabele War** was a fulfillment of prophesy of a great Shona spirit, *Mbuya Nehanda*, sister of the great Shona prophet Chaminuka. *Mlimo*, the Ndebele spiritual leader is in fact credited with fomenting the Second Ndebele War. He convinced the Ndebele that the White settlers were responsible for the drought, locust plagues and the cattle disease rinderpest ravaging the country at the time.

Causes of the Chimurenga war.

- a) The war broke out because the Shona and the Ndebele feared disruption of their age-old and valued trade and trade routes.
- b) They fought for economic and trade independence. The company had stopped shona Gold and ivory trade with the Portuguese and forced them to trade only with the company only and at low exchange rates.
- c) They were fighting against land alienation. The BSA Company had alienated the Ndebele land and pushed them to the Gwaai and Shangani reserves that had no water and were infested with tsetseflies.
- d) The war eroded the Ndebele traditional authority. When Lobengula's sons were sent to South Africa by Rhodes for education, they were denied chance of succeeding their father.
- e) They detested the removal of the rights of chiefs to allocate land. The British ruined the regimental system and refused to recognize the power of the indunas and Ndebele laws.
- f) The British began to assume the rights to punish the subjects on behalf of the chiefs. Sometimes even the chiefs were also punished. E.g, Chief Moghabi's village was burnt.
- g) They revolted against taxation which was an interference with their economic independence. The hut tax, introduced in 1894 was collected with much brutality.
- h) The Ndebele were not pleased with the recruitment of the shona in the police force. They felt humiliated as the shona took the chance to revenge for the many years of oppression.
- i) They resented the general brutality of the whites when dealing with the Africans, like threatening the black people with punishment just before pay, to cause them to run away.
- j) They wanted the removal of the policy of forced labour on European mines and farms where workers operated under deplorable conditions, often whipped with syambok (whip) and worked for long hours without chance to engage in activities of their choice.
- k) The company disregarded the Ndebele customs especially the class system. They treated everybody equally, including the *Holi* – who were traditionally slaves to the Ndebele aristocrats. The traditional leaders were sometimes flogged before their subjects.
- l) The confiscation, by the company, of 250,000 head of cattle in 1893 from the Ndebele. Leaving them with only 50,000 affected by cattle disease. The rights to raid the shona for cattle was also denied.
- m) The people were resented more by the Natural calamities that continued to afflict them and which religious mediums like *Mlimo* blamed on the presence of the whites.

- n) The influence of the Mwari cult leaders who urged people to resist with an assurance of victory against the British and immunity against the European bullets.

Course of the war.

Mlimo's call to battle happened at a time when the BSA Co's Administrator General for Matabeleland, Leander Starr Jameson, had sent most of his troops to fight the Transvaal Republic in the ill-fated Jameson Raid in Dec. 1895 leaving the country's defenses in disarray.

War in Matabeleland.

On 29th March 1896, the Ndebele High Priest Umlugulu, with senior indunas, organized a ceremony to install Umfezela as Lobengula's successor. On that day, The Ndebele rebels killed the whites on their farms as they found them by surprise. They also killed African policemen in the British force. The European settlers took refuge in fortified camps in Bulawayo, Gwelo, Belingwe and Mangwe.

The British immediately sent troops to suppress the Ndebele and the Shona, but it cost the lives of many settlers, Ndebele, and Shona alike. The Matabele military defiance ended only when Burnham found and assassinated Mlimo, thanks to a Zulu informant. The Ndebele finally agreed to peace talks with Rhodes during which Rhodes agreed to disband the shona police and give the Ndebele headmen some powers as indunas.

The War in Mashonaland.

On 17 June 1896, the Hwata dynasty at Mazowe attacked the Alice Mine. They succeeded in driving away the British settlers from their lands on 20 June 1896. In the same month, Mashaykuma, working with the local spiritual leader *Kagubi*, the Zezuru Shona people in killing a British farmer Norton and his wife at Porta Farm in Norton.

With the war in Matabeleland ending in October 1897, Gen. Carrington was able to concentrate his forces on Mashonaland. Nehanda Nyakasikana and Kagubi Gumboreshumba were captured and executed in 1898, but Mkwati, a priest of the Mwari shrine, was never captured and died in Mutoko.

Traditional leaders played a major role in the rebellion, notably Chief Mashayamombe, who led resistance in Mhondoro, Gwabayana, Makoni, Mapondera, Mangwende and Seke.

Role of religion in the organization of the Shona –Ndebele resistance.

- a) Religion united the Shona and Ndebele who had hitherto been bitter rivals. / The two communities entered a common plan of action.
- b) It boosted and sustained the morale of the masses and gave them spiritual strength to fight a might force.
- c) Religion was used as a base of mass action. It provided the resistance with a common ideology. much of the ideology used was derived from *Umlugulu*, the chief priest of the Ndebele *Nyamanda*, Lobengula's eldest son and Mlimo , the medium of Mwari Cult
- d) Religious leaders provided leadership to the war against white aggressors who were considered immoral and brutal.
- e) The Mwari Cult provided an important organization link between the Ndebele and shona since it was widespread.
- f) The most important representatives of the Mwari Cult were Mkwati and Singinyamatse who were the backbone of the spiritual unity of the Ndebele.

Why the Ndebele and shona were defeated.

- a) Disunity among Africans and between Shona and Ndebele. They fought on different fronts.

Even some African communities supported the British against the Shona and Ndebele.

- b) The Ndebele social class lacked unity of purpose. The former aristocrats fought on their own while the former slave classes chose to even cooperate with the British.
- c) British soldiers were well trained as compared to African soldiers. They also got reinforcement from Botswana and South Africa.
- d) The arrest and execution of African leaders like Nehanda, Kagubi and Singinyamatse demoralized the people.
- e) The British had superior weapons as compared to African inferior weapons.
- f) The magic failed to protect them against the enemy bullets. Many people were killed by the British including the leaders of the Mwari cult.
- g) The determination of Cecil Rhodes, who negotiated for peace with Ndebele thus ending the war. This made the suppression of the Shona by the British easy.

Results of the war.

- a) The Africans lost their independence as the British established their authority over them.
- b) There was an enormous loss of life and property.
- c) The African land was alienated and they confined to reserves
- d) Africans in reserves were subjected to forced labour.
- e) The war led to rapid spread of Christianity as the local people lost faith in their religion.
- f) The Ndebele indunas gained recognition as headmen.
- g) The Africans were exposed to severe famine, as the war hindered farming.
- h) The colonial office in London lost confidence in company rule due to its poor administration.

COLLABORATION

What is collaboration?

This was a style in which Africans responded to European intrusion through diplomacy, adaptation or allying with the Europeans for military support and for material gains

Reasons for collaboration by some African communities.

- a) Some African kings needed to safe guard themselves against internal and external enemies. e.g. Lewanika of Lozi who was facing threat from the Ndebele and the Ngoni.
- b) Others wanted to promote trade with the imperialists so that they can gain material wealth. For example, the Wanga and the Shona.
- c) Influence of the missionaries who convinced some African leaders to collaborate in order to get western education and civilization. E.g, François Coillard encouraged Lewanika to collaborate with the British.
- d) In some communities, there was need for protection against other European powers e.g. the Lozi against the Portuguese.
- e) Others were merely in need for assistance to gain regional supremacy. E.g the Maasai who were on downward trend as the Nandi were raising.
- f) To some it was a means of showing courtesy visitors assuming that they would leave soon and being ignorant of European intentions. For example Kabaka Mwanga of Buganda.
- g) Other African leaders influenced some communities. For example, Chief Khama influenced Lewanika of the Lozi to resist.
- h) Having witnessed the European military might against the resisting neighbours some communities saw it futile to resist stronger force

The Lozi Collaboration.

Factors, which influenced Lewanika of the Lozi to collaborate with the British.

- a) Lewanika was encouraged to collaborate with the British by King Khama of Botswana who had already benefited from British protection against the Dutch in South Africa.
- b) The European missionaries who had visited him earlier influenced Lewanika. For example, François Coillard who convinced Lewanika to ally with the British to gain western education.
- c) Lewanika needed support against Portuguese and Germans who were approaching his territory.
- d) Lewanika wanted the British to protect his kingdom from attacks by other African communities such as the Ndebele and Shona-protection against African enemies.
- e) Lewanika also wanted the British to protect him against internal enemies e.g. in 1884, Lewanika faced an internal rebellion-to safeguard his position.
- f) Lewanika desired western education especially for his sons and civilization in his country.
- g) Desire for promotion of trade between Britain and his people. He was keen on acquiring European goods such as firearms for territorial defence.
- h) He was fearful and considered it futile to resist a strong military force like Britain.

How Lewanika collaborated with the British.

Signing of treaties e.g. he first signed a treaty with Harry Ware in 1889 before signing the Lochner Treaty of 1890 and the Corydon Treaty of 1898. These treaties put Buluzi under British protectorate.

Lewanika became friendly to British agents like Frank Lochner and the missionary, François Coillard, whom he allowed to establish a permanent mission station within his territory. He sent his sons to the Coillard mission school as a show of acceptance of westernization.

Lochner Treaty of 1890.

It was British missionary Francois Coillard who negotiated for the meeting between Frank Lochner, acting on behalf of Rhodes, and Lewanika in 1890. The treaty put Lewanika's Kingdom under the protection of the British South African Company.

Terms of the treaty.

- a) Lewanika gave the BSA Company mining rights in Buluzi except in certain farming and iron mining areas.
- b) The company promised to protect the kingdom from outside attacks.
- c) The British company promised to pay the king 2000 sterling pounds a year and 4% royalties of all minerals mined in the area.
- d) A promise was made to develop trade, build schools and develop telegraphy in the kingdom.
- e) Lewanika would still be a king but just a constitutional monarch, not an absolute ruler as before.
- f) That a British resident would be posted in Lealui, the capital of the Kingdom, to monitor company activities and advise Lewanika on foreign affairs.

The treaty consequently implied that Lewanika had given up his kingdom to the British company.

In 1897, Robert T. Coryndon a former police officer was sent as a British resident in Buluzi. Upon his arrival, he made arrangements for the signing of the Lawley treaty of 1898 which further reduced the size of the area governed by Lewanika.

In October 1900, he signed another treaty, the Coryndon Treaty with Lewanika.

The Coryndon Treaty (1900)

It had the following terms;

- a) The British government would be responsible for administration of Bulozhi. The company administrator would answer to the High Commissioner at the Cape.
- b) The company would appoint officials and pay for the administration of the area.
- c) The company would provide schools, industries, postal services, transport and telegraphic facilities.
- d) Lewanika would receive only 850 sterling pounds a year as his stipend.
- e) The company was allowed to acquire land on the Batoka plateau.
- f) The company maintained its rights to prospect for mineral in Bulozhi.
- g) Lewanika was to stop slavery and witchcraft in his area.
- h) Lewanika was made paramount chief of Barotse. His powers were reduced more when more white settlers arrived in 1905 ready to participate in government.

NB; the Coryndon treaty made Lewanika a mere employee of the company, receiving only a stipend. He lost control of the former vassal states that no longer would pay tribute to him since they were now under the British.

In the final run, Lewanika lost his independence just like any other collaborator or resistor.

Results of Lewanika collaboration.

- a) Schools and health centres were put up in his kingdom.
- b) He got British protection from Ndebele attacks.
- c) It marked the beginning of the erosion of the independence and traditional authority of his empire. Lewanika lost his authority as the administration was taken over by the British South Africa Company
- d) The British recognized Lewanika as a paramount chief of Barotse and gave him necessary protection.
- e) Lewanika received payment of £ 2000 yearly
- f) The British South Africa Company took over the control of the minerals
- g) The Lozi land was alienated and given to British settlers
- h) The Lozi were later forced to pay taxes in order to maintain the administration.
- i) The Lozi were forced to work as labourers on settler's farms
- j) The Lozi were employed in the civil service
- k) The British South Africa Company developed infrastructure in Barotseland
- l) The British used Barotseland as a base to conquer the neighbouring communities.

The Buganda collaboration.

By the mid 19th century, Buganda had become the most powerful state in the interior of East Africa. However despite this might, the Kabakas (Mutesa I and Mwanga) chose the path of collaboration instead of resisting the European intrusion.

Why kabaka Mutesa I (1856-1884) collaborated with the Europeans.

- a) His kingdom was under threat from Khedive Ishmael of Egypt. He therefore wanted British assistance against the Egyptian threat.
- b) There was threat from his traditional enemy, Omukama Kabalega of Bunyoro Kingdom.

- c) Mutesa wanted to establish a centralized religious authority over Buganda to counter the power wielded by the traditional priest of the Lubaale Cult and the Muslim power and influence.
- d) He wanted modernization and to gain Prestige from association with the Europeans. For example, western education, medicine and other material benefits.
- e) He had the desire to trade with Europeans to get their goods especially firearms.

Kabaka Mwangwa (1884-1898)

Mwangwa's main problem when he took over power was religious indecision which eventually generated political instability. In January 1885, he executed three C.M.S converts. In October 1885, he had Bishop Hannington killed. In May 1886, 30 young converts were burnt to death at Namugongo for refusing to denounce their Christian faith.

In 1888, under the urge of the traditionalists, he unsuccessfully attempted to expel all foreigners whom he blamed for causing chaos in his kingdom. He instead was disposed by a combined force of Muslims, Catholics and Protestants and replaced by his brother Kiwewa, sharing authority with foreigners.

In 1890, Mwangwa recaptured the throne assisted by the Christians and Kabalega of Bunyoro kingdom. He signed a protectorate treaty with Carl Peters for the Germans and rejected a treaty offer by Fredrick Jackson of IBEACO.

In 1891, Mwangwa signed a treaty of collaboration with Fredrick Lugard, the First British administrator sent to Uganda. This was after the Heligoland Treaty of 1890 had put Uganda a British sphere of influence.

Why Mwangwa collaborated.

- a) He wanted to acquire protection from internal and external enemies e.g religious groups and Banyoro.
- b) He wanted to secure his position and safeguard the Baganda from interference.
- c) He wanted the British to help him Gain regional supremacy over the surrounding kingdoms of Bunyoro, Ankole and Toro.

However, throughout all the religious conflicts that continued in Uganda between the Protestants and the Catholics, Kabaka Mwangwa always supported the Catholics to the chagrin of the British administrators. He was disposed by Lugard in 1894 after the capture of his palace at Mengo.

Under Kabaka Mwangwa II, Buganda became a protectorate in 1894. This did not last and the Kabaka declared war on Britain in on July 6, 1897. He was defeated at the battle of Buddu on July 20 of the same year. He fled to German East Africa where he was arrested and interned at Bukoba. The Kabaka later escaped and led a rebel army to retake the kingdom before being defeated once again in 1898 and being exiled to the Seychelles.

While in exile, Mwangwa II was received into the Anglican Church, was baptized with the name of Danieri (Daniel). He spent the rest of his life in exile. He died in 1903, aged 35 years. In 1910 his remains were repatriated and buried at Kasubi.

The war against Kabaka Mwangwa II had been expensive, and the new commissioner of Uganda in 1900, Sir Harry H. Johnston, had orders to establish an efficient administration and to levy taxes as quickly as possible. This he did through the Buganda Agreement of 1900

The Buganda agreement.

The Buganda agreement was signed in 1900 between Sir Harry Johnstone, British Official, and Apollo Kagwa, representing the Baganda

Reasons for signing of the Buganda agreement.

- a) The treaty was to define the position of Buganda in the country.
- b) To introduce law and order in the country.
- c) To reduce the cost of British administration since Buganda was to meet the cost of administration.
- d) To define the relationship between Buganda and the British government.

Terms of the Buganda agreement

- a) The Buganda laws were to remain in effect as much as they did not interfere with protectorate laws that were to be applicable to Buganda Kingdom as well. Buganda kingdom was to be ruled by the Kabaka with the assistance of Katikiro. The Lukiko was to be the legitimate body making laws of Buganda and it was to compose 89 members.
- b) Buganda people were to pay poll and hut tax. However, No tax was to be levied on Buganda unless approved by the Lukiko (parliament). Revenue from Buganda was to be merged with all the revenue from other provinces.
- c) The kabaka, ministers and Chiefs to be paid since they were now employees of the British government.
- d) Buganda boundaries were defined to include parts of Bunyoro (the ten sazas she had acquired from Bunyoro). The kingdom was therefore expanded to twenty counties. To ease administration, each county was placed under a Saza Chief.
- e) Land tenure system was changed to include land on freehold basis (*Mailo* land) and crown land. The crown land was for protectorate government while the *Mailo* land was particularly for the kabaka, his ministers and his chiefs.
- f) Though Buganda became a province within the protectorate, Ganda system of government was recognized and modified. It was to have three ministers (katikiro, treasurer and chief justice.). The Lukiko had fixed number- 20-saza chiefs, 60 notables and 6 Kabaka's appointees.

Results of the Buganda agreement.

- a) British overlord ship was confirmed over Buganda.
- b) Buganda was reduced to a status of a mere province.
- c) The position of the king was reduced – he lost his power to give or withhold land as well as the power to appoint or transfer chiefs.
- d) The 1900 Agreement led to the birth of early nationalistic movements. For example, the Bataka Opposition Movement in the 1920s by the landless class people rising up against the land-owning group.
- e) Modern economy and western education were introduced with Buganda taking the lead.
- f) Buganda formed the basis for the British administration as baganda were appointed as British administrators.
- g) It strengthened the special position of Buganda in relation to other communities in Uganda.
- h) Sazas were increased from 10 to 20 and saza chiefs got land and right to impose land rent.
- i) It led t expansion of Christianity and decline of Islamic influence.
- j) Bunyoro kingdom became aggrieved as results of loss of part their territory that was transferred to Buganda by the British. This caused friction later.

Results of African collaboration.

- a) Just like resistors, the collaborating communities also lost their independence and were eventually colonized. Buluzi and Buganda finally became British Protectorates.
- b) The collaborating community leaders gained some recognition, though with reduced powers. Lewanika for example became the paramount Chief of Barotseland while Kabaka gained the title, 'His Highness'.
- c) The collaborators were able to secure some amount of protection from their traditional enemies. The Lozi were protected from the Ndebele while the Baganda were protected from the Banyoro.
- d) The collaborators were used by the Europeans to exert their authority over other African societies. The Baganda on their part were used to administer Busoga.
- e) The collaborating Africans gained from missionary work. Lewanika's sons for example gained western education. Hospitals and schools were also built in the kingdoms.
- f) There was increased trade between the collaborating communities and the Europeans. The communities gained European goods such as glassware, clothes, guns and ammunition.
- g) The collaborators just like resistors were later subjected to economic exploitation such as land alienation, mining, taxation and forced labour.

ESTABLISHMENT OF COLONIAL RULE IN KENYA.

CAUSES OF THE SCRAMBLE FOR EAST AFRICA.

Factors that contributed to the scramble and partition of East Africa.

1. *The rise of Nationalism in Europe.* The Unification of Germany, after the Franco- Prussian war (1870-71) upset the balance of power in Europe and there was need to rebalance out through acquisition of colonies in Africa including east Africa. The Germans also felt that the only way their nation could gain recognition among other European powers was through securing colonial possession.
2. *Strategic location of East Africa in relation to Egypt.* Europeans were concerned with the source of the river Nile in East Africa and control of the Suez Canal. Therefore, the ownership of East Africa was crucial to the Egyptian affairs. East Africa, had, from the days of the Portuguese conquest in the 15th century, proved to be a strategic location for fresh supplies. That is why the Germans and the British competed for possessions in the region.
3. *The need to speed up economic development of the European countries.* The industrialized nations were rushing for colonies to tap raw materials to keep their factories running. There was also a popular belief that East Africa contained pockets of precious metals awaiting exploitation. They were also driven by the search for market for European produced goods. The Europeans were also looking for places to invest their capital.
4. *The rise of Public opinion in Europe.* There was growth of public support towards the acquisition of colonies. E.g., the Daily Press in London spoke well about acquiring colonies.
5. *Social factors.*
 - ~ East Africa was to be occupied as a means of stamping out slave trade and replacing it with legitimate trade.
 - ~ The Europeans were keen on spreading their culture to east Africa.
 - ~ They wanted to protect their missionaries who were already operating in east Africa

The process of Partition.

The Berlin conference failed to fully resolve the rivalry between the Germans and the British in East Africa. The activities of Karl Peters and Harry Johnston for the Germans and the British respectively in the Mount Kilimanjaro region depicted intense rivalry which almost led to war. The two signed treaties with local chiefs as a way of legalizing their arbitrary declaration of their spheres of influence. Karl Peters even declared German protectorate over Ungulu, Uzigua, Usagara and Ukami.

These activities together with those of Sir William Mackinnon of the Imperial British East Africa Company became the immediate cause of the partition of East Africa.

The partition of East Africa was sealed through the following two treaties.

The Anglo-German Agreement of 1886.

The agreement facilitated peaceful settlement of the German and British claims on East Africa as follows;

- a) The Sultan was given the 16 KM (10 mile) coastal strip from Vanga to Lamu. He also acquired islands of Zanzibar, Pemba, Mafia, Lamu, Pate and Towns like Lamu, Kisimayu, Mogadishu, Merca, and Brava.
- b) Germany acquired the coastline of Witu the region between river Uмба in the North and river Ruvuma in the south.
- c) The British got the territory north of river Uмба up to river Juba in the north.

However, the treaty failed to determine the western boundary, thus leaving Uganda up for grab to any power that got there first. Uganda therefore became a theatre of intense rivalry between Karl Peters who even secured a treaty with Kabaka Mwanga in 1890 and Frederick Lugard who tried in vain to sign a treaty with Kabaka Mwanga.

This tension is what led to the Heligoland Treaty of 1890.

Terms of the Heligoland Treaty of 1890.

- a) Germany officially recognized Uganda as a British sphere of influence/protectorate.
- b) Germany abandoned her claim over the territory of Witu for British in exchange for Heligoland island in the North sea
- c) Germany accepted British protectorate over Zanzibar and Pemba.
- d) Germany acquired a strip of land on Lake Tanganyika from Britain and the Coastal region of Tanganyika from the Sultan of Zanzibar.
- e) The Sultan of Zanzibar retained a 16km (10 miles) Coastal strip.

This treaty thus ended the scramble for and partition of East Africa.

BRITISH OCCUPATION OF KENYA

Methods used by the British to occupy Kenya.

- a) *Signing of treaties.* The following treaties were signed either by the British or on behalf of the British to facilitate their occupation of Kenya;
 - ~ A treaty by Sir William Mackinnon and the Sultan of Zanzibar Barghash in 1887 which effectively put Zanzibar under the British for 50 years.
 - ~ The Maasai Agreements of 1904 and 1911 between Oloibon Lenana and the British
 - ~ The Anglo-Germany Treaties of 1886 and 1890.
- b) *Collaboration.* The British collaborated with communities like the Wanga and Maasai who were later used as bases to extend British Authority over other areas.
- c) *Establishing operational bases.* The British built Forts like Fort Smith (Kabete) and Fort Hall

(Murang'a) to enhance their political control.

- d) *Use of company Rule.* In the initial stages, due to the fear of the enormous costs of effective occupation and administration, the British mandated the IBEA. Company to administer the Kenyan protectorate.

The Imperial British East Africa Company of Sir William Mackinnon was given the royal charter in 1888 and thus had the following new powers;

- a) Levying and collecting taxes and institute custom duties in the area.
- b) Establishing political authority and Maintain of law and order in the British East Africa.
- c) Promoting legitimate trade and Eradicate slave trade
- d) Developing and civilizing the indigenous peoples with the assistance of the imperial consul based in Zanzibar.

Achievements of the IBEAC.

- a) The company succeeded in quelling local aggression in the British spheres of influence from communities such as the Nandi, Maasai and Akamba.
- b) The company established a series of Forts at Kibwezi, Machakos, Smith and Dagoretti, which laid the basis for colonial administration in Kenya.
- c) The company improved transport and communication in the protectorate by pioneering road construction in Kenya. For example the Sclater's Road between Kibwezi and Busia in 1894 which assisted in transportation of railway building materials.
- d) The company succeeded in eradicating slavery to some extent and securing freedom for many slaves.
- e) The company also developed a rubber industry along the coast and the interior.

Reasons why Britain used the IBEA Company to administer her possession.

- a) Absence of a clear policy on the administration of colonial possessions. This gave room to the use of the company to administer the colony.
- b) The company could provide cheap administrative capital that Britain had failed to raise for colonial governance. The colonies were not yet economically viable
- c) There was a problem of inadequate personnel to be used in the administration of the colonies.
- d) I.B.E.A.Co's long experience in the region. The company had invested heavily in east Africa, hence making its participation in the administration of the colony inevitable.

Why company rule had failed by 1895.

- a) The region lacked strategic natural resources for export thus making the IBEACO, a trading company, to operate at a loss and narrow its revenue base. Minerals like Gold, copper and Diamond were not existent.
- b) The company lacked sufficient capital to carry out the day- to- day administrative operations. The company had spent the little funds available in the construction of fortified trading stations, with little reward.
- c) Transportation of goods in the region proved expensive and slow as the region did not have any navigable rivers
- d) The company faced the problem of poor coordination of its activities caused by lack of proper channels of communication between the head office in Europe and the offices in the colony.
- e) Some of the company officials were corrupt and therefore misappropriated funds.

- f) The company faced numerous resistances especially in the Nandi country thus disrupting their operation. At one time, Fort Smith was set on fire by African resisters.
- g) Some of the company officials lacked experience in administrative matters since most of them came merely as traders.
- h) The company officials also were affected by the harsh tropical climate and diseases like malaria and sleeping sickness that killed many.

The company thus surrendered the Charter in 1895 to the British government for a compensation of 250,000 dollars

Factors facilitated the establishment of the British control over Kenya during the 19th century?

- a) *The Christian missionary factor.* They created an atmosphere of friendship with Africans, which was important for colonization. They also occasionally called home for protection against hostile communities.
- b) *Presence of trading company (IBEACO).* The companies through their agents signed treaties with African rulers and among themselves as a means of initiating effective occupation of Kenya.
- c) *Superior military power/good army.* The European armies were more efficient than the African ones. This was witnessed in the ability to quell the numerous wars of resistance like the Nandi resistance.
- d) *Disunity among African communities.* By the time the British came to East Africa, the Wanga were up against the neighboring communities in western Kenya, the Nandi and the Maasai were at war and the Mijikenda against the coastal Arabs over land. This was of advantage to the British.
- e) *Signing of treaties.* There was Collaboration of some communities with the British. The Maasai signed the Maasai Agreement of 1900. The Wanga also signed various treaties with the British.
- f) The British policy of indirect rule was readily acceptable, thus reducing the chances of resistance.
- g) Financial support from the home government.

KENYA PEOPLES' RESPONSES BRITISH INVASION OF KENYA

Africans in Kenya offered varied responses to the British intrusion into their country. Some resisted while others collaborated.

The communities that resisted actively included the Nandi, Agiryama, Bukusu, Somali and sections of the Agikuyu

The Nandi Resistance (1895-1906)

Reasons why the Nandi resisted British occupation of their land.

- a) The Nandi had gained a lot of pride, having subdued their neighbours E.g the Luo, Maasai, Abagusii and Abaluhya. At that time, they were enjoying a sense of superiority that gave them confidence to take the British Intruders head-on.
- b) The Nandi military superiority made them feel equal if not superior to the whites. Their warriors were well-trained and equipped and had gained a lot of experience through the numerous cattle raids they conducted against their neighbours.
- c) The Nandi detested the physical appearance of the white people which they considered as

evil and must be expelled from their community.

- d) The Nandi were opposed to Land alienation by the British. They disliked the grabbing of their land for railway construction/white settlement.
- e) Kimnyole's prophecy that foreigners would dominate the Nandi motivated them to fight against the Europeans.
- f) The Nandi had a long history of resisting and fighting intruders. They had successfully warded off the Arab and Swahili traders in the 1850s.
- g) The Nandi resisted as a means of safeguarding their independence which they had enjoyed for a long time.
- h) The Nandi also enjoyed unity under the leadership of Koitalel Arap Samoei between 1895 and 1905. This had helped them to register numerous victories against neighbouring communities. They therefore felt strong enough to resist the British.

Course of the Nandi rebellion.

The Nandi wars of resistance began in 1895.

The Nandi mainly employed guerilla warfare ambushing the caravan traders and mail carriers who passed in their territory.

When two Nandi warriors strayed into the Guasa Mesa administrative camp headed by Andrew Dick in 1895, he murdered them as a response to the attacks by the Nandi on foreigners passing in their territory.

The Nandi retaliated through the murder of a British trader, Peter West and thirty of his workers. This sparked off British punitive expeditions against the Nandi with the first in 1897 which however failed to stop the Nandi raids.

When the railway reached the Nandi territory, they refused to cooperate with the railway builders and even kept stealing building materials to make weapons and ornaments. They even ambushed and murdered railway builders.

In 1900, the British sent three punitive expeditions under Colonel Evatt, the commander of the Uganda Rifles reinforced by the Maasai, Baganda, Swahili and Indian mercenaries.

The Nandi were supported by the Kipsigis enabling them to resist for so long causing high death toll on the British and the Nandi as well.

The year 1901 witnessed a temporary truce worked out by the British administrator, Walter Mayes (1901-1905), after realizing the heavy casualties both sides were experiencing.

The war was re-ignited when the Nandi realized that the British had started settling and farming on their land. They destroyed the railway in protest. The British reacted by destroying crops and villages and stealing cattle for the next three years.

The Nandi war of resistance only ended when the British officer in Nandi, Captain Meinertzhagen, hatched a plan to have Koitalel, the chief coordinator of the resistance, killed. He and his advisers were killed in October 1905, during a "peace" meeting convened by Meinertzhagen.

The Nandi finally sought for peace in December 1905 ending the ten year long resistance.

Why the Nandi offered the longest and strongest ever resistance to the British intrusion in Kenya.

- a) The British intrusion into their territory happened when the Nandi were at the best of their power and superiority.
- b) Existence of a superior military organization based on the age set system. The Nandi army

was strong and could match any foreign force. The regimental age-set system supplied the Nandi with young men who were experienced in battle, disciplined, organized and were effective.

- c) The Nandi also possessed knowledge of weapon manufacture and repair through their local ironsmiths and using stolen railway material.
- d) The Nandi enjoyed regular supply of food and war equipment which sustained the fighters for a long period. This was mainly aided by the Nandi mixed economy enabling them to turn livestock for food when the British destroyed crops.
- e) The Nandi had good knowledge of the terrain in which they were fighting the intruders thus having an advantage over the British who were not familiar with the terrain. The difficulties faced by the British as posed by the terrain disadvantaged them during the resistance
- f) The Nandi knowledge of Guerilla tactics. This enabled them to organize many surprise attacks while vandalizing key British installations like the telegraph lines.
- g) The existence of strong leadership. The Nandi leadership was religiously inspired and therefore very strong. The Orkoiyot was their symbol of unity and strength and was believed to possess some supernatural powers that gave courage to the fighters.
- h) Their enemies, the British troops, were slowed down in their advance by problems like respiratory disease due to the wet and cold climate. The Nandi were accustomed to these conditions
- i) The Nandi received assistance from the Kipsigis fighters – the Elgeyo, Lembus and Nyangori which enabled them to hold off the British for Six weeks in 1900..

Why the Nandi were defeated in the hands of the British.

- a) The British obtained support, against the Nandi, from the collaborating communities like the Somali and the Maasai.
- b) The British military strength remained superior to that of the Nandi especially in terms of the weapons. Their guns were superior to the Nandi spears.
- c) There was an outbreak of smallpox in the Nandi country 1890. This weakened them by killing many and rendering others unable to fight on.
- d) They Nandi failed to get support from the neighboring Kenyan communities like the Luo and the Abaluhya who were not friendly to them.
- e) The treachery employed by Captain Meinertzhagen, the British commander who lured Nandi Orkoiyot Koitalel Arap Samoei to a meeting where he was killed.
- f) The death of Koitalel Arap Samoei demoralized the Nandi into even signing for peace.
- g) The British used Scorched Earth Policy, which seemed more punitive to the Nandi since their houses were burnt and livestock confiscated.

Results of the Nandi resistance.

- a) The Nandi country was colonized by the British after 1906. The Nandi lost their independence.
- b) There was massive loss of life. Koitalel Arap Samoei, his entire council of elders and over 1000 warriors were killed. The British also experienced casualties on the part of their forces.
- c) There was destruction of property through burning and looting. E.g the British confiscated atleast 5000 herds of cattle and burnt more than 5000 huts and grain stores.
- d) There was massive land alienation. The Nandi were pushed into reserves where they experienced impoverishment due to drought and cattle diseases. The Nandi lost their

territory and traditional salt licks at Kapchekendi and Kamelilo that were now inhabited by the whites.

- e) The Nandi military organization disintegrated thus making them lose their dignity and authority in the region.
- f) The Nandi were separated from their close cousins and allies the Kipsigis through the creation of the Nandi Reserves where they were confined. Their economic lifestyle of grazing animals freely was also disrupted.
- g) Many Nandi warriors were recruited into the colonial police.

Agiriama resistance.

A Bantu speaking group inhabiting the coastal region, their reaction to the British invasion was motivated by the reaction of the Mazrui Arabs and the Swahili who rose up against the British in 1895.

The Agiriama reaction began as an offer of support to the Mazrui Arabs, with whom they had long trading links, during their conflict with the British over succession to the Takaungu Sheikdom. The Agiriama was also hitting back against the Busaidi Arabs who were encroaching on their territory. The British had supported the Al Busaidi collaborators throughout succession conflict.

The British reacted by bombarding Rashid's Headquarters at Mveli forcing the Agiriama and the Mazrui to resort to guerilla warfare. While the Mazrui Arabs later surrendered, the Agiriama now resorted to full scale resistance against the British encroachment in 1914.

Causes of the Agiriama resistance.

- a) They did not want to pay taxes, especially hut tax that was hurting to traditionally polygamous group, to the British. The British also were forcing them to pay it in terms of labour instead of allowing them to sell their grains and livestock to pay.
- b) They had lost their independence/the British replaced the Agiriama traditional rulers with their own appointees
- c) They were opposed to forced labour on British plantations for little or no pay especially on land that had been snatched from them.
- d) The British did not respect their culture. The British policemen at Kitengani insulted the Agiriama culture by raping their women.
- e) The Agiriama were reacting against forced conscription into the King's African Rifles. They were forced to produce a 1000 able-bodied men within a month, join the British army
- f) They lost their land to the British due to the massive land alienation for settler farming. They were forced to offer paid labour on their own former land to the chagrin of the elders.
- g) The British, who were seeking to take over the Agiriama role as middlemen, disrupted their trade in ivory and food stuffs
- h) They disliked the British-appointed headmen whose duties included collection of taxes and recruitment of labour.

Course of the resistance.

The Agiriama resistance was inspired by a Giriama prophetess, Mekatilili wa Menza. She was joined by an Elder, Wanje wa Madorika in mobilizing people to a mass resistance against the British rule.

The immediate course of their reaction was the forced military recruitment into the KAR. To

provoke the British to war, they barred their young men from moving outside their villages to work.

Mekatilili and Wanje called on the people to return to their ancestral shrine at Kaya Fungo and offer sacrifices and denounced all appointed puppet rulers in favour of the traditional council of elders.

The two administered traditional oaths to unite and inspire the people to war. I.e. the Mukushekushe oath for women and the Fisi oat for men.

When a state of emergency was declared by the British over the Agiriama, they resorted to Hit-and-run warfare. They attacked the homes of loyalists, Europeans and collaborators forcing the missionaries to seeker refuge at Rabai. The British countered the hit-and-run warfare with burning villages and crops and driving away livestock

The resistance only subsided when Mekatilili and Wanje were arrested and deported to Kisii. The Arabs, under Fadhili bin Omari, mediated between the Agiriama and the British, marking the end of the war under the following terms;

- a) The Agiriama to offer a specific number of labourers for European settlers and public works.
- b) They would also offer a certain number of able-bodied men to serve in the King's African Rifles.
- c) The British would occupy all the land to the north of River Sabaki.

Role of Mekatilili in the Agiriama resistance.

- a) She encouraged the Agiriama to face the British by administering the Mukushekushe and Fisi oaths to unite the people to war.
- b) She presented the grievances of the Agiriama, some of which the British later addressed.
- c) She rallied the people together against a common enemy thus laying the basis for nationalistic struggles for independence.

Results of the Agiriama resistance to the British

- a) Many people lost their lives some as fighters while others were caught in the crossfire.
- b) The Agiriama lost their independence to the British
- c) There was Rampant destruction of property i.e. food stores at home, food crops in the fields and cattle. Some property was lost through confiscation.
- d) The community's economic activities were disrupted, especially the lucrative trade at Takaungu, where they had been acting as middlemen.
- e) The Agiriama were prohibited from brewing traditional liquor.
- f) The British withdrew their order demanding Agiriama to move out of their homes.
- g) For the first time women took up the leadership of the rebellion e.g. Mekatilili

Bukusu resistance.

Reasons why the Bukusu resisted the British rule.

- a) They wanted to safeguard their independence and culture i.e. circumcision.
- b) They were being compelled to recognize Nabongo Mumia as the overall leader of Abaluhya.
- c) The Bukusu did not like the idea of paying taxes to the British through force.
- d)** They resented the British demand in 1894, that the Bukusu warriors surrender guns they possessed.
- e)** The British invasion had happened when the Bukusu were enjoying immense military

power.

Course of the resistance.

The Bukusu resistance began with the ambush of a trade caravan heading to Ravine through bukusuland. The Bukusu stole all the rifles. When they were commanded to surrender all the guns in 1894 and declined, the British sent a punitive expedition which however was defeated. The British administrator at Elureko, Charles Hobley sought for reinforcement from Major William Grant of the Ugandan protectorate.

In 1895, at the battles of Lumboka and Chetambe, the Bukusu were summarily defeated.

Methods used by the Bukusu to resist the British.

- a) *Use of Warfare.* They directly fought the British troops led by Major William Grant, at Lumboka and Chetambe hills.
- b) *Ambushes.* The Bukusu ambushed a caravan of traders, sent by the commanding officer at Kavirondo to the Ravine Station.
- c) *Revolting against rule by Wanga agents.* The Bukusu Murdered a Wanga agent, Hamisi, who had been sent, to administer the area.

Effects of the Bukusu resistance.

- a) The Bukusu lost most of their land through massive land alienation
- b) They lost their independence as bukusuland was declared part of the British East Africa Protectorate.
- c) There was massive loss of life within the Bukusu and the British forces.
- d) There was loss of property and disruption of Bukusu economy. The Bukusu lost their cattle and sheep.
- e) Bukusu women and children were taken prisoners by the British.

The Somali resistance.

The Somali resistance was a reaction to the British declaration that Jubaland was a British protectorate. They were led by their leader Ahmad bin Murgan.

causes of Somali resistance.

- a) The Somali were opposed to the division of Somaliland into the British and Italian spheres of influence, which separated the clans.
- b) They were opposed to punitive expedition sent against them by the British.
- c) The Somali people being Muslims were opposed to being controlled by the British who were Christians.
- d) The British attempted to stop the Somali raiding activities against their neighbors.
- e) The Somali were against British control of their pastureland and watering points.
- f) The British wanted the Somali to drop their nomadic way of life.

Course of the resistance.

The British initially reacted minimally to the Somali aggression on their Kisimayu neighbourhood in 1898 due to the following reasons;

- a) They viewed such an undertaking as too expensive in terms of the arms and military personnel that would have been involved.
- b) The Somali were a nomadic group therefore it was very hard and time consuming to suppress them.
- c) There was no economic justification for waging such a war on a highly unproductive territory.

However, when the Somali murdered the British sub-commissioner for Jubaland, Mr Jenner, in 1900, the British dispatched a punitive expedition of Indian regiments against them. The Somali rose up again in 1905 against the British after they had procured Firearms. The Somali skirmishes continued into 1914 with the change of boundaries and finally ended in 1925 when Jubaland was put under the Italian Somaliland.

Results of the Somali resistance.

- a) There was massive loss of life, as many Somalis were killed. Sub-commissioner Jenner was also killed.
- b) The British divide the Darod and Hawiye clans through the boundary changes of 1914.
- c) The Somali cattle were confiscated.
- d) Somali lost their independence through the declaration of the protectorate status.
- e) The process of colonization by Europeans was delayed considerably.
- f) There was favorable boundary change that saw Ogaden being placed under Italian Somaliland.

Collaboration

In Kenya, the Maasai, Wanga and a section of the Agikuyu, Akamba, and Luo collaborated.

The Maasai collaboration.

In the 19th century, the Maasai community changed from a once feared community to one marred by succession disputes and natural calamities. The Disputes between Lenana and Sendeyo over succession of Mbatian after he died weakened the Maasai community to the level of merely collaborating with the British intruders.

Sendeyo moved with his followers to northern Tanzania leaving behind Lenana's group who chose the path of collaboration.

Reasons for the Maasai collaboration with the British.

- a) *Losses of the Maasai military supremacy.* At the time the British came to Kenya, the Nandi had overtaken the Maasai in terms of military superiority. They therefore sought for foreign support against their aggressors.
- b) *Internal feuds.* There were a series of succession disputes in the period between 1850 and 1890 caused by differences in economic activities. In one of the disputes, when Lenana seemed to be losing to Sendeyo, he appealed to the British for support.
- c) *Natural calamities/disasters.* The Maasai country witnessed severe hunger, livestock and human diseases in the 1850s. These weakened them more making them unable to resist.
- d) *Threat and wars from the Agikuyu.* When the Maasai went to reclaim their women and children at the end of the hunger period, they met with outright threat of attacks from the Agikuyu. They therefore sought British support.
- e) *Prophecy of Mbatian.* He prophesized the coming of a white man who was more powerful and that the Maasai should not bother to resist him.
- f) Lenana personally chose the path of collaboration because he wanted to consolidate his position and that of his kingdom. He was looking for the much needed military support to overcome his sibling, Sendeyo of the Loita Maasai.

The process of Maasai collaboration.

The attempt by Lenana to secure assistance against Sendeyo was the beginning of his collaboration with the British

The Kedong massacre incident (Maasai warriors attacked a caravan of Swahili and Agikuyu

traders travelling from Ravine) and the resultant death of 100 Maasai at the hands of three white men (Andrew Dick and two French companions) made the Maasai immediately seek for collaboration with the British.

They cooperated with the British in establishment of colonial administration. They provided mercenaries in the British punitive expedition against the Nandi, Kipsigis and Kikuyu. Maasai were rewarded with cattle acquired from uncooperative peoples e.g. The Nandi and Agikuyu. They exchanged gifts and used British manufactured goods. Lenana was made a paramount chief.

Between 1904 and 1923, a fair proportion of the Maasai agreed to be moved from one grazing land to another to pave way for British settlement.

They signed the first Maasai agreement in 1904 by which they moved into two reserves, one to the south of Ngong and the railway and the other up on the Laikipia plateau. A corridor of five kilometres was set aside in Kinangop for the Eunoto ceremony that accompanied circumcision. The second Maasai agreement of 1911 implied the Maasai abandon the Laikipia plateau to rejoin others in the enlarged southern reserve.

Results of the Maasai collaboration.

- a) Lenana was made a paramount chief of the Maasai in 1901.
- b) The collaboration led to the separation of the Maasai related clans. The Purko Maasai were divided into the Loita and Ngong Maasai.
- c) There was massive land alienation with the Maasai being moved to the Ngong and Laikipia reserves and later the southern reserve.
- d) Maasai freedom in conducting rituals was curtailed with their confinement to a five – square-mile reserve for initiation rites.
- e) The Maasai lost their independence. Just like any other part of Kenya, Maasailand became part of the British protectorate.
- f) There was total disruption of their territorial integrity. Even their cattle economy was disrupted as the number of livestock was reduced. There was an attempt to cause them to abandon their nomadic habit.
- g) The Maasai gained material reward in form of cattle and grains looted from resisting communities like the Nandi and Luo of Ugenya.
- h) Their age old custom of livestock cross- breeding with their Samburu neighbours was disrupted with the curtailing of their migratory behaviour. Their stock was therefore weakened.
- i) Some Maasai were hired as mercenaries against the resisting communities such as the Nandi and Agikuyu.

Wanga Collaboration.

Nabongo Mumia, the Wanga leader from 1880, was an ambitious and shrewd leader who had the desire to expand his Kingdom through collaboration with British intruders and soliciting their military assistance.

Reasons for Wanga Collaboration.

- a) Nabongo Mumia hoped that by collaborating, he would be made a paramount Chief of the entire western region.
- b) There was family rivalry over leadership. This compelled Mumia to seek help against his brother Sakwa. He wanted to safeguard his position at home.

- c) He wanted British protection against the Nandi, who were by then enjoying military superiority, the Bukusu and the Luo of Ugenya
- d) He wanted to revive a disintegrating kingdom.
- e) He wanted to take advantage of the British western civilization particularly education and religion. He also wanted material gains from the British.
- f) He aimed at achieving territorial expansion. Mumia aimed at ruling up to Kabras, Kimilili, Marama, Butso, Ugenya and Samia.
- g) He realized that his community was very small and it was futile to resist the militarily superior Europeans.
- h) Having realized that the British declaration of western Kenya as their sphere of influence was inevitable, he chose to become their ally at the earliest opportunity ever.

Process of Wanga Collaboration.

Mumia's contact with the outside world began when he befriended the Swahili and Arab caravan traders and later the IBEA Company merchants when they visited Wangaland. They built a fort and a trading station at Elureko, his capital, which was to remain the headquarters of the British administration in western Kenya until 1920.

Ways in which Nabongo of Wanga collaborate with the British.

- a) He offered his seat-elureko to become an operational base of the British expeditions.
- b) He offered his men to fight alongside the British in their expeditions against other communities.
- c) He provided Wanga agents to aid the British in administering the conquered areas.
- d) The Wanga provided food, water and shelter to the British invading forces.
- e) They gave the British free passage through their territory and offered them hiding places during the battles.
- f) Mumia signed treaties of friendship with the British.

Results of the Wanga collaboration with the British.

- a) Wanga kingdom was strengthened using military support from the British. Wanga kingdom was expanded. Nabongo gained more territories e.g. Samia, Bunyala and Busoko
- b) Their king Mumia was declared a paramount Chief thus raising his prestige. He ruled as a British paramount chief ruling as far as Bunyala, Gem, Ugenya and Alego, upto 1926, when he officially retired
- c) Mumia warriors became agents of the British colonialism. The warriors were used to subdue the Luo, Bukusu and Nandi.
- d) The Wanga Princes became agents of British rule over western Kenya. For example, Mumia's half-brother Murunga was appointed chief of the Isukha and Idakho.
- e) Mumia's headquarters at Elureko became the seat of British administration in western Kenya upto 1920 when it was moved to Kakamega.
- f) Mumia and his people gained material benefits from the British through trade, western education and religion.
- g) Nabongo Mumia became an important ally of the British administration in western Kenya, providing them with vital information over the appointment of chiefs and Headmen in western Kenya.
- h) Due to the Wanga Collaboration, there was intensified enmity and hostility between the Wanga people and other Abaluhya subsections who viewed the Wanga as traitors.

- i) However, The Wanga, just like any other collaborator or resister lost their independence when Kenya was declared a British Colony in 1920.

Mixed reactions

The communities that exhibited mixed reaction were the Akamba, Agikuyu and Luo.

The Akamba Reaction.

The arrival of the British traders threatened to destabilize the prominence enjoyed by the Akamba as middlemen during the long distance trade. The British even tried to stop the Akamba from organizing raids on their Oromo, Agikuyu and Maasai neighbours.

Why the Akamba decided to resist British administration?

- a) The British failed to respect Akamba traditions and customs. For example, the cutting down of the *ithembo (shrine) tree* for a flag post at Mutituni in 1891.
- b) When the Akamba attacked the Agikuyu, The British intervened against them. This was not taken kindly.
- c) The Akamba were protesting the misconduct of Company officials based at Machakos who stole from the local people and raped Akamba women.
- d) The establishment of colonial administration disrupted the long distance trade, which was the Akamba lifeline.
- e) The establishment of British rule meant loss of independence for the Akamba.
- f) The establishment of military posts in Ukambani without their consent. The British built a fort at Masaku in 1890.
- g) The British kept on disrupting their peace by sending military expeditions that resulted in death and massive destruction of property.
- h) The Akamba were also resisting forced labour.

Course of the Akamba resistance.

In 1890, Nzibu Mweu led the Akamba in boycotting to sell goods to the company agents.

Prophetess Syonguu also ordered the Iveti Warriors to attack the Masaku fort in the same year as a reaction to the cutting down of the *ithembo tree* for a flagpole.

The British agents were defeated during this surprise attack.

When the British tried to stop the Akamba raids on their neighbours in 1894, a Warrior, Mwatu wa Ngoma ordered the Akamba warriors, who had been inspired by medicinemen, to attack the British.

The British responded with devastating consequences on the side of the Akamba forcing them into collaboration with the British District Commissioner, John Ainsworth. Mwatu wa Ngoma became a collaborator.

Later, another gallant fighter, Mwanamuka, led the Kangundo people to attack the colonial police at Mukuyuni and Mwala, killing six. With the assistance of Maasai mercenaries, the

British sent a punitive expedition against the Akamba and even confiscated their livestock. When Mwanamuka tried to blockade the Lukenya area to cut off communication between Fort Smith and Masaku, he was met with devastating consequences that forced him to also petition for peace.

Why a section of the Akamba collaborated with the British.

- a) They had lost heavily during the Akamba-British war of 1894 causing them to fear the British.
- b) The ruthlessness with which the British attacked the Akamba scared many warriors into

collaborating. For example, the Machakos station superintendent, Leith dispatched troops to deal with Syonguu's forces in 1891, causing merciless killings and looting of property.

- c) Some especially the trades collaborated expecting material gains.
- d) Collaborators wanted to gain prestige.
- e) They wanted to get guns to be used in robbing for wealth.
- f) The Akamba had been weakened by the 1899 famine and were therefore unable to effectively tackle the British.

Reasons for the Akamba defeat.

- a) Some of the Akamba were not patriotic to the resistance course. Some self-serving opportunists allied with the colonial agents with the aim of enriching themselves thereby resulting in the Akamba defeat.
- b) Internally, the Akamba lacked territorial cohesion. It was therefore very difficult to coordinate a strong resistance to British rule among a highly segmented society lacking in a centralized system of government.
- c) Sections of The Akamba community experienced severe famine in 1899. They were weakened to the level of being unable to stage a gainful resistance to the British.
- d) The role of missionaries who pacified some sections to the level of collaborating with the intruders. The missionaries actively undermined their religious practices and traditional beliefs.
- e) When the Akamba caravan trade and raiding activities were disrupted, they had lost a significant source of livelihood and thus became weakened more.

Consequences of the Akamba reaction.

- a) The Akamba lost their independence as their territory was declared a British protectorate.
- b) There was massive alienation of Kamba land to pave way for white settlement.
- c) Many people, especially the Akamba warriors lost their lives during the confrontations with the British soldiers.
- d) The British interfered with the Akamba culture by cutting down the Ithembo tree and raping their women.
- e) The Akamba were subjected to heavy taxation in order to raise revenue for the colonial administration.
- f) Many of the Akamba men were forcefully conscripted into the King's African Rifles to fight in world War I.

The Agikuyu reaction.

The Agikuyu was also a highly segmented nature lacking in territorial unity. This explains why they had mixed reaction against the British.

Explain the causes of Agikuyu resistance.

- a) *The British failed to respect Agikuyu traditions and customs.* The missionaries campaigned against female circumcision and Kikuyu forms of worship.
- b) *Misconduct of company officials.* They stole from the local people, killing some of them, and raped Agikuyu women.
- c) The Agikuyu were revolting against the forced supply of grains and water, by their women, to the British soldiers.
- d) There was massive land alienation, which had left many landless or pushed to unproductive land.

- e) Harassment of the Agikuyu, by British punitive expeditions. To enforce their policies, the British usually applied excessive force.
- f) The British had begun meddling in the Agikuyu internal affairs making them suspicious of their intentions.
- g) Fear of Loss of independence by some leaders like Waiyaki wa Hinga.
- h) The Agikuyu were reacting against the punishment meted on them by the British for raiding Fort Smith in 1892.

Reasons why some Agikuyu collaborated.

- a) Agikuyu leaders like Kinyanjui wa Gathirimu and Karuri wa Gakure wanted to derive personal wealth and prestige through collaboration.
- b) Kinyanjui wa Gathirimu and Karuri wa Gakure hoped that by collaborating, they would be made paramount Chiefs among the Agikuyu.
- c) The collaborators wanted British protection against their enemies amongst the Agikuyu and other neighbouring communities.
- d) They wanted to take advantage of the British western civilization particularly education and religion.
- e) They also wanted material gains from the British through trading with them.
- f) The Agikuyu of Nyeri realized that it was futile to resist the militarily superior Europeans. They therefore chose to collaborate.

Organization of the Agikuyu reaction.

When captain Lugard established a fort at Dagoretti in 1890, he began relating with Waiyaki wa Hinga who was in charge of the area. Waiyaki's people supplied Lugard's men with food. However, when Wilson took over from Lugard who had left for Uganda, his soldiers began looting food and livestock from the Agikuyu.

The Agikuyu reacted by setting the Dagoretti fort on fire. Waiyaki was arrested by the forces sent by Sub-commissioner Ainsworth, and died enroute to Mombasa. It is alleged that he was buried alive at Kibwezi after provoking his captors.

Kinyanjui wa Gathirimu, a collaborator, succeeded Waiyaki at Dagoretti. In 1899, Fort Dagoretti was closed down due to a series of raids. Francis Hall opened another Fort at Murang'a (renamed Fort Hall after his death in 1901) after the locals were subdued and forced to accept the British Colonial rule.

British trader John Boyes forged an alliance with Karuri wa Gakure, the Agikuyu leader at Fort Hall, which enabled him to subdue the resisting Agikuyu groups. He also made contacts with Wang'ombe of Gaki (Nyeri) who together with Gakure supplied the British with mercenaries in exchange for confiscated loots from resisting groups.

Meinertzhagen, who succeeded Francis Hall in 1902, subdued the Muruku and Tetu section (led by Chief Gakere) of the Agikuyu. Chief Gakere was murdered and his associates deported to the coast after they wiped out the entire Asian caravan on the slopes of the Aberdares.

The Agikuyu of Iriani (Nyeri) were defeated in 1904 and their Aembu and Ameru allies sought for peace in 1906, having seen the effects of resisting.

By 1910, British rule had been established in the entire Mount Kenya region. With the Agikuyu settling peacefully in the reserves upto 1920s when they began to agitate again.

Results of the Agikuyu mixed reaction.

- a) The reactions fuelled mistrust, hatred and animosity in most of Kikuyuland. Such feelings of

mistrust continue among the Agikuyu of Murang'a, Kiambu and Nyeri up-to-date.

- b) There was massive alienation of Agikuyu land by the British with the help of the collaborators like Wang'ombe wa Ihura and Gathirimu who gave land to the British for construction.
- c) Some Agikuyu leaders amassed a lot of wealth and rose to prominence. For example, Karuri wa Gakure and Wang'ombe of Nyeri,
- d) The collaborators like Kinyanjui wa Gathirimu and his people received western education and were converted to Christianity.
- e) There was massive loss of lives for the resisters. For example Waiyaki wa Hinga and many Agikuyu fighters were killed.
- f) The Agikuyu, both collaborators and Resisters lost their independence when their territory was declared a British protectorate.
- g) The Agikuyu wars of resistance forced the British to shift their administrative base from Fort Dagoretti to Fort Hall.
- h) There was massive destruction of property. The Agikuyu razed down Fort Dagoretti. The Agikuyu villages were burnt by the British.

The Luo reaction.

The resisters were the Luo of Sakwa, seme, Uyoma, Ugenya and Kisumu. The collaborators were the Luo of Gem and Asembo, led by Chief (Ruoth) Odera Akang'o.

Reasons for the resistance against the British by the Luo of Ugenya.

- a) To protect their land and national heritage.
- b) To protect their freedom and independence
- c) Protect their livestock, grains and fish from being taken by the British soldiers who were undisciplined
- d) The Luo had become a formidable nation in the area and did not entertain any intruder.
- e) They were also provoked by the punitive expedition sent against them by Mumia and the British.

Why the Gem and Asembo Luos collaborated.

- a) Their chief, Odera Akang'o had been influenced by the Wanga Neighbours who had gained materially from their collaboration.
- b) Odera also needed British assistance to subdue the Luo of Seme, Uyoma, Sakwa and Ugenya, and the Nandi, who were a threat to his people.
- c) He realized the futility of resisting the British through the experience of his neighbours.

Course of the Luo resistance.

The Luo of Ugenya set off the resistance by attacking the Wanga in an attempt to expand. They vandalized British key installations like the telegraph wires and administrative stations.

In 1896, the British sent an expedition against them and 200 people were killed.

When the British attacked the Seme Luo for cattle and Grains, they were provoked into revolting. They attacked the Asembo Luo who had collaborated with the British. The British invaded them in 1898 with devastating effects in terms of property and life loss.

The Luo of Kisumu rose up in 1898 attacking a British Canoe party on Winam Gulf for taking their fish without paying. They were however overcome.

The Gem and Asembo Luos led by Ruoth Odera Akang'o supported the British throughout all these confrontations.

Results of the Luo reaction.

- a) Both collaborators and resisters lost their independence to the British.
- b) The Luo lost their property through burning and looting.
- c) There was massive loss of lives, especially among the Ugenya Luo.
- d) It bred hatred between the collaborators and resisters
- e) The collaborating communities were able to gain western education and religion as the British established schools and missions in their areas.
- f) The African leadership was replaced with the British administration, thereby undermining traditional political systems.
- g) The Luo were alienated from their land to pave way for the British occupation and settlement.

Colonial system of administration in Kenya.

In their administration of Kenya, the British employed both central government and local government as the basic administrative framework.

Central Government.

The protectorate was divided into provinces headed by Provincial commissioners, who acted as representatives of the Governor. The governor was answerable to the colonial secretary in Britain.

Hierarchy of colonial administration in Kenya.

1. **Colonial secretary.** Based in London, he was the political head of the British colonial administration and overall coordinator of the colonial policies as passed by the British parliament.
2. **Governor.** Reporting to the colonial secretary, he was the representative of the British government in the Kenyan colony. He headed the executive council which effected colonial policies and programmes he gave assent to laws from the LEGCO before they were implemented.
3. **Provincial Commissioners.** They represented the governor at provincial level and implemented the policies and laws that were enacted by the legislative council that was established in 1907. They supervised the work of DCs, Dos and the entire provincial administration on behalf of the governor.
4. **District commissioners.** They implemented policies and maintained law and order and security in their districts. They headed the District Advisory Committees. They coordinated the work of Dos and Chiefs.
5. **District Officers.** They implemented orders from the DCs and coordinated the work of the chiefs. They maintained law and order in their divisions.
6. **Chiefs.** They acted as a link between the people and the Governor at local levels. They maintained law and order at the locations and coordinated the work of headmen.
7. **Headmen.** They were a link between the government and the people at the grassroots level. They mobilized people for development within their villages.

NB. The principal function of Chiefs and Headmen under the Headman's Ordinance and Chiefs Authority Act was tax Collection and labour recruitment for public works and European settlers. Their duties were confined in the African reserves.

The advisory and Executive Councils guide the governor and effected the colonial policies.

Local Government.

The British introduced the Local Government in colonial Kenya because;

- a) They wanted to involve the local communities in administration of the region. This would reduce the costs of administration.
- b) They wanted to mobilize local people in resources exploitation in order to stir up development
- c) Local Government was a means of providing a legal forum for the local people to make decisions about their day to day affairs
- d) The Local Government would provide an important link between the Central government and the locals.
- e) The Local Government would provide a means through which the government would understand Africans better.
- f) It also originated from the desire by European settlers to safeguard a number of privileges for themselves by getting directly involved in local administrative units

Local Native Councils.

They were established in 1922 after the passing of the Native Authority Ordinance.

In 1924, the District Advisory Councils (DACs) were renamed Local Native Councils (LNCs)

Objectives of the LNCs.

- a) To encourage and develop a sense of responsibility and duty among the Africans.
- b) To provide a mechanism through which educated Africans could articulate their grievances at District level.
- c) To ensure proper restriction of the Africans in their reserves.
- d) To provide a means through which the government would understand the Africans better so that to contain them.

Achievements of the Local Native councils.

- a) The councils succeeded in restriction African political Agitations and other activities to their reserves.
- b) The LNCs provided basic social needs like water, cattle Dips, Public Health, Education and Markets.
- c) They succeeded in maintaining basic infrastructure in their areas of jurisdiction.
- d) They succeeded in collecting taxes to finance their operations.

NB; in 1948, the LNCs were renamed African Native Councils. Pascal Nabwane became the first African chairmen of the ADCs in 1958. The ADCs operated as local authorities for Africans until 1963.

Impact of Local government.

- a) It exploited local resources and initiated development.
- b) It created a link between the central government and the local people.
- c) It helped maintain law and order using the small police force set up in 1896.
- d) It promoted infrastructural development and general welfare of Africans. It used the levied taxes to improve social services such as schools and hospitals.
- e) It helped in the arbitration of African disputes through the District African Courts. E.g, Land disputes were settled by the LNCs.

Factors that undermined the local Government.

- a) Shortage of trained personnel to work in the LNCs and ADCs.

- b) Poor transport and communication leading to poor coordination of their activities.
- c) Lack of adequate revenue to finance their operations as the colony lacked strategic mineral resources.
- d) There was a lot of rivalry between the settlers and the locals, later becoming the freedom struggles. This hampered the operations of the councils.
- e) Racial discrimination was so pronounced that basic services were absent in African areas. Many Africans survived through self-help schemes.

COLONIAL ADMINISTRATION

The methods mainly used by the British to administer their colonies were

1. Direct rule.
2. Indirect rule.

Difference between direct rule and indirect rule.

Indirect rule was a system under which the British recognized the existing African political system and used it to rule over the colonies.

Direct rule was a system where the Europeans/the British entrenched themselves in the direct administration of their colonies. Indigenous political and administrative institutions and leaders are replaced with European systems.

Indirect rule

This was a policy advanced by Fredrick Lugard, the British High Commissioner in the protectorate of Northern Nigeria from 1900 to 1906.

To Lugard, as summed up in his book, *The Dual Mandate in the Tropical Africa (1922)*, "the resident acts as a sympathetic adviser to the native chief, on matters of general policy. But the native ruler issues his instructions to the subordinate chiefs and district heads, not as orders of the resident but as his own".

Such a system was applied in Kenya and in West Africa.

Why Britain used indirect rule in Kenya and Nigeria.

- a) Britain lacked enough manpower to handle all the administrative responsibilities in the colonies. For example, in the Nigerian protectorate, there were only 42 British officials by 1900.
- b) Lack of adequate funds for colonial administration from the parent government made her use the existing traditional political system as a means of cutting down the administrative costs.
- c) The use of indirect rule was a means of diffusing the expected stiff resistance from the Africans. The traditional rulers were to be made to feel that they had lost no power.
- d) The policy of administration had succeeded in India and Uganda, thus motivating them to apply it in Kenya and Nigeria.

British rule in Kenya.

In Kenya, the British lacked both funds and experienced personnel to facilitate their administration. Kenya also did not have a reference model of an administrative system –like that in Buganda Kingdom. It was only among the Wanga section of the Abaluhya and the Maasai where traditional chiefs that were recognized by the British existed.

Where the institution of chieftainship did not exist as the case of the Agikuyu, the British appointed chiefs (men with ability to communicate in Kiswahili and organize porters) like Kinyanjui wa Gathirimu in Kiambu, Karuri wa Gakure in Murang'a and Wang'ombe wa Ihura in Nyeri.

The passing of the Village Headman Act in 1902 gave the chiefs the responsibilities of maintaining public order, hearing of petty cases and clearing of roads and footpaths. The 1912 Ordinance increased the powers of the chiefs and their assistants (headmen); they were now allowed to employ other persons to assist them, such as messengers and retainers. They were to assist the District officers in Tax collection and control brewing of illegal liquor and cultivation of poisonous plants like Cannabis sativa. They were to control carrying of weapons and mobilize African labour for public works.

The selected colonial chiefs however faced two problems;

- a) Most of them lacked legitimacy and were therefore rejected not only by the African elders who regarded them as nonentities, but also by the young generation who saw them as tools of colonial oppression and exploitation.
- b) Many of the colonial chiefs were young and inexperienced.
- c) Many of the chiefs also became unpopular since they used their positions to amass riches in terms of large tracts of land, livestock and wives. E.g Chief Musau wa Mwanza and Nthiwa wa Tama acquired 8000 herds of cattle and 15 wives respectively in kambaland.

The structure of administration was as discussed earlier with governor being answerable to the

colonial secretary in London. Below him were provincial commissioners, district commissioners, district Officers and Chiefs.

All the administrative positions above that of the chief were occupied by European personnel.

The British in Nigeria.

Nigeria comprised the Lagos colony and protectorate, the Southern Nigeria Protectorate and the Northern Nigeria Protectorate. These regions were later amalgamated into the Nigerian protectorate in 1914.

In Northern Nigeria, Fredrick Lugard employed indirect rule.

Reasons for the use of indirect rule by the British in northern Nigeria.

- a) The system was cost-effective. There was need to reduce the administrative cost by using the local chiefs in administration while employing very few British officials.
- b) Northern Nigeria had communities with a well-organized centralized system of government complete with Islamic sharia whose use provided a base to govern the protectorate. i.e. The Sokoto Caliphate
- c) The vastness of the region coupled with the inadequate British administrative work force and Poor transport and communication network made it difficult for the British officials to effectively administer some parts of the region.
- d) The system would help dilute African resistances since governance was by local rulers. The British were keen on guarding against the local resistance to their administration.
- e) The method ensured smooth transition from African to British dominion. It was a way of deliberately preparing Africans for self-government.
- f) Indirect rule had been tried successfully in Uganda and India.

Indirect administration as applied in northern Nigeria.

In Northern Nigeria, the existing emirates with centralized system of administration formed the basis of local governance. The *Emirs* were retained and were to rule under supervision of the British resident officials.

The British administration was based on the local customs and laws. Chiefs chosen by the British were to be acceptable by the local people. Local chiefs collected taxes and a portion of it was given to the Central Government.

Local Native Courts operated as per the laws of the land. The Emirs were allowed to try cases in their own Muslim courts.

The Emirs were mandated to maintain law and order. They possessed firearms.

In 1914, Northern and Southern Nigeria were Brought under one syatem of administration .

However Lugard found it hard to apply indirect rule in Southern Nigeria.

Why indirect rule was not successful applied in southern Nigeria.

- a) Southern Nigeria lacked a centralized indigenous system of administration, which would have been vital in the application of indirect rule.
- b) The south had many ethnic groups, many languages and many disparities in customs, which denied it the homogeneity necessary for the application of indirect rule.
- c) The southern people were infuriated by the British introduction of new concepts like forced labour and direct taxes.
- d) The British did not give themselves time to understand the operation of the social, political and economic systems of the people of southern Nigeria.
- e) The educated elites in the south felt left out of the administration of their own country in

favour of the illiterate appointees of the British.

- f) There existed communication barrier between the British supervisors, the warrant chiefs and the people, which sometimes led to misinterpretation and misunderstanding.
- g) The warrant chiefs sometimes misused their powers in tax collection and molesting women sexually.
- h) The British had used excessive force in dealing with any form of resistance and this made them unpopular

Problems associated with indirect rule as a system of government.

- a) Indirect rule could only be applied where centralized government was present. Its application in stateless societies often faced difficulties.
- b) Where chiefs were imposed, especially in the stateless societies, their authority lacked legitimacy and only resulted in suspicion and lack of confidence. This would lead to constant riots when they tried to exert their authority.
- c) Local people even in the highly centralized states looked at indirect rule as curtailing the authority of their local rulers and hence resented it. E.g the Yoruba state in Nigeria.
- d) Some inexperienced British officials tended to interfere too much with the vital African customs and practices e.g. among the Asante thus bringing further problems.
- e) Different administrations had different views on the degree of indirect rule to be applied hence confusion was created. It was difficult to draw a boundary between the advisory and supervisory roles of colonial powers.
- f) Language was a problem and there was need for interpreters. Communication was poor and made adaptation difficult.
- g) Education of chiefs was necessary but even this took a long time and needed patience and skillful knowledge which the British did not have.

Effects of indirect rule.

- a) The system led to transformation of the role of traditional African chiefs. they now began to recruit fellow Africans to provide labour to the colonial government and even fight in world war I. the chiefs thus became unpopular.
- b) The indigenous system of administration was modernized by the British especially in northern Nigeria.
- c) Many African chiefs used their positions to accumulate a lot of wealth at the expense of their people. Chiefs like Wang'ombe and Gakure in central Kenya acquired large tracts of land.
- d) Indirect rule created suspicion and mistrust between the educated elites and the traditional chiefs who were given power in southern Nigeria. The elite reacted by forming political movements thus leading to growth of nationalism in Nigeria.
- e) Indirect rule helped preserve African cultures, unlike assimilation which sought to replace them.

DIRECT RULE.

This system was mainly used in regions with large white settler population such as Algeria , south Nigeria and Zimbabwe.

Direct rule in Zimbabwe

Zimbabwe was colonized by the British South African Company under John Cecil Rhodes.

Rhodes used his resources to sponsor a group of South African Europeans who set out to establish in Southern Rhodesia, a satellite of South African System.

They began off by engaging the Ndebele in a series of wars from 1893 before finally occupying the fertile land in Mashonaland and Matabeleland.

Characteristics of direct rule in Zimbabwe.

- a) Zimbabwe had a large number of European settlers with their population rising to 50,000 by 1931. The whites therefore maintained an advantaged position throughout their administration of Zimbabwe.
- b) Many of the British settlers developed the attitude and consequently the belief that the territory was pre-ordained to be a white settler colony.
- c) The territory was administered by a commercial company (B.S.A.C) for a long period (1890-1923)
- d) An administrator below who was a long chain of European civil servants performing simple administrative duties headed BSAC.
- e) Direct method of administration was applied to the Africans who had initially resisted the intrusion. New chiefs were appointed to dethrone the traditional leaders.
- f) The Legislative Council that was begun in 1898 gave the European settlers political Rights to the extent that by 1923, they had attained some self-governance.
- g) The system was characterized by massive alienation of African Land compelling Africans to provide labour to the new European settlers.
- h) There was racial segregation which was effected through the Legislative Council. African communities suffered greatly in the hands of the settler regime.

Reasons for use of direct rule by the British in Zimbabwe.

- a) The British desired to fully control the economy of Zimbabwe and maximize on profit generation through direct involvement in administration.
- b) The Shona and Ndebele resistance against British intrusion made the them not to trust the Matabele chiefs nor use them as British agents
- c) There was lack of reliable political system to be used in indirect administration of the region. The local political institutions based on the Induna system had been destroyed when the British conquered and occupied Zimbabwe.
- d) Existence of enough B.S.A Co personnel on the spot who were familiar with the area as well as the British system of government.
- e) Favourable climatic conditions and the expected rich mineral deposits attracted many settlers who later provided the necessary personnel.
- f) There was a strong desire by the Europeans to be able to direct their own affairs and destiny without interference from within or without/The spirit nationalism

The BSAC administrative structure in Southern Rhodesia (1905-1923)

The government was headed by a resident Commissioner who was appointed by the Company stationed at Salisbury. Below him were various commissioners in charge of the Districts (all Europeans). Below them were African Chiefs whose duty included collecting tax, recruiting labour and maintaining law and order.

In 1898, a LEGCO was established –heavily dominated by the European settlers. An Executive Council, consisting of the Resident Commissioner and 4 nominees of BSA.Co was also established.

In 1902, a Native Affairs Department, headed by a European Native Commissioner was created thus entrenching the dominance of Europeans in Zimbabwe. The duty of the commissioner was to allocate land to Africans, collect taxes and recruit labour.

For lack of enough valuable minerals in Zimbabwe as expected, the Europeans compensated by acquiring large tracts of land from African communities with some having grants of upto 3000 acre pieces of land. (Europeans occupied 21 million acres while Africans despite their majority were confined to 24 million acre reserves.)

The Company relinquished control in 1923 to for Zimbabwe to become a crown colony.

Crown colony Rule (1923-1953)

Why the settlers favoured crown colony over merger with South Africa.

- a) The merger would have led to domination by Afrikaners in their political matters.
- b) Their economic interests would have been neglected in favour of those of Afrikaners.

As a crown colony, a Governor was appointed in 1923 to represent the Queen of England. British government was empowered by the constitution to veto any legislation that would discriminate against Africans. This however never happened practically.

For example, the government formulated the Two-Pyramids Policy or parallel development policy characterized by discrimination against Africans. At the base of the pyramid was the majority Africans relegated to offering cheap labour for the white settlers. At the apex was the minority whites who took the highest positions in the economic and political system.

To legitimize the two pyramids policy were two Acts that were passed in 1930 and 1934.

a) Land Apportionment Act of 1930.

The Act introduced rigid territorial segregation with land being divided into white's and Africans' portions. No African was allowed to acquire land outside their segregated portion. The minority whites acquired over half of the best arable land. Africans were given the semi arid areas infested by mosquitoes.

Land was categorized into four;

- 1) Native Reserve Area. For Africans population. The Land was characterized with congestion since it was inadequate.
- 2) Native Purchase Area. For Africans to buy. Such areas had harsh climatic conditions.
- 3) European Area. For Whites only.
- 4) Unassigned Area. For government expansion of buildings and other uses.

Effects of the Land Apportionment Act on Africans.

- a) Many Africans became migrant labourers, moving to mines, towns and European farms to provide cheap labour since their land was unproductive.
- b) Large tracts of African land were alienated and they were confined to only 29 million acres while only 50,000 whites occupied 49 million acres of land.
- c) This exposed Africans to problems like overgrazing that further deteriorated their land.
- d) There was widespread poverty among Africans. For those on the reserves, they faced starvation, those in towns faced slum life.
- e) Africans suffered racial segregation in provision of social services in urban areas.
- f) There was disruption of social roles as African men moved to towns and settler farms. Women took over men's jobs in the reserves.
- g) Land apportionment became the seedbed for the rise of African nationalism in

Zimbabwe.

- h) Africans were exposed to over taxation to compel them to provide labour to the Europeans.

b) The Industrial Conciliation Act of 1934.

The prime objective of the Act was to protect white workers from African competition. The government through the act prohibited Africans from setting up a trade union. Africans from beyond southern Rhodesia were imported to provide labour to the whites at low wages.

The act resulted in relegation of Africans to the lowest level while skilled jobs were set aside for the Europeans.

The two acts resulted in the humiliating conditions for the Africans which resulted in the rise of African Nationalism that continued more after the Second World War.

As an answer to African agitation, the government invited more white settlers giving them more large tracts of land. The settlers also began to agitate for the formation of a federation of the three central African territories (southern Rhodesia, Northern Rhodesia and Nyasaland) In 1953, the British government gave approval for the formation of the federation of central African countries.

The Central African Federation.

The federation was organized as follows;

- 1) Each territory had its own government responsible for local administration.
- 2) Each territorial government was responsible for all aspects of native affairs within its boundaries.
- 3) The British government was directly involved in the administration of the two northern protectorates.
- 4) An African Board was established to ensure that no racist legislation against the Africans was passed in the federation parliament.
- 5) The Federal Parliament was given powers to deal with all matters involving more than one territory and foreign affairs.

The first Prime Minister of the Federation, Garfield Todd, being sympathetic to African protests over formation of the federation, legalized the formation of trade Unions and funded African education and Agriculture.

Unfortunately when Todd was replaced in 1958, all his programmes were abandoned.

In 1963, the federation was dissolved and shortly afterwards Malawi and Zambia became independent as southern Rhodesia remained a self-governing colony.

The reign of Ian Smith.

Ian Smith's Rhodesian Front Party, controlled by the white extremists with no regards for Africans, won the 1962 elections.

On 15th October 1965, Smith led the settlers to announce a Unilateral Declaration of Independence (UDI) from Britain implying that political leadership was now fully in the hands of the white rebel settlers.

This declaration provoked instant protest not only within Africa but also from the international community. UN declared sanctions against South Rhodesia though countries like South Africa and Portugal unfortunately continued to trade with her making the sanctions ineffective.

In 1970, UDI declared itself a republic under a new constitution that entrenched whites'

position in Zimbabwe by spelling the following;

- a) Voting qualifications for Africans were revised and were now based on income. This automatically disenfranchised the majority of Africans.
- b) The land tenure system was revised to enable the Europeans to purchase land from the government.

Meanwhile the war of independence had begun in 1966, provoked by the 1965 UDI declaration, with a patriotic front formed by Zimbabwe African National Union (ZANU) of Mugabe Robert and Zimbabwe African People's Union (ZAPU) of Joshua Nkomo waging a guerilla warfare. Zimbabwe became independent in 1980, with Robert Mugabe as the first Prime Minister.

Effects of British rule in Zimbabwe.

- a) It led to African land alienation by white settlers/ Africans were displaced from their ancestral lands.
- b) The establishment of white settlement subjected Africans to abject poverty and suffering. Africans were subjected to intense economic exploitation through taxation and forced labour.
- c) African traditional economy was undermined as many of the Africans were forced to work for the Europeans.
- d) African interests were ignored in the day-to-day running of the colony.
- e) African traditional rulers lost their autonomy and became mere puppets of British administration.
- f) African cultures were undermined, for example through the separation of families as people sought alternative livelihood.
- g) The white settlers were to enhance the production of cash crops as transport, trade and industry were developed.
- h) Africans were denied freedom of movement and confined in reserves.
- i) Positively, it led to development of transport network in the region.
- j) It led to introduction of new crops in the region
- k) It led to rise of nationalism as many Africans could no longer bear the burden of suffering in the hands of the whites.

ASSIMILATION

Definition.

This was a system of administration in which French colonies were given a culture and civilization similar to that of France. This system was influenced by the French revolution of 1789, which emphasized the equality of all men.

In Africa, it was perfected by Lewis Faidherbe in Senegal when he was governor from 1854 to 1865.

To many historians Assimilation was a deliberate French policy to help them destroy African Chieftaincies and Kingdoms that were thriving at the time of their arrival. Under the system, Africans had to;

- ~ Learn the French language.
- ~ Practice the French legal system.
- ~ Apply the French civil and political system.
- ~ Convert to Christianity and learn French mannerism including eating and dressing habits.

Later on assimilation evolved into association which had been first applied in Africa in central

Africa by Savorgnan de Brazza.

Association involved letting the subjects develop independently due to the belief that non-westerners were racially inferior and would therefore never be accepted as equal to Europeans even when assimilated.

French administration in West Africa.

The French system of administration was highly centralized.

The eight French colonies were grouped into the confederation of French West Africa. They were governed from one capital, Dakar, Senegal.

The federation was headed by a Governor-General answerable to the French Minister for colonies in Paris. Each colony was headed by a lieutenant- Governor answerable to the Governor-General in Dakar.

Each colony was divided into *cercles* (provinces), each headed by a *commandant de cercle*. Each cercle was further divided into small districts each headed by a *chef de sub-division* below whom were African chiefs (*chefs de cantons* in charge of locations). At the base were *chefs de village* in charge of the sub-locations.

All the French overseas colonies were seen as overseas provinces and each elected a deputy to the French Chamber of Deputies in Paris (lower House). However the French administrators appointed lacked high standards of education and some were military officers simply rewarded with senior administrative positions. This led to inefficiency.

French administration in Senegal.

In Senegal, the policy of assimilation was only applied in the four communes of St.Louis, Goree, Rufisque and Dakar. In the rest of the country, African chiefs who ruled were put in three grades namely;

- a) *Chefs de province*: - equivalent of the paramount chiefs, they were usually successors of the pre-colonial chiefs.
- b) *Chefs de Canton*: - these were ordinary people appointed by the French officials due to their ability, to be in charge of locations. They kept register of taxpayers the location, helped the government in conscription of Africans into the army and assisted in mobilizing forced labour for road construction and other public works.
- c) *Chefs de village*:- these were usually traditional heads of the community(village) who were given the responsibility of collecting taxes, maintenance of law and order, organizing relief during floods and locust invasion and maintaining roads in their areas.

The privileges which were enjoyed by assimilated Africans in the four communes of Senegal included;

Economic privileges

- ~ They were exempted from forced labour.
- ~ They were allowed to work in France.
- ~ They were exempted from paying taxes.
- ~ They were allowed trading rights like the French people.

Political privileges

- ~ They were allowed to send representatives to the French Chamber of Deputies.
- ~ They were enfranchised like the French people in France (right to vote)
- ~ They enjoyed the rights of the French Judicial System like the French.
- ~ They were allowed to operate Local Authority' structures which were similar to those in

France.

- ~ They were allowed to retain Muslim law.
- ~ They were exempted from arbitrary arrest/through the Indigenization policy.

Characteristics of assimilation.

- a) *Administrative assimilation.* There was an administrative relationship between the French colonies and their mother country. Colonies were regarded as overseas provinces.
- b) *Political assimilation.* The colonies were represented in the French chamber of deputies thus maintaining a close political identity.
- c) *Economic assimilation.* The French currency was used in the colonies to enhance the economic relationship.
- d) *Personal assimilation.* Africans in the *Quatre* communes were given French citizenship and other privileges enjoyed by French citizens.

Reasons why assimilation was successful in the four communes.

- a) There was a high percentage of *Mullato* population within the communes, who readily accepted the French culture making it easy for the French to apply assimilation.
- b) Africans were familiar with Europeans and their culture due to long interaction with them through trade.
- c) Many people had converted to Christianity and this made it possible for the French to apply their policy.

Factors that undermined the application of the French policy of assimilation in West Africa.

- a) There was opposition by local people who did not want the French to interfere with their culture.
- b) The Traditional African rulers resisted the policy since they did not want to lose their authority and influence over the assimilated people.
- c) The French traders in West Africa also opposed the system they viewed assimilated Africans as a potential threat to their commercial monopoly in the region.
- d) The policy of assimilation ran the risk of undermining the very foundation of French colonialism, as it was not possible to exploit Africans who had attained the *assimile* status.
- e) Missionary school system of education undermined the French policy of assimilation since there was segregation in provision of mission education.
- f) Nationalism conflicted with the policy of assimilation.
- g) Assimilation was becoming too expensive to the French government especially because West African colonies were not self-supporting yet.
- h) The vastness of the French colonies made it difficult to supervise the implementation of the policy.
- i) Muslims resisted fiercely the French attempt to convert them to Christianity.
- j) Racial discrimination against the indigenous people also contributed to the failure of the system. This is because many Frenchmen never accepted assimilated Africans as their equals.
- k) The French citizens in the motherland opposed the policy as they feared being outnumbered in the chamber of deputies.

Ways in which Nationalism undermined the policy of Assimilation in French West Africa.

- a) It emphasized loyalty or devotion to one's country and national independence or separatism, which were against the policy of assimilation.

- b) Nationalists agitated for boycott of anything of French origin.
- c) The nationalists created awareness on the value of African culture and systems; this encouraged Africans to condemn assimilation.
- d) The nationalists created awareness on the importance of African unity which exposed the hypocrisy of assimilation

Consequences of assimilation in Senegal.

- a) The policy of assimilation undermined African cultures, as many Africans embraced the French culture. For instance, the French language became the official language in the colony.
- b) The authority of traditional African leaders was eroded and even many were replaced by the assimilated Africans.
- c) The colony was incorporated into the French republic and regarded as an overseas province of France.
- d) Africans from Senegal were allowed to participate in the political matters of France. Some Senegalese like Blaise Diagne were elected as deputies in the French parliament.
- e) The spread of Islam was greatly frustrated, especially in the four communes where Africans were converted to Christianity.
- f) A great rift emerged between the assimilated Africans , who were regarded as French citizens and the rest of African communities , who were subjected to taxation and forced labour

The policy of association.

Under this system, the French colonial government was to respect the cultures of her colonial peoples and allow them to develop independently rather than force them to adopt French civilization and culture.

Unlike the assimilated Africans, subjects retained their cultural practices e.g polygamy and Islam. The subject came under a system of law known as *indigenat* where the subject could suffer arbitrary arrest or be forced to serve a longer period in the army than assimilated citizens

Why the French government replaced the policy of assimilation with that of association in 1945.

- a) The French had realized that assimilation would lead to equality between them and the colonized people.
- b) Assimilation was too expensive especially because West African colonies were not self-supporting yet.
- c) The method clashed with the commercial interests. The French businesspersons and their friends in the colonial administration saw Africans as source of cheap labour. They therefore disapproved the idea of uplifting them.
- d) The French had realized that not all the colonial people could be assimilated. Only the elite ones among them could. Association aimed at transforming the Native elites into Frenchmen while allowing the other masses to learn enough French for communication purposes.
- e) They had realized that there was need to allow the colonies to enjoy the freedom of developing according to existing traditional political and social structure. / respect for the culture of her colonies.

The similarities between the French and the British colonial administrations

- a) Both methods emphasized the superiority of the colonial master and his overlordship in Africa. The Europeans were in charge and took all senior positions.
- b) The administrative systems applied in both were meant to assist the colonial masters in controlling their territories in Africa.
- c) Both systems led to massive economic exploitation of resources in Africa. E.g minerals, labour, market land etc.
- d) In both Africans reacted to the systems in a hostile manner.
- e) Both methods led to loss of independence and freedom for the African.
- f) In both, every power trained a local army to maintain law and order.
- g) In both, Africans were oppressed through taxation and forced labour.
- h) In both, the position of chief was created where there was none. I.e. In Kenya, southern Nigeria and Somali.

Main differences.

- a) The British were keen to appoint traditional rulers as chiefs. The French on the other hand were not keen to appoint traditional rulers but simply handpicked individuals who met their qualifications (those who embraced French culture and civilization).
- b) The British gave the traditional rulers a lot of power, unlike the French – who undermined African chieftaincies.
- c) The British colonies were administered separately by a governor accountable to Britain, unlike the French colonies which were governed as federations equated to provinces of France.
- d) Most of the French administrators were military officers. The British used a mixture of amateurs and professionals.
- e) Whereas the British applied mainly the policy of indirect rule, the French applied the policy of assimilation and later, association.
- f) The French colonies elected their representatives to the Chamber of Deputies in France, while British colonies had legislative councils where policies were debated in the colonies.
- g) Laws applied in the French colonies were legislated in France while in British colonies laws were enacted by the respective legislative assemblies.
- h) In French colonies, assimilated Africans became French citizens with full rights, while the elite in the British colonies remained colonial subjects.
- i) Indirect rule preserved African cultures while assimilation undermined them.

SOCIAL AND ECONOMIC DEVELOPMENTS DURING THE COLONIAL PERIOD IN KENYA.

The Uganda Railway

The railway was built between 1896 and 1901 with George Whitehouse as the Engineer. Work was mainly done by 32,000 Indian coolies and 5,000 clerks and craftsmen. The locals could not provide skilled labour. It costed the British taxpayers about 6 million sterling pounds.

Reasons for the construction of the Uganda railway line.

- a) To promote trade with the outside world by encouraging the exploitation of available resources and enable the colony sustain itself
- b) To link Uganda with the Coast so that the British can achieve their strategic interests.
- c) To enable missionaries to go the interior to spread Christianity.

- d) To help stop slave trade since slaves would no longer be needed to ferry goods to and from the coast.
- e) To provide quick, safe and convenient means of transport for government administrators/troops
- f) Open up Kenya for economic development/to stop slave trade/promote legitimate trade
- g) To maintain law and order so that economic development could be achieved.
- h) To make Africans more productive and able to generate revenue in form of tax to the colonial government.
- i) To activate interior trade. To enable transportation of imported goods to the interior of the colony.

The construction.

The railway construction works commenced in Mombasa in 1896. By 1901, the railway had reached Kisumu (then Port Florence) passing through Nairobi in 1899.

Numerous feeder lines were later laid down as follows;

The Nairobi –Thika Branch(1914), Konza – Magadi (1915), Voi- Moshi(1918), Rongai- Solai (1925), Eldoret-Kitale(1926), Eldoret- Jinja (1927), Gilgil-Nyahururu(1929), Thika- Nanyuki(1930) and Kisumu – Butere(1930)

In 1948, the Kenya Uganda Railway had been linked with the Tanganyika network to become the East African Railways.

Problems experienced during the construction of the Uganda railway.

- a) There was insufficient labour since African labour force was not forthcoming. In the case of the Akamba and the Maasai, they were forcefully recruited.
- b) The climate of the interior was not suitable for the European labour force. The Europeans constantly fell ill, thus interfering with construction progress.
- c) The Arab rebellion under Mbaruk Rashid between 1895 –96 at the coast delayed the railway construction.
- d) There was an additional expense of constructing special jetties since Mombasa port was not large enough.
- e) The Man-eaters of Tsavo created danger and havoc to the construction works.
- f) The rift valley terrain was difficult. It was rugged with many hills and escarpments thus causing difficulties in construction.
- g) Hostility of some Kenyan communities to intruders e.g. the Nandi who vandalized the railway and telegraph lines.
- h) Insufficient building material since most of them came from Europe and their delivery often delayed,

The effects of railway construction.

- a) It led to development of European settler farming in order to make the railway pay for its construction.
- b) There was rampant land alienation. The colonial government alienated African land for railway construction forcing communities like the Maasai and Nandi to move into reserves.
- c) There was rise of wage labour for the railway and later for the settler farmers.
- d) It led to growth of urban centres along the railway line e.g. Nairobi.
- e) Railway construction promoted economic growth of the East African region. This is because farm produce and other commercial products could easily reach market.

- f) It led to rise of large Asian settlement since many Indians were employed as railway workers. This Asians boosted trade in east Africa.
- g) It led to development of other forms of infrastructure like the roads and telecommunication lines. This stimulated trade development.
- h) It led to transfer of the administrative capital from Mombasa in 1905 to Nairobi.
- i) When the railway reached Kisumu in 1902, it led to major changes to the administrative boundaries within East African region. Initially, the western region up to Naivasha was part of Uganda.
- j) The railway became a major revenue source for the colonial authorities.
- k) It facilitated the establishment of colonial rule in Kenya since it was possible for rapid movement of troops.
- l) It facilitated the cultural and social interaction among the different races.
- m) The railway made rural-urban migration and the resultant enterprises such as hawking and charcoal –selling possible.
- n) Other forms of transport and communication developed and expanded along the railwayline. For example roads and telecommunications.
- o) Christian missionaries were able to move into the interior, where they established mission schools.

SETTLER FARMING AND COLONIAL LAND POLICIES.

As a means of raising revenue to meet the cost of administering the Kenya colony and maintain the Uganda railway, the colonial government encouraged the influx of white settlers to the 'white Highlands'.

The administration did this by;

- a) providing efficient railway transport connecting the coast and the interior
- b) Alienating of the white highlands for European settlement.
- c) advertising the availability of free land in foreign newspapers
- d) giving loan incentives
- e) providing security

The settlers however faced the initial challenges of crop and animal diseases, labour shortage, lack of inputs and African aggression.

Why the colonial government encouraged white settlement in Kenya.

The reasons why the colonial administration led by Sir Charles Eliot (1900- 1904) and later Sir Edward Northey encouraged settler farming in the white highlands were;

- a) They hoped that settler farming would meet the cost of administration and railway maintenance.
- b) The British industries were also in need of cheaper raw Materials in an increasingly competitive European Market. These raw materials would be cheaply produced by the settlers.
- c) The settlers would also help control the prevailing Asian immigration and influence in Kenya.
- d) The colonial government wanted to make Kenya a white man's country by encouraging white settlers to form the backbone of the economy.
- e) Kenya Highlands had cool wet climate and fertile volcanic soils suitable for European settlement and agriculture.

- f) There was need to get rid of social misfits in Europe and the landless who would be offered avenues in the Kenya colony.
- g) Existence of already willing entrepreneurs like Lord Delamere and Captain Grogan who were ready to come to Kenya and engage in profitable agriculture.

Factors which promoted settler farming.

- a) The land policies availed cheap African labour to settler farmers. The alienation of African land and Creation of African reserves forced Africans to work in the settler farms.
- b) Africans in Kenya were not allowed to grow some cash crops in order to enable Europeans continue getting cheap African labour for their farms.
- c) The government built and maintained various forms of transport. For example the railway, Bridges and roads which facilitated faster movement of produce and inputs.
- d) The government Reduced freight charges in the importation and exportation of agricultural inputs and products.
- e) The government encouraged formation of cooperatives to help in the processing and marketing of produce.
- f) The establishment of financial institutions such as Agricultural Finance Corporation and Banks provided the settlers with credit facilities.
- g) The government availed extension services for crops and animal farming through the establishment of the Department of Agriculture and research stations to improve the quality of crops and animals.
- h) Trade tariffs were also removed and settlers were granted concessions.

Problems experienced by settlers.

- a) Inadequate labour as Africans refused to work. Bush clearance and preparation of land for cultivation was therefore a problem.
- b) Constant raids by the local inhabitants such as the Nandi, Maasai and Agikuyu threatened their peace and security. Some communities even raided their dairy farms for cattle.
- c) Some of the settlers lacked farming experience. Some of the settlers had not engaged in farming before and therefore lacked basic agricultural knowledge.
- d) Inadequate capital often hindered procurement of farm inputs. Machinery, labour. Some settlers became bankrupt and could not meet the day to day operational costs on the farms.
- e) Lack of proper knowledge on farming seasons hence crop failure. The climate and soils in the colony were alien to the settlers.
- f) There was the problem of poor transport and communication as it had become difficult for the government to network all areas occupied by settlers with roads and communication lines.
- g) Inadequate and unreliable market for their produce. They mainly relied on foreign market which could not serve in the case of perishable commodities.
- h) Pests and diseases were prevalent in the white highlands. The settlers were assailed by various human, animal and crop disease.

Settler Crop cultivation

The main crops cultivated were coffee, wheat, tea and sisal.

1) Coffee.

Coffee was first introduced by the Roman Catholic Fathers of St. Austin's Mission near Nairobi

in 1889. It required plenty of farm inputs in terms of chemicals and labour. therefore was a preserve of wealthy European settlers.

Coffee Planters Corporation was founded in 1908 by Lord Delamere's Efforts, and led to the spread in the growing of coffee. By 1913, coffee had become the leading cash crop in Kenya grown mainly in Murang'a, Thika and Kiambu.

Africans were unfortunately not allowed to grow coffee until 1937

Reasons why Africans in Kenya were not allowed to grow coffee before 1937.

- a) Europeans wanted to continue getting cheap African labour for their farms. This could not be available if Africans were allowed to earn some money through growing of coffee.
- b) European settlers did not want to compete with Africans in coffee growing. They feared that it would limit market for their produce.
- c) The settlers claimed that Africans did not have knowledge of growing coffee. They claimed that African participation in cash crop growing would lead to low quality products.
- d) They feared that diseases would spread from African farms to settler plantations.
- e) European settlers claimed that African farmers would produce low quality coffee due to inadequate resources.

2) *Wheat.*

It was introduced in Kenya in 1903 by Lord Delamere who experimented on his Njoro farm. It was however until 1912, when a more resistant variety was developed, that wheat growing took root in Kenya.

In 1908, Lord Delamere set up Unga Ltd which boosted wheat farming in Kenya. It was grown in the Nakuru and Uasin Gishu areas.

Like coffee, wheat farming was the preserve of wealthy European settlers from Australia, Canada, Britain and South Africa. Africans began to grow wheat only after independence.

3) *Sisal.*

It was introduced in Kenya from Tanganyika in 1893 by Richard Hindorf, a German Doctor. Initially, it was cultivated around Thika in 1904. By 1920, it had become the second –largest income-earning crop after coffee.

The main sisal growing areas included Baringo, Koibatek, Ol Donyo Sabuk, Ruiru, Thika, Voi, Taita and Taveta.

Africans began growing coffee in 1964 though its growth declined due to the completion it faced from synthetic fibre.

4) *Tea.*

Tea was introduced in Kenya in 1903 around Limuru by Messrs Caine Brothers. It was until 1925 when tea began being grown successfully with large tea estates being established by tea companies like Brooke Bond and Africa Highland from India.

The main tea growing areas were Nandi, Kericho, Sotik, Nakuru, Murang'a and Kiambu.

Stock rearing.

Lord Delamere carried out many experiments in sheep and cattle rearing at his Equator Ranch in Njoro though the Maasai raids in his farm and cattle diseases frustrated his efforts.

After cross-breeding exotic types with local stock, he came up with more resistant variety

The government also set up an experimental livestock farm in Naivasha.

In 1925, the Kenya Cooperative Creameries was established due to Delamere's efforts. Later, the Uplands Bacon Factory was established near Limuru to promote pig rearing.

In 1930, the Kenya Farmers Association (KFA) was established

Colonial land policies in Kenya.

To empower the settlers to take up more arable land in Kenya, the Legislative council passed the following Land Acts or Ordinances;

- 1) *The Indian Acquisition Act (1896)*. It empowered the authorities to take over land for the railway, government construction and public utilities.
- 2) *The Land Regulations Act (1897)*. It allowed the government to offer a certificate of occupation and a lease of 99 years. This Act encouraged settlers to take up land left vacant by the Agikuyu due to drought and famine.
- 3) *The East African Land Order in Council (1901)*. It defined crown land as all public land which was not private. The government could take up any land at will, sell it or lease it for use by settlers.
- 4) *The Crown Land Ordinance (1902)*. It allowed the government to sell or lease crown land to Europeans at 2 rupees per 100 acres or rent at 15 rupees per 100 acres annually.
- 5) *The Maasai Agreement (1904)*. It led to creation of the Ngong and Laikipia reserves while the settlers took up Maasai land for livestock farming. For example Lord Delamere in Nakuru.
- 6) *The Elgin Pledge of 1906*. The government through the British Secretary of State, Lord Elgin confirmed that the Highlands were reserved for settlers. This barred the Asian attempts to buy land in the highlands.
- 7) *The second Maasai Agreement of 1911*. The Maasai were pushed out of the fertile Laikipia reserve to pave way for more European settlement and large scale farming.
- 8) *The Crown Land Ordinance (1915)*. This provided for land –registration scheme for settlers. It defined crown land as land occupied by and reserved for Africans who could be evicted any time. Farm sizes were increased from 5,000 to 7,500 acres.
- 9) *The Kenya Annexation Order in Council (1920)*. It announced that Africans were tenants of the crown even in the reserves.
- 10) *The Land Commission (1924)*. It fixed boundaries of the reserves, which were later legalized in 1926.
- 11) *The Native Trust Ordinance (1930)*. It stated that African reserves belonged to the Africans permanently.
- 12) *The Carter Commission (1932)*. It fixed the boundaries of the white highlands, leading to population pressure in the African reserves. All Africans were removed from the highlands into the reserves.
- 13) *The Kenya Highlands Order in Council (1939)*. It fixed boundaries of the white highlands and reserved them permanently and exclusively for Europeans.

Effects of the colonial land policies.

- a) The displaced Africans were confined to native reserves thus leading to congestion/overuse of land. By 1914, settlers like Lord Delamere and Captain Crogan owned 100,000 and 220,000 acres of land, respectively, at the expense of African congestion in the reserves.
- b) Africans who lost their land became poor. Many Africans became squatters and lived in misery and hopelessness.
- c) The situation in the reserves and the landlessness forced to supply labour in settler farms for wages in order to pay taxes.

- d) The displaced Africans moved to towns looking for employment. Their movement to towns led to growth of urban centres.
- e) The traditional socio-economic set-up of the Africans was disrupted. Communities could no longer migrate in search of better lands and pasture. Family roles changed as women increasingly took over headship of families while men sought for paid employment.
- f) The large European farms suffered acute shortage of labour as many Africans were unwilling to work on them.
- g) It led to the introduction of the Kipande System enforced by the Native Registration Ordinances of 1915 and 1920, to prevent the African labourers from deserting their duties on European farms.
- h) Taxes were imposed on Africans and were to be paid only in monetary form. This was meant to compel Africans seek for wage employment.
- i) The reserving of the highlands for the whites only denied Indians access to agricultural land, compelling them to resort to businesses and residences in urban areas.
- j) Loss of land led to bitterness and made Africans later to form political organizations to demand for their land/spread of nation

THE DEVONSHIRE WHITE PAPER.

The Mandate of the League of Nations compelled Britain, just like any other colonial authority to institute reforms that would involve addressing African grievances. Governor Edward Northey who had given many concessions to the settlers was recalled to Britain in 1922. Other reforms that were instituted were;

- a) Abandonment of Racial segregation policy in Kenya except in the highlands.
- b) Allowing Asians to elect four members to the Legco, which was initially settler-dominated. This however was not done until 1933.

In March 1923, settlers in a form of protest to these reforms sent a delegation to London to try to settle scores with the Secretary for Colonies, the Duke of Devonshire.

The fundamental set of principles that were issued in this meeting are what came to be known as the Devonshire White Paper.

Factors that led to the issuing of the Devonshire white paper.

- a) *The influence of "The Dual Mandate"*. This was a book of the League of Nations that had regulations concerning colonial mandates. Britain was committed to the principle of trusteeship whereby she was interested on its African population than European settlement
- b) *The rise of race conflicts* i.e. Africans versus European dominion and European versus Asian conflicts. The Indians were opposed to the privileged position of European settlers.
- c) *The banning of racial segregation* .The decision by the colonial government to ban racial segregation apart from the white highlands only, disappointed the settlers who wanted the ban lifted hence they sent a delegation to London to see the colonial secretary.
- d) *The African general resentment*. Their resentment was on land alienation, forced labour, taxation system, kipande system, low wages and no political representation.

Terms of the Devonshire White Paper.

- a) White highlands were reserved for European settlement only
- b) Indians would be allowed to elect five members to LEGCO not on a common roll, but on a communal roll.
- c) Racial segregation was abolished in all residential areas.

- d) Restriction on Indian immigration was lifted
- e) A nominated missionary was to represent African interests in the LEGCO.
- f) The European Settlers' demand for self government in Kenya was rejected.
- g) African interests were declared paramount before those of immigrant races if there was a conflict.
- h) The settlers were to maintain their representation in the LEGCO.
- i) The Colonial Secretary was given mandate to exercise strict control over the affairs of the colony.

Implications of the Devonshire white paper.

The issuance of the paper left the Settlers, Asians and Africans more dissatisfied than ever before as follows;

On the part of the settlers;

- a) The Indian call for equality, to them, was unrealistic since they could not stomach the mixing of Oriental and Western cultures in Kenya.
- b) Since European culture was superior, they felt that racial segregation was justified in all spheres.
- c) To the settlers, instead of giving in the Indians' grievances, they would rather give in to African demands since they had moral rights to protect African interests.
- d) To them, the white highlands were primarily theirs and they had a legal claim over them.

On the Asian part;

- a) They wanted equality of all races instead of settler dominance in Kenya especially pertaining to settlement in the white highlands.
- b) They opposed policies on residential segregation and restriction on their immigration. The government was inviting more settlers to check Indian immigration into Kenya by this time.
- c) They wanted direct and adequate representation in the Legco based on a common roll free election (not communal roll).
- d) They objected separate taxation for Europeans and Indians and segregated education.

The Devonshire White paper was therefore viewed as the product of the struggle between the Asians and the Europeans. The paper made the Asians join their African comrades in the struggle for freedom, especially in the trade Union Movement.

Settler dominance In Kenyan affairs continued upto 1963 despite recommendations done in the white paper.

Results of the Devonshire white paper.

- a) The Devonshire white paper saved Kenya from becoming another Rhodesia or South Africa. The European demand for self-government was rejected.
- b) In theory, settler's dominance was weakened but in practice, the white paper upheld the dominance of the settlers more than that of the Africans e.g. segregation in residential areas in towns continued, they dominated the economy because they retained the white highlands.
- c) The paper did not satisfy the Asians since they did not gain access to the white highlands.
- d) Although many Asians came to Kenya, the Asians did not achieve equality with Europeans through a Common Roll. The Indian congress refused to cooperate with the government; they declined to hold elections for the Legislative Council seats offered to them. No Asian

seats, five in all were occupied until 1933.

- e) Africans were to be represented by a nominated missionary, John Arthur, instead of representation by an African. For the first time, Africans were represented in the Legco.
- f) The Devonshire White Paper Benefited the Africans by declaring/recognizing Kenya as an African country where African interests should be paramount
- g) It failed to resolve African land and labour grievances.
- h) It sensitized the Africans on their plight leading to formation of political parties.

URBANIZATION

Towns that were already in existence before the advent of colonialism include Mombasa, Lamu and Malindi. Many other towns in the interior grew during the colonial period.

Factors which led to the establishment of urban centres in Kenya during the colonial period.

- a) *Development of transport network.* Construction of roads and the Uganda railway led to growth of some towns as transport terminus or along the transport lines e.g. Nairobi, Voi, Nakuru and Kisumu.
- b) *Growth of trade in the interior of Kenya.* Most towns began as trading centres for Indian commercial entrepreneurs. E.g Machakos, Nakuru, Kisumu, Nairobi and Voi.
- c) *Development of administrative posts.* The colonial government established administrative posts in various parts of the country. These posts later grew into urban centres. E.g Fort Hall, Embu, Kapsabet, Meru and Garissa.
- d) *Rural-urban migration.* The movement to urban areas by African labourers from various parts of the country led to further growth of urban centres.
- e) *Development of agriculture.* Settler farming led to growth of towns like Eldoret which began as agricultural collection centres
- f) *Development of Agro-based industries* like flour mills, meat-processing plants and sawmills which attracted labourers from all parts of the country to be transformed into urban centres.
- g) *Development of mining activities.* This stimulated development of industries in the mining areas leading to urban growth. E.g. Kakamega, Athi River and Magadi.

Why Africans moved to urban areas in colonial Kenya.

- a) The Urban centres had recreational facilities and social amenities which attracted the Africans, fed up with hardship conditions in the reserves.
- b) The Africans expected Job opportunities with better wages in the towns where there were industries as compared to the rural areas.
- c) Some Africans were escaping from forced labour and taxation.
- d) The African entrepreneurs wanted to take advantage of the wider markets in the towns to escape poverty in the crowded reserves.

Ways through which the colonial government controlled Africans migration to urban centers.

- a) Taking headcount of those who were supposed to live in urban centres
- b) Enacting strict rules about migration into urban centre
- c) Creation of African reserves
- d) Ensuring that only those who had specific activities to undertake in the urban centres lived there
- e) Introduction of kipande system.

Positive effects of urbanization during the colonial period.

- a) It promoted interaction between people of diverse ethnic and racial backgrounds, who exchanged ideas and experiences. The centres became seedbeds of political activities that eventually culminated into the struggle for independence.
- b) Urbanization promoted national integration and instilled a sense of nationhood among Kenyans as it watered down the differences and prejudices between communities.
- c) The welfare associations formed by Africans in urban areas, like the Bara Association in Mombasa for all hinterland people, united them for a common cause by lessening ethnic hostilities.
- d) Through sporting and cultural activities that took place in towns, relationships between different ethnic groups and races were cemented.
- e) Many Africans benefitted from the numerous employment opportunities as shoe shiners and repairers, charcoal sellers, hawking in industries and in European homes.
- f) Due to the Abundance of labour and raw materials, industries in urban areas expanded further.

Negative effects of urbanization during the colonial period in Kenya.

- a) There were inadequate housing facilities to meet the demands of the people. This led to overcrowding especially in slums/shanties led to the outbreak of diseases. Lack of planning of housing led to poor drainage and sanitation facilities.
- b) Africans in urban areas were subjected to racial discrimination. The social services provided to the Africans were inadequate and of poor quality. Even houses in towns were occupied according to the various racial groups, with Europeans enjoying the best facilities.
- c) Increased population in urban centres led to serious water shortages.
- d) Establishment of industries in urban centres led to pollution of the environment, which affected the health of the inhabitants.
- e) There was rampant unemployment as urban centres could not cope with the large influx of labourers and increased competition for the available jobs
- f) Many unemployed people in urban areas got involved in social vices / crimes such as drug abuse, alcoholism and promiscuity, due to desperation and poverty.
- g) Africans working in urban centres received low wages with employers taking advantage of the high supply of labour, which affected their standards of living.
- h) The mass rural-urban migration brought about intensification of migration regulations to control the numbers of African migrants. The Kipande system became stricter.
- i) Economic activities in the rural areas were disrupted by the absence of men who had moved to urban areas. Women took up men's roles.

EDUCATION AND HEALTH

Education.

Formal education in colonial Kenya was provided by four groups;

- ~ The Christian Missionaries.
- ~ The Colonial government through local councils.
- ~ The Africans themselves.
- ~ Community organizations(Asians)

Major milestones in the development of education in Kenya during the colonial period.

Initially, the provision of education was the preserve of the missionaries. For example, the Church Missionary Society (CMS) pioneered by setting up a school at Rabai in 1844 and another

in Mombasa in 1873.

Features of Missionary education

- a) It was elementary. The subjects taught included religion, writing, reading, hygiene and arithmetic.
- b) It was industrial and technical in approach, aiming at training Africans to be carpenters, masons, agricultural assistants and shoe repairers.
- c) It was denominational and aimed at inculcating doctrines of a particular church in the learners.

Objectives of Missionary education.

- a) To impart in the Africans Agricultural Skills in order to promote settler farming.
- b) To give the Africans basic technical skills to improve their industrial knowledge.
- c) To train some Africans as Catechists to enhance the spread of Christianity.
- d) To offer Africans basic literacy and numeracy to read the bible and do simple arithmetic.

Education development in Kenya in the period between 1904 and 1963 was facilitated by the following factors;

- 1) The WWI ex-soldiers experiences which convinced them of the advantage of higher education.
- 2) Increase in African nationalism that demanded for better education for Africans.
- 3) The need to produce better and more skilled manpower for the future independent Kenya.
- 4) Primary education had produced qualified children who needed higher education.

In 1911, the colonial government agreed to share the burden of providing education to Africans with the missionaries. In 1913, the first Government African School was started at Machakos. It became a centre for Technical and Teacher training.

In 1918, the education commission made the following far-reaching recommendations to the government in line with the Fraser Commission report of 1908 which had recommended a racially –segregated system of education;

- a) Provision of technical education to Africans.
- b) Maintenance of racially segregated Schools.
- c) More cooperation between the colonial government and the missionaries.
- d) Appeals for grants-in-aid for mission schools.

In 1924, a commission came to Kenya (*the Phelps –Stokes Commission*) to look into the education situation. It recommended that Africans should receive Practical Agricultural-Oriented Education suitable for rural areas. Other recommendations included;

- a) That there should be a uniform system of education in all government and missionary schools.
- b) That sufficient training for teachers and related personnel should be enhanced by establishing colleges.
- c) That schools should be built in the rural areas. This was done through the education ordinance of 1924.

Due to its recommendations, the Native Industrial Training Centre was built at Kabete in 1924 and Jeanes School, Kabete (1925) for offering technical and industrial education. Other schools were started later at Kapsabet, Kajiado, Tambach, Kitui, Kwale, Kabianga and Kapenguria. The 1924 Education Ordinance created an advisory committee on African education. The

representation to the committee was missionaries, colonial officials and settlers. The same year, more schools were built with the assistance of the newly formed Local Native Councils. In 1931, another Education Ordinance helped in the establishment of Kakamega GAS In 1932, Kisii GAS in 1934, and Kabianga. Finance for African education was to come from the colonial government.

From 1925, the missionaries began providing advanced level education to Africans. Initially secondary education was the preserve of the Europeans.

In 1926, the Alliance of protestant missionaries set up Alliance High School. Catholics established Kabaa in 1927 and Mang'u School in Thika in 1930 for Africans. In 1938 and 1939, Maseno and St. Mary's Yala were started as secondary schools.

Achievements of missionaries in provision of education.

- a) They designed a curriculum with emphasis on agriculture, tailoring, masonry and carpentry.
- b) They established the first secondary schools for Africans such as Alliance (1926), Kabaa (1927), Maseno (1938 and Yala (1939).
- c) They trained African teachers to man the 'Bush Schools' (schools found in remote areas consisting of mud huts with grass-thatched roofs) and teach in independent schools.
- d) They offered the necessary financial and material support to make these schools operational.

Secondary schools for whites included Prince of Wales (Nairobi School), and Duke of York (Lenana School) for European boys, Kenya Girls High School (Kenya High) and Limuru Girls for European Girls.

Schools for Indians include the Asian Railway School (1904) and other schools developed by the government in Mombasa and Nairobi. Also community-based schools like Allidina Visram and the Arya Samaj Foundation.

Hospital School became the first multi-racial school in 1953.

In 1934, a District Education Board was created to plan education in districts, establish primary schools and manage the schools.

In 1949, the Beecher Committee was instituted to look into African education

From 1961, Asian and African pupils begun to join European schools.

Provision of elementary education by Africans was pioneered by John Owalo of the Nomiya Luo Mission in 1910.

University Education.

Africans in Kenya got opportunity for university education at Makerere which was established in 1922 initially as a technical college and became an affiliate of the university of London on 1949..

In 1954, the Royal Technical College, Nairobi began to offer higher education and became an affiliate of the university of London in 1959 to offer the first degree courses in 1961 when it became known as the royal college.

Community based education.

This was done mainly by Asian families of Ismaili and Arya Samaj for the Indian traders in urban areas. Allidina Visram, A wealthy man, also established centres of higher education.

African Role in educational provision.

Africans began their own schools for the following reasons;

- a) They wanted to protect certain cultural practices like feral circumcision and polygamy.

- b) They wanted to access higher education, since the government and missionaries were only offering them technical and industrial education, so that to be able to compete for the white-collar jobs with other races.
- c) They would also use the schools as a forum to air their grievances and to create political awareness in their community.

The Nomiya Luo Mission built several schools in Nyanza between 1908 and 1910. Other schools were built in Gem-Luanda region between 1913 and 1918 and in central Kenya in 1923 in Kiambu.

In 1934, the Kikuyu Independent Schools Association (KISA) and the Kikuyu Karinga Education Association founded more schools

In 1938, Githunguri Teacher Training College had been established under Mbiyu Koinange.

Health.

Developments in provision of health services in colonial Kenya.

Initially, just like in the case of education, the Christian missionaries were concerned with provision of health services in colonial Kenya. The colonial government was majorly concerned with eradication of plague, malaria and sleeping disease which the Pioneer European settlers suffered from. Preventive medicine was later introduced to help stop various infections of killer diseases.

The Church of Scotland Mission and the Church Missionary Society soon opened medical facilities in Kikuyu (1902), Kaimosi (1903), Kaloleni (1904) and Maseno (1905).

Dr, Arthur, a missionary and pioneer doctor, put up the Thogoto Mission Hospital in 1907 and the facility exists prominently upto today as the Kikuyu Eye Unit Hospital and Kikuyu Rehabilitation Centre.

Objectives of the Health centres.

- a) To eradicate diseases such as smallpox, malaria and sleeping sickness.
- b) To train medical personnel to handle western medicine.
- c) To improve health and hygiene for Africans and Asians in towns where they lived in overcrowded areas lacking in sanitary facilities.

Africans began being trained in the provision of emergence health services during the first war. (The East African Medical Corps was formed). Between 1919 –1922, missionaries began to train Africans as Medical Dressers and Dispensers.

After the opening of the Alliance medical college in 1920 and the establishment of a Medical training centre under the Nurses and Midwives Ordinance many African school leavers trained as laboratory and pharmacy assistants.

A Public Health Ordinance was passed in 1921 giving the Medical Department powers to institute measures for the control of malaria and prevent communicable diseases. As a follow up to the 1921 Ordinance, new health units were established in the four different African reserves.

The Rural Dispensary System was established to supplement the missionary efforts in provision of healthcare. Health centres were built in rural areas as part of the colonial government efforts to improve health facilities.

After 1945, the Development and Research Authority (DARA) gave 47,000 sterling pounds for health care and improvement of health services.

In 1949, the Bureau of Medical Research was set up as an agency of the East African High

Commission.

In 1950 King George IV hospital (today the Kenyatta National Hospital) was started as a hospital for Africans and in 1951, it started training female nurses.

By 1962, there were over 100 rural health centres in the country.

Role of Africans in Health Provision.

Africans were more pre-occupied with superstitions and over-reliance on traditional medicine which negated their participation in provision healthcare..

The traditional medicinemen were dismissed by missionaries despite their wealthy knowledge on herbal Medicine. Today, many people rely on traditional herbalists to compliment healthcare provision.

POLITICAL DEVELOPMENTS AND STRUGGLE FOR INDEPENDENCE IN KENYA (1919-1963)

Early Political Organizations In Kenya Upto 1939.

African participation in the First World War contributed to rapid political developments in Kenya in the following ways;

- a) When many African from different communities and countries met, they realized that they shared numerous interests and problems which necessitated political unity.
- b) The Africans' disapproval of the Whiteman's immortality during the war, as he could also get wounded, die and suffer like them. This motivated them to strive for equal rights when they came back.
- c) The introduction of many unfair measures after the war made their lives difficult. For example, governor Northey introduced the Soldier settlement scheme in 1919 to settle British ex-soldiers while African ex-soldiers got a raw deal.

Other factors for the rise of early political organizations included;

- a) The introduction of the Kipande system in 1920 which was used to force Africans to provide labour for the European settlers.
- b) The replacement of the Indian Rupee with the shilling in 1921 meant that those in possession of the rupee had valueless money at a short notice.
- c) The reduction of African wages and the increase in hut tax and poll tax in 1920 from 10 to 16 shillings.
- d) The change of status of Kenya from a protectorate to a colony in 1920 which dawned on the Africans that the Whiteman was here to stay unless this move was fought.

Kikuyu Association

This was the first political organization in Kenya. It was founded in 1920 by Loyalist Kikuyu chiefs, concerned about the continued grabbing of African land for European settlement. They also complained about the planned reduction of African wages after the replacement of the rupee with the shilling, the kipande system which they equated to slavery.

The patron was Paramount Chief Kinyanjui wa Gathirimu and Chief Koinange wa Mbiyu was the president. The secretary was I.M.Ishmael. Other members were Josiah Njonjo, Philip Karanja, Mathew Njoroge and Waweru wa Mahui.

The Association, being made of loyalist chiefs, was never aggressive in its demands. The members therefore failed to get any meaningful concessions from the government.

Later, Harry Thuku and Abdalla Tairara joined the association together with other Christian converts who were labourers, colonial house servants and clerks in Nairobi and central Kenya. When Thuku tried to introduce radicalism in the Association, he was forced to decamp on 7th

June 1921 and founded the Young Kikuyu Association.

The East African Association.

It began off as Young Kikuyu Association (YKA) in 1921 having been inspired by the Young Buganda Association in Uganda. Its founders included Harry Thuku, Abdalla Tairara, Mwalimu Hamisi and Muhamed Sheikh.

Harry Thuku, the leading founder of this association was a mission educated elite who was working as a telephone operator in Nairobi. He became dissatisfied with the non-aggressiveness of the Kikuyu Association which was dominated by loyalist chiefs, in pressing the colonial government for Africans' demands.

YKA being very aggressive demanded;

- ~ The return of African land.
- ~ Better working conditions for Africans.
- ~ Reduction of taxes.
- ~ Withdrawal of Kipande system which had been introduced in 1920.
- ~ Increase in wages.

YKA incorporated other ethnic community members thus necessitating it to change the name to the East African Association in July 1921. The officials included Harry Thuku (Chairman) George Samuel Okoth, Abdalla Tairara, Kibwana Kambo, Jesse Kang'ethe, Z. K. Sentongo from Uganda, Maitei ole Mootian, Molanket ole Sempele from Tanzania, James Mwanthi and Muhamed Sheikh.

EAA became a very popular association in the 1920s attracting huge crowd in its meetings.

Grievances of the East African Association

- ~ They were demanding for the removal of the status of Kenya as a colonial territory.
- ~ They were demanding for a common roll for all in the legislative council elections.
- ~ They wanted the return of the alienated land, back to African owners.
- ~ They were opposed to forced labour.
- ~ They wanted more educational facilities and opportunities for Africans.
- ~ They were demanding that all labour in urban areas be paid fair wages.
- ~ They wanted the compulsory selling of cattle be stopped.
- ~ Removal of Kipande System.
- ~ Protested European domination of government.
- ~ Wanted hut tax that was exclusively paid by Africans abolished.

Due to the radical approach that was adopted by Harry Thuku, the colonial Governor had him arrested on 15th March 1922 and detained at the Kingsway Police Station (now Nairobi Central Police Station).

On 16th March 1922, a Kikuyu Woman, Muthoni Nyanjiru, challenged the African men to violence demanding the release of Thuku. More than 21 people including Muthoni Nyanjiru, were killed when the police opened fire on the over 1000 people who were surging forward. Harry Thuku was deported to Kisimayu. His colleagues Waiganjo and Mugekenji were banished to Lamu as EAA was banned.

Consequences of Harry Thuku's arrest.

- a) The political parties that succeeded the EAA continued using even more radical approach when they realized that the colonial government was determined to continue using 'Iron Rule' in Kenya.

- b) Governor Edward Northey was recalled to London by the then Colonial Secretary, Sir Winston Churchill due to the way he mishandled the Thuku affair.
- c) The colonial government did not allow formation of any other countrywide political Associations among Africans until 1945.
- d) Thuku became the undisputed flag-bearer of Kenyan Nationalism prior to formation of later political parties.

The kikuyu central association.

When EAA was banned, its former officials Joseph Kang'ethe and Jesse Kariuki founded the Kikuyu central Association.

It was formed in 1924 at Kahuhia, Fort Hall with Kang'ethe becoming the president and Henry Gichuru, secretary. Job Muchuchu (Treasurer), James Beuttah (secretary-general) and Jesse Kariuki (vice-president). All these were extremist politicians whose activities were closely monitored by the government.

Grievances of the Kikuyu Central Association.

- ~ They were demanding for the removal of the 1915 Crown Land Ordinance that made Africans mere tenants and not real owners of their land.
- ~ They were demanding for African representation in the Legislative Council.
- ~ They were opposed to forced labour.
- ~ They wanted free primary education as opposed to the colonial education system.
- ~ Establishment of a secondary school, training facility for hospital workers and a school for girls.
- ~ Removal of kipande system.
- ~ They demanded that all colonial laws be translated into Gikuyu Language so that all members of the community could understand them.
- ~ They demanded for the appointment of a well-educated Paramount Chief elected by the majority of the Agikuyu.
- ~ Wanted hut tax abolished and other taxes reduced
- ~ They advocated for the growing of coffee and other cash crops by Africans.
- ~ To work towards the restoration of alienated African land.
- ~ To pressurize the colonial government to abolish racial segregation.
- ~ Respect of African culture & customs e.g. Circumcision/polygamy
- ~ Agitating release of political prisoners e.g. Harry Thuku.

By 1925, KCA had attracted membership from all large urban centres in Kenya and the Kikuyu squatters in the Rift Valley. They presented their demands to Governor Grigg when he visited Fort Hall in 1925.

In 1927, KCA relocated its headquarters from Murang'a to Nairobi in order to link up with other Kenyan elites. In 1928, Jomo Kenyatta became its Secretary- General, taking over from James Beuttah who had been transferred from Nairobi in an act of sabotage by the government.

Kenyatta started the Association newspaper, Muigwithania which was instrumental in reviving the cultural values of the Agikuyu.

When the Hilton Young Commission was formed in 1927 to look into the question of the federation of Kenya, Uganda and Tanganyika, KCA through Jomo Kenyatta presented the following demands to it;

- ~ Introduction of free primary education for Africans.

- ~ Provision of secondary and higher education for Africans.
- ~ Abolition of kipande system
- ~ Appointment of Africans to LEGCO
- ~ Release of Harry Thuku
- ~ Giving of Title Deeds to Africans as a guarantee against any further land alienation.
- ~ Rejection of the proposed East Africa Federation

KCA championed female circumcision arguing that it was a beautiful cultural practice which eradicated prostitution in the community. When the Church of Scotland Mission, African inland Mission and CMS expelled all sympathizers with the practice from their missions, KCA responded by leading the pack in the beginning of independent schools and churches.

KCA sent Jomo Kenyatta, accompanied by Parmenas Mukiri, to present Agikuyu grievances in 1929 to the colonial office in London. It also helped kikuyu elders in preparing evidence to the Kenya Land Commission in 1931.

Rivalry for power within the KCA between 1931 and 1938 nearly rocked the association.

The Association was banned in 1940 alongside others.

Kavirondo Tax Payers and Welfare Association.

It started as Young Kavirondo Association (YKA) in December 1921 at a Baraza held in Ludha, central Nyanza, by mission educated Luo and Luhya men. The meeting was meant to discuss issues affecting African communities.

The officials of the Association were Jonathan Okwiri (chairman), Simon Nyende (Treasurer), Benjamin Owuor (secretary), Rueben Omulo, Ezekiel Apindi, George Samuel Okoth, Mathayo Otieno, Joel Omino and Jolmeo Okaka.

The demands of the YKA included;

- ~ They were demanding for addressing of the problem of change of the status of Kenya from a protectorate to colonial territory.
- ~ Demanded for a government school to be built in central Nyanza.
- ~ Demanded for a self- government for nyanza province with a separate legislative council and an elected African president.
- ~ They were opposed to forced labour and labour camps.
- ~ An end to land alienation.
- ~ Creation of the position of paramount chief for central and southern Nyanza, just like Mumias was for northern Nyanza.
- ~ Removal of Kipande System.
- ~ Demanded to be given title deeds for their land.
- ~ Wanted hut tax removed.
- ~ The advocated for better wages.

The members presented their demands to the Nyanza PC in May 1922 and met governor Northey in Kisumu in July 1922 at Nyahera in Kisumu. The governor agreed to authorize the closing down of labour camps and reduce taxation. However, the revocation of the Crown Colony Status was out of question.

In 1923, however, government, alarmed by the mobilization level of YKA in Nyanza, compromised its leadership and Jonathan Okwiri handed over chairmanship to Archdeacon Owen fearing the banning of the association the way EAA had been.

Under Owen YKA changed its name to KTWA with its emphasis shifting from political

grievances to social grievances focusing on killing rats, digging latrines and keeping compounds clean. It also adopted the use of written memoranda in expressing their grievances.

All Nyanza chiefs became Vice-presidents of the association under its new constitution. In 1931, the association split up into Luo and Luyia Factions due to disagreements. The Abaluhya faction formed the North Kavirondo Central Association that had close links with the KCA. It was formed with the objective of stopping any further land alienation for European use without compensation, especially after the 1930s Kakamega Gold rush.

By 1944, many of the top leaders of the KWA had been co-opted into the colonial administration with Okwiri becoming a chief. Benjamin Owuor, Nyende and Okwiri were made members of the LNC in central Nyanza. KWA was therefore weakened and became extinct in 1944.

Ukamba Members Association

UMA was formed in 1938 by Samuel Muindi Mbingu (Chairman), Elijah Kavula (Vice-chairman), Isaac Mwalosi (secretary) and Simon Kioko (treasurer) as an association of the Akamba of the eastern part of Kenya.

The leaders who founded this association were closely associated with East African Association of Harry Thuku. For example, James Mwanthi, Ali Kilonzi and Muhamed Sheikh.

Reasons for the formation of Ukamba Members Association

- a) The Akamba wanted to fight against land alienation for European ranchers causing shortage of land for grazing.
- b) To oppose the colonial policy of de-stocking who argued that overstocking was responsible for soil erosion in Kitui and Machakos regions. In 1936, the Liebig's Group established a meat processing plant to effect the de-stocking policy.
- c) To oppose heavy taxation.
- d) To represent the Akamba people's interests.
- e) To fight for the Akamba rights and freedoms

They wrote memorandum to the colonial government with the assistance of Asian lawyers. It mobilized people to fight for their rights through meetings and signing of petitions. They got support from KCA and the Asian representative to the Legco, Isher Das.

The association used Muigwithania journal of KCA to advance their cause.

On 28th July 1938, UMA members including women and children demonstrated and marched to Nairobi with their cattle to seek audience with the governor over destocking and grazing policies. They staged a sit in Nairobi for 6 weeks led by Muindi Mbingu until the governor conceded to their demands at a meeting in Machakos.

However, their leader, Muindi Mbingu was arrested in September 1938 and deported to Lamu until 1946.

The Association was banned at the beginning of World War II.

Problems that faced UMA in its operations.

- a) The colonial government had a negative attitude towards the activities of the association. This discouraged open participation.
- b) Arrest of their leader Muindi Mbingu and his deportation to Lamu demoralized the movement.
- c) The Association alongside others was banned, with the World War II looming.

Coast Africa Association

The Association was formed in 1943 with Noah Mwana Sele as president, Muhamed bin Mwichande as vice president, E.W. Timothy as secretary General and H.G.Banks as honorary treasurer. Other officials were Muhamed bin Omar, Enoch Benjamin and H. Harrison.

Demands of Coast Africa Association.

- a) They demanded for improved education and the general welfare of Africans in the coastal region
- b) The elevation of Shimo la Tewa to a high school.
- c) The establishment of evening classes in the region so as to give African adults a chance to pursue basic western education.
- d) to protest inadequate healthcare services for the Africans.
- e) They were demanding for appointment of Africans as administrators.
- f) They demanded that tax collected from African drinks be used to develop African rural areas.
- g) They demanded for the revocation of allocation of Mijikenda land to Asians and Arabs.
- h) They demanded for African representation of Coast region in the LEGCO in 1947.

Unlike other Associations CAA did not present their grievances in political meetings but instead used written memoranda and also their newspaper, the Coast African Express whose editor was Elkana Young. This explains why the association existed while others had been banned. In 1955 however, the association began to disintegrate due to the following reasons;

- a) The departure of their leaders Francis Khamisi and Ronald Ngala who joined the Mombasa African democratic union and the LEGCO.
- b) Leadership wrangles based on ethnic consideration.
- c) Shortage of funds to run the activities of the association.

It succeeded in achieving elevation of Shimo la Tewa school into a high school and a Legco position for the Mijikenda.

Taita hills Association

It was formed on 22nd June 1939, being modeled on the KCA and UMA styles.

Its objectives were;

- ~ To achieve equal political status with whites and Asians.
- ~ To help the Taita community to advance.
- ~ To protest the destocking policy. Most of the fertile land of the community had been occupied by European settlers who were growing coffee on it.
- ~ Oppose the plan to relocate the Wada Wida people from Taita hills to Samburu to create room for settlers.
- ~ They were opposed to the kipande system and forced labour. The Europeans forced the Wataita to work on coffee plantations and ferry the coffee over long distances for low wages.

The pioneer founder of the Association was Daniel Mapinga, a young catechist, who began mobilizing the Wataita against oppressive measures used by the colonial government. Unfortunately he died in 1837.

In 1939, Woresho Kolandi Mengo, Jimmy Mwambichi and Paul Chumbo took over his course and established THA with the help of KCA leadership.

Achievements.

- a) The association succeeded in stopping the government's plan to relocate the Wada Wida

people from Taita hills to Samburu to create room for settlers.

- b) The colonial government stopped the de-stocking plan among the Wataita.
- c) The government revised the Taita reserve boundaries and reduced the land initially carved for European settlers.

Problems experienced.

- a) It failed to attract prominent personalities | Tata.
- b) It lacked support of all the African groups in the region. For example the Wataveta and Wagisiga were reluctant to join THA.
- c) The association was banned alongside others in May 1940.
- d) Their leader Mwambichi was deported after being arrested.

Problems faced by early political organizations.

- a) Their members were subjected to harassment by the colonial government, especially arresting and dispersing demonstrators.
- b) The organizations were demoralized through the deportation of the leaders like Thuku (EAA), Muindi Mbingu (UMA) and Mwambichi (THA).
- c) The associations experienced political wrangles between members as witnessed in KCA between 1931 and 1939 and CAA upon departure of its two key leaders.
- d) Many of the leaders of the organizations had little experience in running political parties and therefore mismanaged their offices.
- e) The organizations were faced with financial inadequacy. Many Africans were experiencing financial problems due to land alienation, taxation and poor working conditions and therefore could not adequately contribute to the associations.
- f) There was a lot of disunity since most organizations were ethnic-based

Features of the political associations formed in Kenya before 1939

- a) They lacked a national outlook since they were ethnic (tribal based/oriented/urban based). Most of them were confined to one or two ethnic communities except EAA.
- b) Most of them received material and moral support from the Asians
- c) Mission-Educated African young men led them. For example, Harry Thuku, Okwiri and Mwambichi.
- d) They were formed in response to socio-economic and land problems of various ethnic groups.
- e) They all agitated for an end to European exploitation and oppression rather than demand for political independence.
- f) Most of them did not attract large membership due to their ethnic tendency.
- g) They were non-militant and tended to be moderate and their demands.
- h) They were characterized by squabbles over leadership.

Achievements of early political parties.

- a) They provided political education to the African communities through their political rallies.
- b) They communicated the communities' feelings to the colonial government through publications, memoranda or speeches.
- c) They defended the African cultures against further erosion by the European missionaries. For example KCA defended female circumcision among agikuyu.
- d) They re-awakened the masses by making them conscious of the political situation in the country.

- d) Some succeeded in to stop further land alienation by restraining the Europeans from displacing the Africans to the reserves. For example THA succeeded in stopping the government's plan to relocate the Wada Wida people from Taita hills to Samburu to create room for settlers.
- e) They played the role of trade Unionism by fighting for the welfare of the workers in the absence of formal trade unions.
- f) They publicized Africans' grievances to the international community. For Example, the role played by Jomo Kenyatta on behalf of KCA.
- g) They pioneered in the growth of nationalism by forging inter-community relations in the struggle for independence.

EMERGENCE OF INDEPENDENT CHURCHES AND SCHOOLS MOVEMENT IN KENYA.

This was an expression of African protest against European interference with traditional African economic and political organization.

Reasons why independent churches and schools emerged in Kenya.

- a) The desire by majority of Africans to retain their cultural values while at the same time converting to Christianity. Many were unhappy with the western influence of Christian missionaries who taught against traditional customs.
- b) Africans were unhappy with the 3Rs style of education in mission schools which only prepared them for low positions in government or employment on European farms and homes. They desired to be equal to Europeans and Asians.
- c) Independent schools emerged as a reaction against colonial domination and exploitation in terms of taxation, kipande, forced labour and racial discrimination.
- d) Africans desired leadership in their own churches instead of being led by European missionaries whom they viewed as agents of colonialism.
- e) The role played by Africans like John Owalo and Elijah Masinde who claimed to have received divine calls to begin independent churches.
- f) Some Africans felt dissatisfied with the interpretation of the scriptures. The Holy Spirit Church, for example, broke away on this account.
- g) Some churches were formed to allow Africans to express their Christianity freely through dancing, singing and drum beating which many mission churches did not accommodate.
- h) Characteristics of independent churches and schools.

Characteristics of independent churches and schools.

- a) All of them accommodated African cultural values.
- b) Both churches and schools valued Christianity and western education but were against the westernizing influence by missionaries.
- c) Africans held positions of leadership in the churches and schools.
- d) Most Churches and schools worked closely with the African political association.

The independent churches movement in Nyanza.

John Owalo is credited for leading in the establishment of independent churches in nyanza. He started as a Roman Catholic, then joined the Church of Scotland mission (CSM) at Kikuyu before moving to the CMS first in Nairobi, then defected to Maseno.

The reason why Owalo suffered from denominational defection is because he was seeking for a mission church that accommodated African cultural values and where Africans could be given a say in terms of leadership and worship.

In 1907, Owalo claimed to have received a direct call from God with instructions to begin his own church. Though CMS at Maseno dismissed him as a 'lunatic', the colonial authority (Nyanza PC John Ainsworth) granted Owalo permission to start his own mission. In 1910, he founded the Nomiya Luo Church, which became the first independent church in Kenya. Owalo proclaimed himself as a prophet equating similar to Jesus.

Other independent churches in Nyanza included;

- 1) *Dini ya Roho* (Holy Spirit Church) founded among the Luhyia in 1927 as a breakaway from the Friends African Mission. The members claimed to speak in tongues and believed in baptism by the 'holy spirit',
- 2) *Joroho* church founded by Alfayo Odongo Mango in 1932 among the Luo. It was similar to *Dini ya Roho*.
- 3) The Christian Universal Evangelical Union founded in 1938 In Siaya by Ismael Noo, a school teacher linked to the Anglican Church at Maseno. He began off as one of the leaders of the revival movement at Maseno, which emphasized salvation by the blood of Jesus and public confession of sin. His movement insisted that men and women should have sexual intercourse since they were saved. His church attracted many women and soon he was accused of infidelity with peoples' wives.

He officially broke away from the Anglican Church at a convention at Nyabondo in Nyakach to establish the Christian Evangelical Union. The church is currently known as the Christian Evangelical Church, having changed its name in 1965.

The independent churches and schools movement in central Kenya

Due to its proximity to Nairobi, the seat of colonial administration, central Kenya experienced the presence of white settlers more than any other region in Kenya. The schools established by the so many missionary groups in the region only aimed at imparting basic literacy and numeracy skills to African converts. As the evangelized, the \missionary groups condemned many traditional African practices and values like polygamy, consumption of traditional brews and female circumcision.

It is behind this backdrop that independent churches and schools emerged in central Kenya.

Kikuyu Independent schools.

Kikuyu elders out of the desire for western education for their children, without necessarily being Europeanized, set up independent schools. In 1913, a Kikuyu elder, Mukunga wa Njehu, donated land at Gaithieko, Kiambu where the first independent school In central kenya was built.

In 1925, another school had been built and registered at Githunguri.

The independent Schools Movement emerged in the 1920s as a result of the expulsion from mission schools of the children of the supporters of female circumcision. The two bodies that emerged as a consequence were Kikuyu Independent Schools Association (KISA) and the Kikuyu Karinga Educational Association (KKEA)

The Kikuyu Independent Schools Association.

The Body was closely associated with the Independent Pentecostal Church and was predominantly in Murang'a, Nyeri and Embu.

Following a showdown over female circumcision, the kikuyu elders got permission from the DC to build a prayer House around Gituamba on land donated by two elders, Kagere Gatundu and Gathai Gachohi of Thiru sub-location.

Between 1929 and 1932, a school was set up at the church. This success inspired the emergence of similar churches and schools in Mariira, Kahiti and Gakarara in Kandara, Murang'a.

In 1934, KISA was established to coordinate the efficient running of these schools with its leaders including Daudi Maina Kiragu, Musa Muriithi, Hezekiah Gachui, Peter Gathecha and Johana Njoroge.

The Association had the responsibility of establishing more schools and maintaining them as well as mobilizing funds for teacher training programmes. Their activities got the support of the colonial authorities which even permitted establishment of more schools that must be registered at the DO's office.

By 1935, KISA had established 34 independent schools with an enrolment of 2,518 pupils. Similar schools emerged in the Rift Valley among the kikuyu squatters.

Challenges encountered by KISA.

- a) There were inadequate funds to support the large number of pupils and schools.
- b) Many teachers were untrained.
- c) Many of the KISA leaders lacked proper management skills.
- d) Mission schools fought the efforts of KISA leaders.
- e) There were disagreements among KISA leaders where some demanded for money for the land they had donated for the schools.

The independent churches also suffered from lack of ordained ministers. This problem was solved when KCA invited the Most Reverend William Alexander, the Archbishop of the African Orthodox Church in South Africa in 1935, who established a seminary at Gituamba and ordained Daudi Maina Kiragu, Philip Kiande and Harrison Gachukia Kimanga as Ministers. In 1937 after Archbishop Alexander had left, Daudi Maina Kiragu and Harrison Gachukia Kimanga broke away and formed the African Independent Pentecostal Church which they claimed was independent from external influence.

In 1938, KISA named their church the Independent Pentecostal Church.

By 1952, at the time of its banning, KISA had 168 schools with an enrolment of 60,000 pupils in central Kenya and rift valley.

Kikuyu Karinga Educational Association.

The association emerged out of a split at the Gituamba between the Murang'a group and the Kiambu members who were radical and were more closely associated with KCA.

The term 'Karinga' means 'pure' implying unpolluted kikuyu customs and values. KKEA was opposed to all forms of cooperation with either the missionaries or the colonial authority.

By 1940, it had established 12 schools in Kiambu and 11 in the rift valley. By 1952, it had established schools at Moshi and Arusha in Tanganyika. It established its own church in 1952 (the African Orthodox Church of Kenya), relying on church ministers trained at Gituamba seminary. It was led by Arthur Gathuna and Philip Kiande

The Association was banned in 1952 after declaration of a State of Emergency.

In 1939, the Kenya Teachers Training College was established at Githunguri, Kiambu, to train teachers for the independent schools. Mbiyu Koinange was the first principal. It was closed in 1952 alongside other independent schools.

Problems faced by independent churches and schools.

- a) Poor leadership as many churches and schools were led by people without any

management experience. Many of them lacked trained personnel who could run them efficiently.

- b) They faced a lot of hostility from the colonial government and missionaries who constantly harassed them.
- c) Ideological differences among their leaders on which name to adopt. There were also many leadership squabbles as all founders wanted to be recognized.
- d) The schools were forced to follow the official syllabus and become members of the District Education Board.
- e) The independent churches and schools competed with mission churches and schools for followers with the later declaring war on certain African practices

POLITICAL ORGANIZATIONS AND MOVEMENTS AFTER 1945.

Factors that hastened political development in Kenya after 1945.

- a) The Acquisition of western education by many Africans by 1945 which enabled them to articulate their grievances more forcefully and to understand political developments outside Kenya.
- b) The return of the ex-servicemen after the second world war which exposed the myth of the white supremacy making Africans ready to fight them. Moreover, the colonial government failed to reward African ex-soldiers to embitter them more.
- c) The change of government from Conservative to Labour Party in Britain in 1946 stimulated a new attitude in Britain towards decolonization. Africans in Kenya took advantage of this attitude.
- d) The granting of independence to India and Pakistan in 1947 aroused great confidence among Africans in Kenya to also clamour for their own independence.
- e) The rise of Pan-Africanism in Africa after the 1945 Manchester conference contributed to the new demands for political independence in Kenya.
- f) The formation of the UNO and the pressure it exerted on the European powers to decolonize helped the Kenyans in their course.
- g) The emergence of United States and the Soviet Union as super powers in the world contributed to the decolonization process. USA was keen to see Britain and France grant independence to their subjects in the world in order to secure new markets.
- h) The signing of the Atlantic Charter in 1941 by Winston Churchill and Franklin Roosevelt which demanded that when the WWII ended, all subject peoples should enjoy the right to self-determination.
- i) The costs incurred by the European nations during WW2 made their taxpayers become reluctant to raise any more funds for colonial expenditures.

Characteristics of political parties formed after 1945.

- a) They had a national outlook as members were drawn from different ethnic groups
- b) Their main objectives was to fight for independence
- c) Educated elites led them
- d) They had a large membership.
- e) They demanded for fair taxation for Africans.
- f) They all demanded for improved conditions for African workers.
- g) They all demanded for the return of alienated land.

Kenya African Study Union

When Eliud Mathu was nominated to the Legco on 10th October 1944, a number of well educated Africans led by Francis Khamisi agreed to form Kenya African Union (KAU) with the following objectives;

- a) To assist Mathu in his new task as the first African nominated to the LEGCO.
- b) To create a Multi-ethnic political grouping representing the interests and constitutional rights of all Africans effectively.
- c) To advocate for more constitutional reforms for Africans.
- d) To demand for better living and working conditions.

The interim officials were Harry Thuku (chairman), Francis Khamisi (Secretary) and Albert Owino (treasurer). Other officials were James Gichuru, John Kebaso, Simeon Mulandi, Harry ole Nangurai, S.O. Josiah, F.M. Ng'anga, Jimmy Jeremiah, J.D. Otiende and S.D. Jakay.

Two weeks after its formation, the governor ordered its officials to change its name to the Kenya African Study Union as it was meant to help Mathu in studying African problems. In January 1945, James Gichuru became the president of KASU after Harry Thuku resigned, being unable to cope with radicalism in the union.

Under Gichuru, KASU published a newspaper - *Sauti ya Mwafrika* that concentrated on African grievances and the proposed East African Federation which they opposed.

The organization rejected proposals to give more powers to European members in the Executive council. They refused to accept a European dominated government of the East African Federation.

Later in 1946 on KASU changed its name to KAU feeling that the former name was inappropriate.

Kenya African Union

Formed in February 1946, the main demands of KAU were;

- ~ They protested against inadequate African representation in the LEGCO.
- ~ They protested against the lack of Participation of Africans in the governance of Kenya. They even demanded for Self-government for Africans.
- ~ They were against the continued existence of the Kipande System and forced labour.
- ~ They demanded improvement of the African working conditions with better wages equal to what was paid to other races.
- ~ They demanded an end to Land alienation and racial discrimination.
- ~ They demanded an end to Imposition of taxes.
- ~ They demanded compensation of ex-servicemen.
- ~ They were protesting against Lack of education opportunities for Africans.

The return to Kenya by Kenyatta in 1946 marked the beginning of mass nationalism. On 1st June 1947, Kenyatta became president of KAU after Gichuru stepped down for him. W.W.W. Awori was elected vice-president and Ambrose Ofafa and Muchohi Gikonyo were elected treasurer and secretary respectively.

Kenyatta travelled widely in Kenya where he urged people to join KAU

After 1947 KAU began to face the problem of a standoff between Radicals like Fred Kubai and Paul Ngei who wanted to use force to acquire independence, and moderates like Kenyatta himself. Radicals who included Bildad Kaggia took over the Nairobi branch of KAU.

When the national delegates' conference was held in 1951, Jomo Kenyatta retained presidency, J.D. Otiende became secretary General, PAUL Ngei –assistant SG and Ole Nangurai –Treasurer.

Between 1948 and 1950, KAU faced serious financial problems even failing to pay rent for its offices at the IBEA building.

Other problems that faced KAU

- a) Kenyatta also appeared too busy to run the affairs of the party as he doubled up as the Principal of Githunguri TTC.
- b) The party also faced a lot of hostility from the colonial government and the white settlers.
- c) There were rampant ethnic divisions within the membership of KAU being complicated by the fact that the party appeared to be dominated by one ethnic group, the kikuyu.
- d) Majority of the African population, who were illiterate, lacked political awareness under could not understand the political efforts required of them.

When the Mau Mau movement began, the Nairobi office of Kubai, J.M.Mungai and Kaggia worked closely with it.

KAU continued to expand its membership in Kenya with Ramogi Achieng' Oneko opening a branch in Kisumu in 1951, Johana Adala and Boaz Muha opened a branch in Maragoli and Muinga Chokwe opened one in Mombasa.

In 1952, KAU rallies were banned outside Nairobi after a political meeting in Nyeri, attended by the leader of Mau Mau, Dedan Kimathi, which attracted over 25,000 people thus startling the government.

When a state of emergency was declared in 1952, KAU leaders were arrested for being behind Mau Mau. Walter Odede became the acting president, Joseph Murumbi acting secretary and W.W.W.Awori-acting treasurer.

The acting official presented a 24-point memoranda to Oliver Lyttelton , secretary of state for colonies when he came to Kenya during the emergency period, demanding the release of the Kapenguria six (Jomo Kenyatta, Paul Ngei, Kung'u Karumba, Bildad Kaggia, Achieng' Oneko and Fred Kubai)

Walter Odede, the acting president was late arrested on 9th march 1953 while Murumbi escaped to Bombay, India as KAU was banned on 8th June 1953.

Achievements if KAU.

- a) Party members especially from the Nairobi branch gave moral and material support to the Mau Mau freedom fighters.
- b) The party provided guidance and political support to Eliud Mathu, the first African representative to the Legco.
- c)The party laid the foundation for the growth of the Kenya African National Union that ushered in independence in Kenya.
- d) Some of the members of the party were active members of Mau Mau. For example, Fred Kubai and Bildad Kaggia.

THE MAU-MAU REBELLION 1951 - 60

Mau-Mau is an abbreviation which stands for "*Mzungu Arudi Ulaya, Mwafirika Apate Uhuru*" (meaning let the white man go back to Europe and the Africans regain Independence).

Sometimes the movement was referred to as the 'Land and Freedom Army' and the *Anake-a-Forty*.

Sometime in the late 1940s the General Council of the banned Kikuyu Central Association (KCA) began to make preparations for a campaign of civil disobedience involving all of the Kikuyu in

order to protest the land issue. The members of this initiative were bound together through oath. The rituals obliged the oath taker to fight and defend themselves from Europeans. In These oath rituals, There were rumors about cannibalism, ritual zoophilia with goats, sexual orgies, ritual places decorated with intestines and goat eyes, and that oaths included promises to kill, dismember and burn settlers.

The oaths were a cultural symbol of the solidarity that bound Kikuyu men, women and children in loyalty together in their opposition to the colonial government. It also instilled courage and unity among people,

Nonetheless, the British were scared by the oath, made taking the Mau Mau oath a capital offence. The British also screened Mau Mau suspects and forced them to take a '*cleansing oath*', a strange instance of colonialism 'gone native'.

CAUSES OF THE MAU-MAU REBELLION

- a) The unemployment of the ex-soldiers who had been promised jobs after the World War II, but instead were made porters on European-estates. Similarly, people were retrenched, traders pushed out to business by Asian retail trade monopoly and European settlers.
- b) Africans, especially the Kikuyu, wanted their land returned. By 1948, 1.25 million Kikuyu were restricted to 2000 square miles (5,200 km²), while 30,000 settlers occupied 12,000 square miles (31,000 km²) fertile land. In the reserves Africans suffered from congestion, starvation and diseases like typhoid, cholera.
- c) It was a reaction against the Kipande system. This was a method of identity cards imposed on Africans to restrict them from unnecessary movements.
- d) The introduction of racial discrimination in Kenya. The Europeans equated the black colour with low intelligence, uncivilized, barbaric and a backward race. All the best hotels, restaurants, schools, recreational centres and most fertile soils in Kenya were reserved for the whites only.
- e) Africans were fed up of heavy and harsh taxation by the Europeans. Failure to pay tax was punishable by taking away the land or even imprisonment. So the Africans were forced to go and work under harsh condition and for long hours, yet poorly paid.
- f) The dominance of the economy by the Asian and white settlers. The Africans were not allowed to take part in meaningful business, were not given positive consideration in awarding jobs.
- g) They also wanted to be exposed to the social services e.g. education. The white settlers frustrated the African efforts to set up schools even the few educated Africans were not employed in the civil service..
- h) Africans feared a gradual destruction of their culture by the whites e.g. the missionaries were totally against the circumcision of women among the Kikuyu and the traditional view of twins.
- i) Africans wanted a fair share in the administration of their country (Parliament). For a long time many Kenyans were excluded from decision making and political participation the whites and Asians in the Legislative Council did not represent their interests.
- j) The return of Jomo Kenyatta in the 1950s' after his studies in Europe, he came back with a wider vision to convince the Kenyans about their rights and they therefore united and rebelled.

- k) The role of educated Kenyans who aware of their rights as citizens and in turn educated the rest about their place in society. This prompted them to rebel against the whites.
- l) The colonial policy discouraged Africans from growing cash crops like coffee, tea, cotton, pyrethrum for fear of competition with the Africans who would grow rich and challenge the colonial administration.
- m) Forced labour. Africans were obliged by colonial law to offer labour on the plantation this was to be done forcefully without offering any payments. This kind of new slavery inspired the occurrence of the Mau Mau rebellion.
- n) Influence of the Second World War. Many Kenyans who participated in this war discovered the weakness of the white man and the loopholes in their systems of administration. These included General China, Dedan Kimathi among others who also acquired good military skills.
- o) The move was a quest for constitutional reforms in Kenya. African political parties had been banned with impunity and their leaders like Harry Thuku, Muindi Mbingu and Mwambichi detained
- p) They were protesting colonial brutality especially the mistreatment of Africans on the white farms. Many Africans were killed at the slightest excuse like in the case of the upland Bacon Factory Massacre in September 1947.

The course of the uprising.

On May 1, 1949, six trade unions formed the East African Trades Union Congress (EATUC). The union leaders joined with the "Forty Group," which was a roughly cohesive group mostly composed of African ex-servicemen conscripted in 1940 when attempts for a union members strike failed on May 16th 1950. In June 1951, the urban KAU radicals (Mutonyi, Isaac Gathanga, Bildad Kaggia, Paul Ngei and Fred Kubai) created a secret Central Committee (*Muhimu*) to coordinate the oath campaign throughout Nairobi and outside Nairobi. It also formed armed squads to enforce its policies, protect members from the police, and kill informers and collaborators.

Different leaders led the Land and Freedom Armies. Three of the dominant Active Wing leaders were Stanley Mathenge; Waruhiu Itote (known as General China), leader of Mount Kenya wing; and Dedan Kimathi, leader of Aberdare forest wing. Others were General Ndung'u Gicheru, General Mwariama and General Matenjagwo (*one who never shaves*). Other armies were in Nairobi, Kiambu, Fort Hall and Rift Valley. They were mostly equipped with spears, *simis* (short swords), *kibokos* (rhino hide whips) and *pangas* (machete). Some made their own guns while others employed armed robberies on police stations and isolated settler homes. African and Asian merchants funded the movement by paying protection fees.

On 1st of October 1952, Mau Mau assassinated a Nairobi councillor, Tom Mbotela, who was a government loyalist. On 3 October, Mau Mau claimed their first European victim when they stabbed a woman to death near her home in Thika. A week later, on 9 October, Senior Chief Waruhiu, a strong supporter of the British presence in Kenya, had been shot to death in broad daylight in his car. His assassination gave Governor Baring the final impetus to declare a State of Emergency on 20 October 1952. Early the next morning, the British carried out a mass-arrest of 180 alleged Mau Mau leaders and subjected six of them to a trial (the Kapenguria Six); the real militants, such as Dedan Kimathi and Stanley Mathenge, fled to the forests.

While much of the senior leadership of the Nairobi Central Committee was arrested, Local rebel committees took uncoordinated decisions to strike attack settlers and there was an

abrupt rise in the destruction of European property and attacks on African loyalists. On January 24, 1953, Mau Mau, possibly former servants, killed settlers Mr. and Mrs. Ruck, as well as their six-year-old son, on their farm with pangas. White settlers reacted by dismissing all of their Kikuyu servants because of the fear that they could be Mau Mau sympathizers. Naivasha Police Station was raided in March 1953. Over 1800 loyalist Kikuyu were killed. Operating from the safety of the forests, the Mau Mau mainly attacked isolated farms at night, but occasionally also households in suburbs of Nairobi.

In May 1953, the Kikuyu Home Guard became an official part of the security forces. It became the significant part of the anti-Mau Mau effort. On March 25–March 26, 1953, nearly 1000 rebels attacked the loyalist village of Lari, where about 170 non-combatants were hacked or burnt to death. Most of them were the wives and children of Kikuyu Home Guards serving elsewhere. In the weeks that followed, some suspected rebels were summarily executed by police and loyalist Home Guards.

In June 1953 General Sir George Erskine arrived and took up the post of Director of Operations. A military draft brought in 20,000 troops who were used aggressively. The Kikuyu reserves were designated "Special Areas," where anyone failing to halt when challenged could be shot. The colonial government created so-called *pseudo-gangs* composed of de-oathed and turned ex-Mau Mau and allied Africans, sometimes headed by white officers. They infiltrated Mau Mau ranks and made search and destroy missions. By September 1953, the British knew the leading personalities in Mau Mau, the capture of General China in January the following year provided a massive intelligence boost on the forest fighters.

On April 24, 1954, the Army launched "Operation Anvil" in Nairobi, the forest fighters' source of supplies, money and recruits, and the city was put under military control. By the end of 1954 there were 77,000 Kikuyu in concentration camps mainly deported from Nairobi. In June 1954, a policy of compulsory villagization was started in the reserves to allow more effective control and surveillance of civilians and to better protect pro-government collaborators. When the program reached completion in October 1955, 1,077,500 Kikuyu had been concentrated into 854 "villages."

The last Mau Mau leader, Dedan Kimathi, was captured by Kikuyu Tribal Police on 21 October 1956 in Nyeri with 13 remaining guerrillas, and was subsequently hanged in early 1957. His capture marked the effective end of the Uprising, though some Mau Mau remained in the forests until 1963 and the Emergency remained in effect until January 1960.

Mau war by other communities

- ~ In April 1953, a Kamba Central Committee was formed by Kamba rebels who were all railway men and effectively controlled the railway workforce. They organized acts of sabotage against the railway lines during the emergency.
- ~ Rebel Maasai bands became active in Narok district before being crushed by soldiers and police who were tasked with preventing a further spread of the rebellion.
- ~ In Maragoli, Chief Mukudi of Bunyore was associated with the movement.
- ~ Other communities involved were the Kipsigis section of kalenjin, Luo etc.

Factors, which facilitated the MAU MAU uprising.

- a) Oathing, which united the people and gave them the courage, determination and momentum for the rebellion course.
- b) The use of guerilla tactics ensured less loss of life and prolonged war. It made it difficult for

the British to suppress the rebellion.

- c) The support to the fighters from the civilians who supplied food, water, spying etc.
- d) Strong leadership for the movement by people like Dedan Kimathi, Waruhiu Itote (General China), Stanley Mathenge and General Matenjagwo.
- e) The deep resentment of the people against the Europeans gave them the reason to continue fighting.
- f) The natural forests of Mount Kenya and Aberdere ranges provided good hideouts for the fighters.
- g) The fighters had enough weapons. They accessed weapons like the homemade guns, swords and Machette to add to what they were able to seize from the settlers.

Problems that faced Mau Mau Rebellion.

- a) The fighters lacked transport and communication facilities.
- b) They were faced with adverse weather conditions, operating in the Aberdere and Mount Kenya Forests that were extremely cold.
- c) In the Wild environment, they were frequently attacked by wild animals.
- d) They lacked proper fighting equipment when compared to the weaponry of the Europeans.
- e) They faced brutality from the British forces when they were retaliating.
- f) There were constant divisions and disagreements among the fighters.
- g) The movement suffered from the infiltration of spies in form of *pseudo-gangs* who exposed their military strategies.
- h) The movement suffered from lack of proper coordination due to the use of forest hideouts and mountain terrain by the guerrillas which prevented them from developing a well-coordinated strategy.
- i) The arrest of the movement's key leaders General China and Dedan Kimathi dealt a devastating blow.
- j) The movement suffered from a disjointed recruitment process with some fighters being coerced into membership which put their loyalty to doubt.

Results of the Mau Mau uprising.

- a) Many people died as a result of the war. The official number of Kenyans killed was estimated at 11,503 by British sources. More than 1,800 Kenyan civilians and 32 British civilians were killed by Mau Mau militants.
- b) The war attracted the attention of British citizens and international community to the crimes committed by the colonial administration. British forces committed widespread human rights abuses, including rape, torture and castration.
- c) Many Africans were arrested and detained while thousands were seriously injured during the interrogations. For example, 11 of the 88 detainees at Hola Camp lost their lives as the rest were seriously injured in brutality incident.
- d) The war speeded up the march to independence especially when the reality of the inability of the colonial administration to govern Kenya dawned on the British government
- e) The uprising led to destruction of property. Villages, houses and crops were burned down.
- f) The war led to the relocation of the Agikuyu, Ameru and Aembu communities from Nairobi region as their jobs were taken by people from western and rift valley who did not participate in the rebellion.

- g) The uprising led to the reduction of the influence of the settlers in Kenya as it was realized that it was the enormous settler influence that was responsible for the insurgence.
- h) The war forced the colonial authority to apply tough measures to restrict the activities of African political parties such as KAU that was banned in 1952.
- i) The war led to the beginning of a program of villagization and land reform consolidated the land holdings of the Kikuyu, thereby creating emergency kikuyu villages in various parts of the country.
- j) It led to the declaration of a state of emergence in Kenya on 20th October 1952.
- k) The war bred bitterness among members of Agikuyu Aembu and Ameru where some were government loyalists while others were Mau Mau supporters.
- l) The war resulted into the land reform measures that came to be known as the Swynnerton Plan of 1954 that sparked off the resettlement of Africans in the countryside.

Swynnerton Plan

Refusing to give more land to the Kikuyu in the reserves, which could have been seen as a concession to Mau Mau, Baring turned instead in 1953 to Roger Swynnerton, Kenya's assistant director of agriculture. The primary goal of the Swynnerton Plan was the creation of family holdings large enough to keep families self-sufficient in food and to enable them to practice alternate husbandry, which would generate a cash income.

Recommendations of the Swynnerton Plan of 1954.

- a) The survey and enclosure of African land in high potential areas.
- b) The processing of title deeds and giving out title deeds to the owners. Only progressive African farmers would get title deeds and benefit from the land reforms.
- c) A few Africans were allowed to practice new agricultural methods and obtain credit as well as title deeds.
- d) A few African s were allowed to practice individual land ownership.
- e) A few progressive African farmers were allowed to grow cash crops.

Kenya African National Union

During the emergency period, (From October 1952 to December 1959) African participation in the political process increased rapidly. The Kenya African National Union (KANU) was formed after the First Lancaster House Conference of January 1960 resolved that nationwide political parties be formed in Kenya as a step towards decolonization.

On 27th march 1960, at a meeting at Kirigiti, Kiambu convened by ex-KAU strongmen, James Gichuru and Oginga Odinga, KAU merged with Kenya Independent Movement and the People's Congress Party to form KANU. The colonial government declined to register KANU with Kenyatta as president since he was still in detention.

In May 1960 James Gichuru took the presidency with Odinga as his deputy. Tom Mboya became the secretary General and Arthur Ochwada his assistant. Ronald Ngala and Daniel Moi were elected treasurer and assistant treasurer respectively in absentia as they were attending a commonwealth parliamentary Association meeting in London.

In the party's constitution, drafted by Mwai Kibaki and Tom Mboya, the following were the objectives;

- a) To attain political independence for Africans inn Kenya.

- b) To achieve national unity through a unitary national constitution under one central government.
- c) To create a society based on African socialism.
- d) To eradicate poverty, ignorance and disease.
- e) To get back African land.
- f) To have all political detainees released.
- g) To unite with liberation movements in other countries in a Africa in order to end imperialism and colonialism in the continent.
- h) To encourage good neighbourliness in the East African Region.

When Kenyatta was released, he took over leadership of the party. During the independence elections in may 1963, KANU won 73 seats against KADU's 31 and African Peoples' Party's 8 . Jomo Kenyatta became the Prime Minister on 1st June 1963.

Achievements of KANU in the struggle for independence.

- a) KANU mobilized Africans in Kenya and united them in the struggle for independence.
- b) Through its numerous nationwide meetings, it provided political education to the Africans in Kenya.
- c) It participated in the independence constitution making process by being part of the Lancaster House conference of 1962.

Challenges faced by KANU in the struggle for independence.

- a) There was disunity among its members with some suspicious of the big communities who had taken up key leadership positions
- b) The party faced the problem of lacking adequate funds to carry out its countrywide campaigns for Independence.
- c) The KANU leaders suffered from ideological differences with some opposing the unitary system of government as advocated by the party's constitution.
- d) Some members were dissatisfied with the way party affairs were being run especially the elections which they felt were not fair.

Kenya African Democratic Union (KADU)

KADU was formed in 1960 as an alliance of minority ethnic political groups to protect the rights /interests of the minority groups against possible domination of KANU /majority groups. Its senior leaders included Ronald Ngala (president), Masinde Muliro (Vice president), Daniel Arp Moi (chairman), Martin Shikuku (secretary General) and Justus ole Tipis (treasurer). KADU leaders advocated for a federal system while KANU group were advocating for a unitary system of government.

When KANU refused to form government while Kenyatta was still in detention, KADU formed the first coalition government with the Europeans and Asians who belonged to Michael Blundell's New Kenya Party after garnering 11 seats in the May 1961 elections.

In 1962, KADU and KANU formed a coalition government while awaiting the 1963 elections. Following the defeat by KANU in the May 1963 elections, it became the major opposition party until 1964 when it was disbanded after persuasions from Jomo Kenyatta..

Roles played by the Kenya African Democratic Union in the struggle for independence.

- a) It united the smaller communities in Kenya. E.g the Kalenjin, Luhya, Maasai and coastal communities.
- b) It educated/ mobilized Africans against the colonial domination.

- c) It pressed for the release of Jomo Kenyatta while hoping that he would eventually join on their side.
- d) It participated in drawing up the independence constitution in the second Lancaster House conference.
- e) As an opposition party though for a short time, it helped to provide checks on the KANU government.

Challenges faced by KADU.

- a) There were suspicions of dominance of the party by some communities.
- b) The party faced the problem of lacking adequate funds to carry out its countrywide campaigns for Independence.
- c) Wrangles between senior officials of the party often undermined the party's operations.
- d) Illiteracy among the majority of the members left the top leaders with too much responsibility over party affairs.
- e) The party was prone to manipulations by the colonial authority in its operations.
- f) The party members were faced with a lot of pressure from KANU to decamp.

African People's Party.

The party also emerged after the 1962 Lancaster House conference, founded by Paul Ngei, one of the radical members of KAU's Nairobi branch.

Paul Ngei had similar fears just like the founders of KADU that the Akamba interests would not be catered for in the proposed government arrangement that favoured KANU as well as KADU. The party was formed in February 1962. After Kenya became a republic in 1964, APP decamped from the opposition to join KANU.

The trade-union movement.

The early trade Unions in Kenya were formed along racial lines though all form them aimed at addressing labour problems that faced workers. The first trade union in Kenya was the Indian Trade Union formed in 1914 in mombasa.

Upto 1914, there existed no African trade union in Kenya because of the following reasons;

- a) Artisans and farm labourers were not allowed to join or form associations since it was feared they would organize sudden and unofficial strikes.
- b) Majority of the Kenyans were illiterate and lacked the knowledge to run workers' unions.
- c) The migrant labour system militated against the establishment of such unions.
- d) The colonial government fought attempts by Africans to form workers' organizations.

For this reason, in the 1920s, African political organizations doubled up as also defenders of workers welfare.

In 1922, Asian workers in the railway department formed the Railway Artisans Union but its officials were sacked by the government causing it to wind up in 1923. In 1930s, a Trade Union Committee was formed in Mombasa by Masons and labourers with R.M. S hah as its president. In 1934, the Indian Trade Union became the Kenya Indian Labour Trade Union (KLTU) whose membership was from other towns in Kenya.

By 1935, the union began admitting members from other races necessitating it to change its name to Labour Trade Union of Kenya (LTUK). When it expanded its membership to the rest of East Africa in 1939, it became known as the Labour Trade Union of East Africa (LTUEA)

On 14th January 1947, over 15,000 striking African workers of Mombasa formed the African

Workers Union (AWU). Muhamed Kibwana was elected president, Mwangi Macharia-secretary, Mbaruk Kenze-treasurer and Chege Kibachia –executive officer.

The Union's demands included;

- a) A salary increase due to the high cost of living.
- b) Implementation of the policy of equal pay for equal work regardless of race.
- c) Respect for African workers wherever they were employed.
- d) Payment of sufficient allowances to cater for African wives and children.
- e) Elimination of the deliberate strategies applied by employers to keep Africans in their places of work all the time.

The Union changed its name to African Workers' Federation on 24th January 1947 at the advice of Eliud Mathu who also convinced them to end the strike.. Meanwhile a trade dispute tribunal led by Mr. Justice Thacker was set up to look into the workers' grievances.

The AWF became very popular to all workers in Kenya due to the success of the strike. However its leaders were either repatriated from Mombasa to their reserve areas or as was the case of Kibachia, arrested and detained in Baringo district.

Achievements of AWF.

- a) It mobilized workers from different communities to come together and fight for better wages.
- b) It provided education to the workers about their rights.
- c) It introduced the concept of collective bargaining among workers in Kenya.
- d) It fought for better living and working conditions for workers.
- e) It advocated for better allowances for African workers' wives and children, a factor which resulted in better wages and salaries for workers.
- f) Its activities made the colonial government change its attitude towards labour unions and start to give attention to workers' grievances.
- g) It succeeded in exposing the Kenyan workers' grievances to the international community as its strike was internationally publicized.

Kenya Federation of Labour.

Following the enactment of the Trade Unions Ordinance in 1952, various small African trade unions (Kenya Local Government Workers' Union, Domestic and Hotel Workers' Union and East AFRICAN Federation of Building and Construction) united to form the Kenya Federation of Registered Trade Unions (KFRTU). Its officials included Mwichigi Karanja (president), Aggrey Mwinya(secretary general), S. Ondiege, Elikana Okusimba, Silas Okeya, David Jomo, S. Osore, James Wainaina and Dishon Sambili.

Among the demands of KFRTU were the following;

- ~ Increase in African wages.
- ~ Improvement of the living conditions and poor housing for its workers
- ~ Protest against the arrest and detention of union officials.
- ~ Protest against forceful evacuation of the Aembu, Ameru and Agikuyu from Nairobi In 1953.
- ~ Protest against increase in the price of tea and bread in 1955
- ~ Protest against the continuity of the state of emergency.

In 1953, Tom Mboya's Kenya Local Government workers' Union (KLGWU) joined KFRTU. The following were elected officials in the 1953 elections. David Njomo-prrsident, Stephen Obwaka-

vice president, Tom Mboya- general secretary, G.W.Owuor-assistant SG, Daniel Ng'ethe-treasurer and John Opiyo- ass treasurer.

In 1955, it changed its name to the Kenya Federation of Labour (KFL) representing 35,000 members.

Due to Tom Mboya's efforts KFL was affiliated to the International Confederation of Free Trade Unions (ICFTU).

Achievements of KFL.

- a) It kept the spirit of African nationalism alive during the emergency period when political associations had been banned.
- b) It secured international support through its affiliation to ICFTU for the cause of African nationalism.
- c) It educated Africans on their rights as workers.
- d) It helped to improve the living conditions of African workers securing for them a major salary increment in 1956
- e) It prepared some African nationalists for leadership roles in the struggle for independence. For example, martin Shikuku and Tom Mboya.

Role of trade union movement in the struggle for independence in Kenya

- a) Trade Unions mobilized workers to strike against colonial government.
- b) They Motivated workers to sustain the struggle for their political rights/self governance
- c) They provided national political parties with funds required for their operation.
- d) Trade union leaders became prominent leaders of political associations that fought for independence.
- e) They introduced the concept of collective bargaining for workers in Kenya.
- f) The unions promoted regional cooperation in east Africa.
- g) They improved working conditions of the Africans through their welfare duties.
- h) They intensified the spirit of nationalism after ban on political parties.
- i) They provided a training ground for nationalist leaders e.g. Thomas Mboya
- j) Educated Africans on their rights

Problem faced by trade unions during the colonial period.

- a) There was fear of victimization and harassment from the colonial authorities especially in the pioneer years.
- b) The migrant nature of African workforce posed a challenge to their membership.
- c) Ignorance of the African people about trade unionism and its role.
- d) Poor leadership which affected the running of pioneer trade unions.
- e) Shortage of funds since they relied on meager contributions from the poorly paid workers.
- f) Mismanagement of funds by the officials due to inexperience or corruption.
- g) Ethnicity, which had a hand in the choice of leaders for the unions.
- h) Constant wrangles among the leaders of the unions.

ROLE OF WOMEN IN THE STRUGGLE FOR INDEPENDENCE

Key women contributors in the struggle for independence..

1. Mekatilili wa Mensa of Giriama who mobilized and administered oaths to the kaya elders to cause the Agiriama resistance
2. Moraa, a Kitutu, prophetess of Gusii who was instrumental in the Gusii resistance.

3. Mary Muthoni Nyanjiru, famously remembered for inciting men to riot when Harry Thuku had been arrested in Nairobi in March 1922
4. Syotune wa Kithuke, a Kamba prophetess who used the *kilumi* dance in 1911 to mobilize the Akamba to protest against British colonialism.

role played by women in the struggle for independence.

- a) The women acted as spies to the Mau Mau fighters in Nairobi and other urban centres. They supplied arms to fighters.
- b) They contributed to the establishment of independent churches and schools. For example, *Legio Maria* was co-founded by a woman, *Aoko*, in western Kenya.
- c) They provided food to the fighters in the bushes.
- d) In central Kenya, they composed songs and dances, which ridiculed colonial chiefs and other agents of the colonial system. E.g. *Muthirigu*.
- e) They looked after families, as the men were busy fighting in bushes.
- f) In the 1930s, some section of the agikuyu women formed the Mumbi Central Association, feeling that KCA was not recognizing their contribution.
- g) They hid the fighters in houses.
- h) They participated in the oath-taking ceremonies, some acting as chief oath-taking administrators.
- i) Some participated actively in the freedom wars and were even killed e.g. Marshal Muthoni, Elizabeth Gachika etc.
- j) They participated in demonstrations and meetings to fight colonialists.
- k) They joined the MAU MAU fighters in the forest, with the main role of organizing and coordinating the rural network. They supplied information to their husbands in the bush.
- l) They smuggled arms from the whites to the fighters.
- m) They led and inspired the resistance through their prophecy and encouragement e.g. Moraa and Mekatilili.
- n) In 1960, a woman, Priscilla Abwao, took part in the Lancaster House Conference. London, to prepare the independence constitution.

Role of women in the Mau Mau movement.

- a) Some women were fully-fledged warriors fighting alongside men. 'Field Marshall' Muthoni went to fight alongside famous warriors of the forest like Dedan Kimathi Waciuri.
- b) The women in the camps made sure that the family continued intact through all of the while their men were out fighting. They would weed and grow food for family use.
- c) While men were in the forests, Mau Mau women continued to educate their children to be the future leaders of their government. Women would collect money and smuggle the brightest children out of Kenya to study overseas through Sudan, Ethiopia and Egypt.
- d) Many women sought support for Mau Mau internationally. E.g, Mama Sarah Sarai, an ally of Kenyatta's, when out of the country would get people to write in support of Mau Mau.
- e) Some women offered their property for use by Mau Mau. In Nairobi, Mama Josephine Muthoni offered her cars to be used for Mau Mau activities. Mama Elizabeth Waruiru's house in Pangani which became a Mau Mau meeting place.
- f) Women were first class spies and informers. They supplied information to the forest forces.
- g) Women supplied guns, would do anything to get them. Sometimes they killed for them.

- h) Women had primary responsibility for the organization and maintenance of the supply lines. Operating from villages, thousands of women acted as go-betweens and carriers of food and firearms, and generally provided a system of intelligence.
- i) Women composed songs like the *Kanyegenuri*, to commemorate their deeds, like the bravery of Mary Nyanjiru. Years later the song became the Mau Mau anthem of resistance
- j) They also recruited for Mau Mau fighters.
- k) They officiated at and participated in oathing ceremonies. Some like Waithera allowed themselves to be subjected to unnatural sexual acts for the sake of the movement.
- l) In forest camps, women would serve male leaders as *Kabatuni* (a small platoon to be commanded by the man), doing minor military duties like cleaning guns as well as seeing to the other needs like meeting his sexual needs.
- m) Some women were co-opted in the political Arena in the mau mau duo-sex councils. For example Muthoni Ngatha - even rose to the senior position of Field Marshal. In June 1953 Wagiri Njoroge was crowned as the Queen of Mau Mau and ruled for 7 months.
- n) Women also contributed the services of their children who served as errand boys and girls and informers.
- o) Women were allowed to flirt with "enemies" to gather vital information, weapons and other resources. For example, in Gakenia's village in Nanyuki, four girls lured four loyalist African soldiers to Kaarage Forest where the soldiers were killed and their rifles taken.
- p) Some women like Wanjiru were appointed judges in Nakuru's Mau Mau Courts which passed sentences on anti-Mau Mau crimes. These illustrated by the emergence of a small number of women who acted as executioners.

Problems caused by presence of women in forests during mau mau wars

- a) Some women could not withstand the harsh forest conditions of torrential rains and bitter cold and constantly fell sick
- b) Many women could not defend themselves against enemies and were therefore a burden to men.
- c) Women would be extra mouths to feed, but would do very little useful things in return.
- d) Occasionally, women could cause tension and conflict among male guerillas as the men competed for sexual favours from the small number of women.

CONSTITUTIONAL CHANGES LEADING TO INDEPENDENCE.

African representation to the Legco.

In 1944, Eliud Mathu, a former teacher at Alliance School, the first African was appointed to the LegCo. KAU's demand for more representation in 1946 caused the appointment of Benaiah Ohanga as the second African to the LegCo.

By 1948, there were four Africans in the LegCo compared to 11 Europeans, 5 Asians and 2 Arabs.

Various commission reports made significant pointers to the fact that the British government had realized the need to involve Africans in the administration and need to reduce settler influence. For example;

- 1) The Report of the East African Royal Commission of 1955 proposed;
 - ~ An end of racial segregation.
 - ~ Increased involvement of Africans in the colonial administration
 - ~ Opening of the Kenya Highlands to all races.

- 2) The Swynnerton Plan of 1954 proposed the consolidation and registration of African land with a view to having better land management.
- 3) The report on African wages and the Lidbury Commission on Civil Service recommended better pay for African workers.

The Lyttelton Constitution.

In 1954, the British secretary for colonies visited Kenya in the wake of the Mau Mau Uprising and made the following constitutional proposals;

- a) A multi-racial Council of Ministers to replace the executive council, which would include one African (B.A. Ohanga, minister for community development and African affairs), two Asians and three Europeans. For the first time, Africans were represented with members with executive powers.
- b) Lifting the ban on African political Associations. This was done in 1955 though only Africans were allowed to form local (district –based) political organizations. Tom Mboya formed the Nairobi People’s convention Party while D. Mwanyumba formed the Taita African Democratic Union. John Kebaso formed the Abagusii Association, Argwings Kodhek formed the Kenya National Congress and John Keen the Maasai Front.
- c) Africans were able to take part in elections of 1957. /it proposed multi-racial elections. However, other than race-pegged rules for participation in the 1956/57 elections, Voting qualification for Africans were based on income, property and education
- d) Proposed direct representation of Africans in the LEGCO. In march 1957, the African elections to the Legco were held and Tom Mboya(Nairobi), Masinde Muliro(Northern Nyanza), Oginga Odinga(Central Nyanza), Lawrence Ogunda(south Nyanza), Ronald Ngala(Coast), Daniel Arap Moi(Rift Valley), James Miumi(Ukambani) and Bernard Mate (central) were elected.

The elected Africans formed the African Elected Members Organization (AEMO) with Odinga as chairman and Mboya as secretary.

Demands of AEMO after formation.

- a) They contested the fewer African positions in the LegCo by condemning the Lyttelton constitution. While elected members were 29, nominated members were 30, majority of who were Europeans.
- b) They protested the rigid voter qualification requirements imposed on Africans and demanded that every African of 21 years and above be allowed to vote, regardless of education or income.
- c) They demanded that registration of voters be done on a common roll.
- d) They called for the end of a State of Emergency.

Role played by AEMO in the struggle for independence up to 1963.

- a) They formed pressure groups to demand for greater political rights for Africans. e.g., formation of AEMO.
- b) They formed the core team, which pressurized for independence.
- c) They made known the grievances of Africans in International Fora.
- d) They networked with other African nationalists elsewhere e.g. in Ghana and Nigeria to hasten achievement of independence in Kenya.
- e) They fought for the release of detained nationalists e.g. Kenyatta.
- f) They formed the national political parties e.g. KANU and KADU, which led the country to

independence.

- g) They educated and created awareness among the masses about the nationalists struggle.
- h) They took part in the formulation of the independence constitution.

The Lennox-Boyd Constitution.

In 1958, Sir Allan Lennox- Boyd, who had succeeded Oliver Lyttelton as secretary State for Colonies visited Kenya and made the following constitutional proposals;

- a) An increase by six LegCo Seats for Africans to bring their total representation to 14 seats.
- b) A special membership in the LegCo, with four members from each race, who were to be elected by other members of the LegCo.
- c) An increase of the number of African ministers to two.

AEMO members rejected the Lennox-Boyd proposals saying they still favoured white monopoly in the colony especially the specially elected membership to LegCo. AEMO also called for the unconditional release of Jomo Kenyatta. They even boycotted the LegCo from 1958 to 1959 when a new constitutional conference was promised.

Acts of Betrayal became evident among Africans when Musa Amalemba and Wanyutu Waweru accepted the special seats appointment and even Amalemba went ahead to appoint the second African Minister for Housing in 1958.

Other developments in 1959 included;

- ~ The White moderates led by Michael Blundell (who resigned as minister of agriculture) formed the New Party of Kenya (NPK). He was backed by 46 non-African members of the LegCo for his ideas of multi-racialism.
- ~ The white extremists led by Captain Briggs formed the United Party (UP) demanding for the abolishing of the LegCo and replacing it with regional assemblies. This was aimed at preserving the white highlands as one regional assembly for European benefits.
- ~ Increased divisions on AEMO between radicals and moderates. Ngala, Moi, Mate, Towett and Nyagah resigned from AEMO to form the Kenya National Party (KNP) advocating multi-racialism. This party was interestingly joined by all Arab and Asian members.
- ~ The radicals led by Mboya, Odinga and Gikonyo Kiano formed the Kenya Independent Movement (KIM) that was exclusively for African membership. They demanded convening of a full constitutional conference to discuss Kenya's future and release of Jomo Kenyatta.

The Lancaster House Conferences.

The Conferences were called to iron out the differences that arose out of the fact that both radical Europeans and AEMO members opposed multi-racialism.

The First Lancaster House Conference (1960)

The conference was convened by Ian MacLeod, the secretary of state for colonies. It was attended by all members of the LegCo. The African team was led by Ronald Ngala and Tom Mboya was the secretary.

The conference came up with the following compromise decisions;

- a) The 12 elective seats in the LegCo would remain intact.
- b) There were to be 33 open seats in the LegCo, which were to be voted for on a common roll.
- c) Another 20 seats would be reserved – 10 of these for Europeans, 8 for Asians and 2 for Arabs.
- d) The composition of the Council of Ministers was to be altered to incorporate 4 Africans, 3 Europeans and 1 Asian.

- e) The conference authorized the formation of countrywide political parties for Africans. KANU and KANU were formed.

The Lancaster conference however failed to entirely please both Africans and the settlers. Some settlers, finding the new turn events so tough began to sell their property and leave Kenya. Africans though feeling that they had not been given a responsive government, accepted ministerial positions as follows;

- a) Ronald Ngala- Minister for Labour, Social Security and Adult Education.
- b) Julius Gikonyo Kiano- Minister for Commerce and Industry.
- c) Musa Amalemba- Minister for Housing, Common Services, Probation and Approved Schools.
- d) James Nzau Miumi- Minister for Health and Welfare.

Out of fear of political domination by the big tribes the following new alliances were formed;

- a) The Kalenjin Political Alliance of Taita Towett.
- b) The Coast African Political Union of Ronald Ngala.
- c) The Kenya African People's Party of Masinde Muliro.

In the 1961 elections KANU won but refused to form government demanding release of Kenyatta. KADU was invited by the governor, Patrick Renson to form a coalition government with Europeans and Asians.

When Kenyatta came on 21st August 1961, Kariuki Njiiri offered his Murang'a seat to Kenyatta to enable him join LegCo.

The second Lancaster conference (1962)

The main aim of this conference, called by the then secretary for colonies, Reginald Maulding was to draft the independence constitution acceptable to the two main parties KADU and KANU. It also aimed at reconciling the differences between the two parties.

KANU delegation was led by Jomo Kenyatta while Ngala led the KADU group.

KANU conceded many KADU grounds to enable success of the negotiations.

Main provisions of the independence constitution of Kenya.

- a) The independence constitution provided for a regional/majimbo government with each region having a regional assembly and p resident.
- b) It also provided for a bicameral parliament consisting of the senate and the house of representatives/upper house and lower house.
- c) The constitution stipulated that the Prime Minister was to be head of Government and Queen the Head of State, represented by the Governor General.
- d) The constitution recommended a multiparty system of government and the party with the majority of seats forming the government.
- e) It contained the Bill of Rights, which protected the individual's rights.

In the elections of 1963, KANU won with 73 seats against KADU's 31, APP's 8. Jomo Kenyatta became the first Prime Minister on 1st June 1963.

On 12 December, Kenya attained full independence. On 12th December 1964, Kenya became a republic with Kenyatta becoming an executive president.

EMERGENCE AND GROWTH OF NATIONALISM IN AFRICA

Factors for the rise of nationalism in Africa.

- a) The exposure of Africans to severe economic exploitation during the colonial period. For example land alienation in the Kenya Highlands, in southern Rhodesian, Algeria and South

- Africa which was accompanied with forced labour where the labourers faced mistreatment.
- b) Africans were fed up of heavy and harsh taxation by the Europeans. They were exposed to heavy taxation, ranging from hut tax to breast tax in Belgian Congo.
 - c) Africans were fed up with the gradual destruction of their culture by the whites. Missionaries totally dismissed the age-old African traditions as being barbaric. This explains why independent schools and churches sprung up in central Kenya.
 - d) The introduction of racial discrimination to go hand in hand with colonialism. All the best social amenities in South Africa, Zimbabwe and Kenya were reserved for the whites. The Europeans equated the black colour with low intelligence, uncivilized and a backward race.
 - e) Africans resented colonialism because it interfered with their political institutions. The colonial rulers disregarded traditional rulers, appointing their own puppets in their place.
 - f) The Acquisition of western education by many Africans by 1945 enabled them to articulate their grievances more forcefully and to understand political developments outside Africa.
 - g) The return of the ex-servicemen after the second world war which exposed the myth of the white supremacy making Africans ready to fight them. Moreover, the colonial government failed to reward African ex-soldiers to embitter them more.
 - h) The change of government from Conservative to Labour Party in Britain in 1946 stimulated a new attitude in Britain towards decolonization. This motivated African nationalists.
 - i) The rise of nationalism in Asia, culminating into the granting of independence to India and Pakistan in 1947 aroused great confidence among Africans who worked closely with Asian nationalists like Jawaharlal Nehru, the India Prime Minister.
 - j) The rise of Pan-Africanism in Africa after the 1945 Manchester conference contributed to the new demands for political independence in Africa Many African élites attended the conference which served as a source of awakening.
 - k) The formation of the UNO and the pressure it exerted on the European powers to decolonize helped the Africans in their course.
 - l) The emergence of United States and the Soviet Union as super powers in the world contributed to the decolonization process. USA was keen to see Britain and France grant independence to their subjects in the world in order to secure new markets.
 - m) The signing of the Atlantic Charter in 1941 by Winston Churchill and Franklin Roosevelt which demanded that when the WWII ended, all subject peoples should enjoy the right to self-determination.

NATIONALISM IN GHANA

The British annexed Gold Coast in 1874 after quelling a stiff resistance by the Asante. In response to the British imperialism, the Fonte Confederation was initiated in 1868, marking the birth of African Nationalism in Ghana. In 1897, the Aborigines Rights Protection Society was formed to guard against the alienation of African land.

In the 1930s, African elites like J.B. Danquah launched the Gold Coast Youth Conference in order to awaken the youth to the economic and social needs of the country. Their efforts bore fruits because in 1946, governor Burns embarked on constitutional reforms leading to increased African representation in the LegCo. (Of the 18 slots given to Africans in the LegCo, 13 were to drawn from among the chiefs while 5 were to be popularly elected).

The elites formed the United Gold Coast Convention (UGCC) and invited Kwame Nkrumah, a graduate of the University of Pennsylvania in Philadelphia, to come and lead it since most of

them were professionals lacking time for political commitment. Nkrumah appeared to have more political experience having participated in the 1945 Manchester conference.

Factors for the growth of nationalism in Ghana.

- a) The early Introduction of cocoa growing led to adoption of money economy in Ghana ahead of other countries. This enabled faster social and economic transformation of the people.
- b) The colonial government's attempt to tamper with cocoa growing by ordering cutting of coca trees hurt people to the level of developing nationalistic feelings against the British.
- c) Ghana was one of the first countries in Africa to receive western education from the missionaries. There was a large class of elites with western university education accompanied with leadership skills to spearhead nationalism their country.
- d) The existence of ex-servicemen in Ghana also played an important role in the campaign for independence.
- e) The granting of trading licences by the government selectively to European traders while deliberately denying them Africans.
- f) Ghana had comparatively better developed transport and communication system. Also being a small country, movement of information, ideas and people was easy, quick and efficient. This facilitated nationalist activities.
- g) The charismatic and strong leadership provided by Kwame Nkrumah brought cohesiveness among people of Ghana. He formed the CPP party, which became the symbol of struggle for the oppressed people of Ghana.
- h) The participation of Kwame Nkrumah in the Pan-African Manchester conference in 1945, which championed the right of countries to self-determination, made the country take the lead in Africa in championing this right.
- i) The people of Ghana were more exposed to international affairs than other countries in Africa due to its location in a region, which had the earliest contacts with European traders and colonizers.

The peak of nationalism in Ghana.

On 28th February 1948, the ex-soldiers led the Accra riots, protesting to Governor Gerald Creasy the failed fulfillment of the government pledges while in service during the World War II. Two rioters were killed. The shooting incident sparked off chaos in the town leading to another 29 Africans being killed. Nkrumah was arrested together with his colleagues popularly known as the 'Big Six'. (Nkrumah, Danquah, William Ofori, Addo, Adjei and Obetsebi Lamptey). This arrest popularized Nkrumah among the Africans. The 1948 Alken Watson commission blamed the social-economic oppression for the riots. The governor ordered for constitutional reforms led by J.H Coussey.

On 12th June 1949, Nkrumah broke ranks with the conservative UGCC senior members and formed the Convention People's Party (CPP). His party gained support mainly from among the primary school leavers, store-keepers, artisans, peasants and cocoa farmers. Nkrumah advocated positive action through legitimate political action, newspaper and political campaigns and constitutional application of boycotts, strikes and non-cooperation based on the policy of absolute non-violence on the basis of Mahatma Gandhi teachings. He started a newspaper, *The Accra Evening News* to expound CPP views. He was arrested, but secured landslide victory in the February 1951 elections while in jail. He was released to become the leader of government business in the new cabinet. CPP also won in the 1954 elections in which

a new party, the National Liberation Movement (NLM) had emerged to compete CPP. NLM membership mainly from the Ashanti, were uncomfortable with Nkrumah because;

- ~ He came from a small ethnic group little known in southern Ghana.
- ~ His radicalism did not please the conservative Ashanti leaders.

Again elections were called in July 1956 and CPP trounced NLM. This time, the British accepted the results and on 6th March 1957, the country attained political independence under Kwame Nkrumah

Achievements of CPP under Kwame Nkrumah.

- a) CPP under Nkrumah united Africans of all ranks in Ghana in the struggle for national liberation.
- b) The party introduced the concept of positive action to pressurize the government to liberate Africans.
- c) CPP formed the first African government in Africa in 1951 after winning the elections. Under Nkrumah's leadership, Ghana began attaining economic development.
- d) CPP, under Nkrumah, advocated for unity of all Africans in the country as other parties like NLM advocated for regionalism, a factor that enhanced progress towards political liberation.

How Kwame Nkrumah contributed to the liberation struggle in Africa.

- a) He funded nationalists in other countries e.g. Guinea and Algeria.
- b) He supported other African leaders who faced political threats from their former colonial masters.
- c) When some countries were faced with threats from their former colonial masters after independence like in the case of Patrice Lumumba in DRC, Nkrumah provided them with his support.
- d) He championed trade unionism in Africa.
- e) He attended pan-African congress in 1945 which was key to defining the liberation struggles in Africa.
- f) He initiated the formation of the Ghana- Guinea Union in 1958 as a practical step towards building African unity.
- g) He convened two pan-African conferences in April 1958 and the all African Peoples conference in December 1958 that led to the formation of O.A.U in 1963.

NATIONALISM IN MOZAMBIQUE.

Mozambique was among the last countries in Africa to attain independence from the Portuguese. Even before the Berlin conference, Mozambique and Angola were considered Portuguese colonies owing to the later's interests in the region dating back to the pioneer years.

Reasons for slow process in decolonization process of Mozambique.

- a) Mozambique was colonized by a colonial power that was very poor and backward and which needed to keep its hold on her to enable her economy grow. She was an important source of revenue for the Lisbon government.
- b) Mozambique housed many settlers who had invested heavily in farming, mining, building, construction and in other sectors. They were therefore reluctant to leave.
- c) Mozambique was an important market for Portuguese products. Portugal was not willing to let go easily.
- d) The support, which the colonial government got from South Africa, enabled them to get

uranium, which they used, for making bombs used to suppress African independence riots. They also got electricity and assistance to built caborra bassa dam on Zambezi.

- e) Mozambique was big geographically with very poor infrastructure i.e. roads and communication facilities. This hampered fast movement of people and ideas.
- f) Unlike other colonized countries, Mozambique suffered the worst kind of exploitation and repression/ rigorous censorship and surveillance by security forces, which discouraged emergence of nationalism.
- g) The Portuguese practiced racism out of fear that if they educated Africans and gave them equal status, the Africans would outnumber them and throw them out.

Factors for the growth of nationalism in Mozambique.

- a) The arbitrary replacement of the traditional rulers by the Portuguese administrators whenever they felt they were not performing.
- b) The massive alienation of African land by the Portuguese who pushed Africans to regions of unfavourable conditions.
- c) The exposure of Africans to severe economic exploitation like forced labour where the labourers faced mistreatment.
- d) The rampant racial discrimination through which Africans continued to lose agricultural land to the Europeans. Being from a poor country, the Europeans competed with Africans for simple jobs like taxi deriving and often gaining advantage on racial lines.
- e) The Portuguese imposed many restrictions on Africans, limiting their freedom of expression and intellectual advancement. For example, General Salazar, who rose to power in the 1920s, ensured strict censorship of the press.
- f) The security police treated Africans with great cruelty. Any political unrest was crushed ruthlessly.

The peak of nationalism in Mozambique.

In early 1960, the Makonde people of Cabo Delgado province formed the Mozambican-Makonde Union (MANU). In June 1960 MANU organized a peaceful protest but in which over 600 Africans perished in police firepower. The government outlawed all African organizations with membership of over thirty people. African political activities went underground. Mwalimu Julius Nyerere inviting some of the liberation groups to relocate to Tanzania in 1962. The political groups united to form the Liberation Front of Mozambique (FRELIMO) with Eduardo Mondlane Chirambo, formerly a lecturer at Syracuse University in USA, as its first president.

From 1962 to 1964, FRELIMO undertook guerilla training in Bagamoyo and at the Mozambique institute in Dar es Salam in preparation for war. From September 1964, they began a full-scale war against the Portuguese along river Ruvuma and extending their attacks on the Cabo Delgado province. By 1967, the Portuguese forces numbered 65,000 soldiers. Mondlane Eduardo was assassinated in 1969. Samora Machel was elected to become the FRELIMO army commander in 1970.

The coup d'état in Lisbon in 1974 was a blessing to FRELIMO movement since soldiers who did not favour colonial wars by Marcello Caetano carried it out. The new military junta finally signed an agreement with FRELIMO the enabled the setting up of a transitional government in September 1974. He handed over power to the Africans in 1975 with Samora Machel becoming the first president.

Machel died in 1986 in a plane crash blamed on the South African Apartheid regime, unhappy

with his support for African nationalists in South Africa. Samora Machel's widow, Graca Machel, married South African President Nelson Mandela in 1994.

Reasons why the struggle for independence in Mozambique was violent.

- a) The depth of suffering by ordinary people in Mozambique was unbearable.
- b) The harshness of the Portuguese administration could only be matched with similar violence.
- c) The unwillingness of Portugal to ease her colonial hold and begin the process of decolonization. (they were deeply entrenched in Mozambique)
- d) Extreme exploitation of Mozambique resources e.g. land, labour, minerals.
- e) Widespread land alienation left many landless.
- f) To uproot the Portuguese from Mozambique, they had to use full-scale military operation by the liberators because the masters did not see any sense of granting Mozambique independence peacefully.

Factors that facilitated the defeat of the Portuguese colonial armies by FRELIMO in Mozambique.

- a) A few Africans were privileged to acquire university education in Portugal and came to form the bulk of FRELIMO leadership.
- b) The overwhelming support Mozambique fighters received from other African states e.g. Tanzania, Zimbabwe and DRC. From these countries, they gained moral and military support.
- c) FRELIMO was a formidable, well-organized force, which witnessed rapid expansion from a mere 250 in 1964 to 35000 in 1967.
- d) The forested environment favoured guerilla warfare. Moreover, the soldiers knew the topography of the country.
- e) The local population gave their logistic support to the fighters, having become tired of the extreme suppression by the Portuguese administration.
- f) The movement fighters had their own supply of food.
- g) African countries through OAU were united against the Portuguese in Mozambique.
- h) The communist countries notably USSR and China gave FRELIMO military aid.
- i) FRELIMO adopted the right strategy; liberating the country bit by bit and systematically. This approach won the local people's support for the movement.
- j) The FRELIMO Army consisted of all tribes, all sexes and all ages. The women played a very important role in the success of the war. I.e. spies, some fought, hiding the fighters and cooking for them.

Problems that faced FRELIMO in the war against Portuguese.

- a) Africans experienced severe shortage of basic needs while in the forests. The government forces ensured that food and other supplies did not reach the fighters.
- b) The attitude of the church in Mozambique made many African faithful reluctant to support the liberation war. The church termed FRELIMO a terrorist organization.
- c) FRELIMO suffered internal divisions due to ideological differences and selfish ambitions among some of the nationalists. African elites like Reverend Uria Simango and Lazaro Kavandame saw FRELIMO as an instrument of acquiring assets for their own selfish benefits.
- d) Competition from rival guerilla movements like Revolutionary Committee of Mozambique (COREMO) which broke away from FRELIMO in 1965 due to the latter's lean towards

socialism.

- e) The assassination of FRELIMO leader Eduardo Mondlane in Da es Salaam on 3rd February 1969 was a great blow to the nationalists.
- f) The brutality employed by the Portuguese in dealing with FRELIMO sympathizers. For example at Wiriyamu, in December 1972, 400 civilians, protesting against the Portuguese administration, were massacred.
- g) The apartheid regime in South Africa and the Unilateral Declaration of Independence regime in south Rhodesia combined forces to fight the nationalists in Mozambique since they were a threat to their countries.

SOUTH AFRICA.

The complex nature of nationalism in South Africa was due to the following reasons;

- a) The country was not colonized by one specific European power.
- b) The existence of valuable mineral deposits made the Europeans more aggressive in their efforts to control the wealth in South Africa.

There existed different types of nationalism in South Africa namely;

- ~ The British nationalism
- ~ Afrikaner nationalism
- ~ African nationalism.

Afrikaner nationalism

Afrikaners were the Dutch speaking – speaking settlers. The Afrikaner nationalism emerged in the 19th century reaching its peak in 1948 when their Nationalist Party under Daniel F. Malan won the elections introducing the Apartheid policy.

Reasons for the birth of Afrikaner Nationalism in South Africa.

- a) The desire to regain the culture against Anglicization, which they considered, was alien. (Anglicization of power, language and cultures)
- b) The Boers hated the British rule, which they considered as alien.
- c) The British were dominant in many spheres of life yet they could neither speak nor understand Afrikaners' language.
- d) The Boers wanted to rule South Africa and restore Boer culture, language, education and literature.
- e) They favoured republican states and complete independence for South Africa and non-cooperation with British to fulfill their divine mission of bringing civilization to the heathen.
- f) The Jameson raid flared up Boer sentiments. Jameson, a Briton led a force of 500 soldiers to invade Transvaal, a Boer territory.
- g) Formation of union of South Africa under British terms.

African Nationalism

Its roots are traced in the 17th century with the first Boer occupation of South Africa. Africans resisted strongly against the interference with their political freedom and economic resources. This was in form of the Xhosa and Ndebele wars of the 17th c and the Zulu wars of 1870s led by Cetewayo.

In 1906, a Zulu chief named Bambata staged another African uprising this time against the British who had annexed the Zululand in 1887.

From 1910, when the union of South Africa was created and the Afrikaners gained political control of South Africa, Africans lost all the political privileges they previously enjoyed like

ability to vote and contest parliamentary seats.

Africans founded independent churches and formed organizations like the Orange River Organization.

Factors for the growth of African nationalism in South Africa.

- a) The role of the Christian religion whose ideals encouraged Africans to fight for equality, as all people were equal before God. The Boers however treated Africans with contempt.
- b) The exposure of Africans to severe economic exploitation like land alienation and causing them to be subjected to forced labour on Afrikaner farms. Even the native Land Act of 1913 denied Africans the right to purchase land outside the areas set aside for Africans.
- c) The influence of Pan-Africanism in South Africa as early as the 19th century when people like Rev. Dube founded the Ohlange Institute to educate fellow Africans in South Africa.
- d) The introduction of racial discrimination enshrined in the apartheid law of 1948 convinced Africans that only freedom could save them. All the best hotels, restaurants, schools, recreational centres and most fertile soils were reserved for the whites only.
- e) The Acquisition of western education by many Africans like Rev. Dube, Walter Sisulu and Nelson Mandela enabled them to articulate their grievances more forcefully. They became pioneers of early African political parties.
- f) The return of the ex-servicemen after the second world war which exposed the myth of the white supremacy making Africans ready to fight them. The war also exposed them to democratic ideals elsewhere.
- g) The great exploitation of African labour through Labour regulations and laws. For example, the Mines and Works Act of 1911 effectively excluded Africans from all skilled occupations confining them to manual occupations in Mines and farms.
- h) The development of large urban centres created an enabling environment for Africans to forge close inter-ethnic relations that enabled them to counter the Afrikaner racist policies.

Formation of the African National Congress, 1912

Opposition to the Natives Land Act led to the formation of the South African Native National Congress (renamed the African National Congress [ANC] in 1923) by South Africa's educated African elite in a meeting at Bloemfontein on January 8, 1912.

- ~ The founding president was John L. Dube, a minister and schoolteacher.
- ~ Pixley Ka Isaka Seme, a lawyer, was appointed treasurer.
- ~ Solomon T. Plaatye, a court translator, became secretary general.
- ~ Other members were Thomas Mapikela, Walter Robusana, Solomon Plaatye and Sam Makgatho.

The congress was moderate in composition, tone, and practice. However, In 1940s, a militant form of nationalism emerged under the ANC Youth League formed in 1943 led by Nelson Mandela, Walter Sisulu and Oliver Tambo, emphasizing the inalienable right of the Africans to the African continent.

As a result of the League's activities, violent confrontations between ANC and the government broke out in 1952 in Witwatersrand, Kimberley and Eastern Cape.

The Congress of the People and the Freedom Charter

In 1952, Albert Sisulu became the president of the organization and presided over the 'congress of the people' which adopted the 'Freedom Charter' on June 25 and June 26 1955.

The congress drew 3,000 delegates from;

- ~ The black (the ANC).
- ~ White (the Congress of Democrats).
- ~ Indian and coloured (the the SA Coloured People's Congress) political organizations
- ~ The multiracial *South African Congress of Trade Unions* (SACTU).

The Freedom Charter emphasized that South Africa should be a non-racial society with no particular group assumed to have special rights or privileges.

After adoption of the charter, in 1956 the police arrested 156 leaders, including Luthuli, Mandela, Tambo, Sisulu, and others, and put them on trial for treason in a court case that dragged on for five years.

The Pan-Africanist Congress and Sharpeville.

The Africanists, led by Robert Sobukwe, criticized the ANC for allowing itself to be dominated by 'liberal-left-multi-racialists'. They formed their own organization, the Pan-Africanist Congress (PAC) in 1959. In March 1960, the PAC began a national campaign against the pass laws. One such demonstration outside the police station at Sharpeville, the police fired on the demonstrators, killing at least 76 of them and wounding 186. Approximately 18,000 demonstrators were arrested, including the leaders of the ANC and the PAC, and both organizations outlawed.

The ANC and the PAC Turn to Violence.

Prohibited from operating, both the ANC and the PAC established underground organizations in 1961. The militant wing of the ANC, *Umkhonto we Sizwe* (Spear of the Nation), targeted strategic places such as police stations and power plants. Poqo (Blacks Only), the militant wing of the PAC, engaged in a campaign of terror, targeting in particular African chiefs and headmen believed to be collaborators with the government and killing them.

17 Umkhonto leaders, including Walter Sisulu were arrested at Rivonia farm house. Along with Nelson Mandela, they were tried for treason. Albert Luthuli was confined by government to his rural home in Zululand until his death in 1967. Tambo escaped from South Africa and became president of the ANC in exile. Robert Sobukwe of Poqo was jailed on Robben Island until 1969 and then placed under house arrest in Kimberley until his death in 1978. The Johannesburg railway station bomber, John Harris, was hanged.

The Black conscious movement - Soweto, 1976.

In the absence of other forms of political expression, young people sought alternative means to express their political aspirations. African university students, disappointed with the multiracial National Union of South African Students (NUSAS), decided to establish the South African Students' Organization (SASO) in 1969 with Steve Biko, an African medical student at the University of Natal, as president.

In 1972, a Black allied workers' union and the Black Peoples' Convention (BPC) was set up to act as a political umbrella organization for the adherents of black consciousness. In 1972, SASO organized strikes on university campuses resulting in the arrest of more than 600 students. On June 16, 1976, hundreds of high-school students in Soweto marched in protest against use of Afrikaans as a Language of instruction. Over 360 African schoolchildren were killed.

On 12th September 1977, Steve Biko, who had been held in indefinite detention, died from massive head injuries sustained during police interrogation. In October 1977, SASO, the BPC and all black consciousness organizations were banned.

The peak of African nationalism in South Africa.

In 1983, P.W. Botha's government proposed establishment of separate houses of parliament for each racial group. In place of the single House of Parliament were;

- ~ A 50-member (all-white) House of Assembly.
- ~ A 25-member (coloured) House of Representatives.
- ~ A 13 member (Indian) House of Delegates.

Implications and results

- ~ Whites thus retained a majority in any joint session.
- ~ Liberal government opponents denounced Botha's plans arguing it would permanently exclude Africans from any political role in South Africa.
- ~ Most blacks strongly condemned the new constitution as it reinforced the apartheid notion.
- ~ Indians and coloureds also condemned the constitution feeling it weakened their participation in the political process
- ~ Radical Afrikaners, led by Eugene Terry Blanche, vowed to use all means, including violence, to make sure that apartheid was not weakened.

The United Democratic Front (UDF), which was formed in late 1983 and the National Front (NF) aimed to use nonviolent means to persuade the government to withdraw its constitutional proposals and do away with apartheid. The UDF membership included, Bishop Desmond Tutu and the Reverend Allan Boesak, who emerged as its prime spokesmen.

Black trade unions meanwhile resorted to economic and political protests. For example, The National Union of Mineworkers (NUM), formed in 1983 by Cyril Ramaphosa, successfully brought work in mines to a stop in a dispute over wage increases. By end of 1985, 879 fatalities and 8000 arrests were linked to political unrest. ANC and UDF were banned.

Meanwhile, Supporters of the Zulu-dominated Inkatha Freedom Party (IFP) and the banned ANC clashed in an upsurge of "black-on-black" violence that would cause as many as 10,000 deaths by 1994.

President Botha resigned under pressure on August 14, 1989, the Electoral College named de Klerk to succeed him in a five-year term as president. In October 1989, De Klerk released Walter Sisulu and others except Mandela. He announced on February 2, 1990, the impending release of Mandela and unbanning of the ANC, the PAC, and the SACP, and the removal of restrictions on the UDF and other legal political organizations.

Mandela was released on February 11, 1990, at age 71 after 27 years in prison. ANC officials elected Mandela deputy president in March 1990, under ailing president, Oliver Tambo.

Between June 5, 1991 and June 17, 1991, the government repealed the pillars of apartheid, the Land Act of 1913, the Group Areas Act of 1950 and Population Registration Act of 1950, (the most infamous, which had authorized the registration by race of newborn babies and immigrants). Most international sanctions were lifted soon after the Population Registration Act, Group Areas Act, and Land Acts were repealed.

In mid-1992 due to escalating violence, by IFP supporters on ANC sympathizers in Boipatong delayed the process of negotiation for elections. On March 5, 1993, Chris Hani, the popular general secretary of the South African Communist Party (SACP), was murdered threatening the process again.

On April 12, 1994, a team headed by former British foreign secretary Lord Carrington and former United States secretary of state Henry Kissinger attempted in vain to break the logjam that was keeping the IFP out of the elections. However, on April 19, Buthelezi--under intense

pressure from trusted local and international figures—including a Kenyan diplomat professor Washington Okumu, relented and agreed to allow the IFP to be placed on the ballot. When the elections finally took place on schedule, beginning on April 26, 1994, ANC won 62.6 percent of the vote; the NP, 20.4 percent; and the IFP, 10.5 percent. Mandela was unanimously elected president by the National Assembly on May 9, 1994, in Cape Town. He was inaugurated on May 10 at ceremonies in Pretoria.

Key South African Nationalists.

Nelson Mandela

Nelson Mandela was born on 18 July 1918 in Umtata, to a Thembu royal family of Transkei. His forename *Rolihlahla*, means "troublemaker". Later he was given a clans' name, *Mandiba*. His father, Gadla Henry Mphakanyiswa, was a local chief and councillor to the monarch. In 1926, Gadla was sacked for corruption. Nelson's mother was Gadla's third wife, Nosekeni Fanny, a member of the amaMpemvu clan of Xhosa.

At a local Methodist school when he was about seven, he was baptised and given the English forename of "Nelson". His father died of an undiagnosed ailment when he was nine. Aged 16, he underwent the circumcision.

Mandela joined Clarkebury Boarding Institute in Engcobo, the best secondary school for black Africans in Thembuland. In 1937, he moved to Healdtown, the Wesleyan college in Fort Beaufort where he took an interest in boxing and running. Mandela joined Fort Hare University, where he met Oliver Tambo, a long time friend. He was studying Bachelor of Arts but was expelled in his first year for being involved in a Students' Representative Council boycott against university policies. Mandela relocated to Johannesburg, fearing early forced marriage, where met with his friend and mentor, Walter Sisulu.

After 1948 Mandela began actively participating in politics. He led in the ANC's 1952 Defiance Campaign as secretary General of the youth league. Mandela and 150 other participants in the freedom charter adoption were arrested on 5 December 1956 and charged with treason. In 1961 Mandela became leader of the ANC's armed wing, *Umkhonto we Sizwe* (*Spear of the Nation*). He coordinated sabotage campaigns against military and government targets.

On 5 August 1962 Mandela was arrested and was imprisoned in the Johannesburg Fort. On 11 July 1963 police arrested other prominent ANC leaders at *Rivonia*, north of Johannesburg. Together with Mandela, they were charged with capital crimes of sabotage at the Rivonia Trial. All were sentenced to life imprisonment on 12 June 1964 on Robben Island. Mandela remained there for the next 18 of his 27 years in prison. In March 1982 Mandela was transferred to Pollsmoor Prison, along with other senior ANC leaders. In 1988 Mandela was moved to Victor Verster Prison where he remained until his release on 11 February 1990.

Mandela returned to the leadership of the ANC led the party in the multi-party negotiations that led to the country's first multi-racial elections in 1994. Mandela and President F. W. de Klerk were jointly awarded the Nobel Peace Prize in 1993. Mandela, as leader of the ANC, was inaugurated on 10 May 1994 as the country's first black President after the 27th May 1994 Elections.

As President from May 1994 until June 1999, Mandela presided over the transition from minority rule and apartheid. He helped to resolve the long-running dispute between Libya on one hand, and the US and Britain, over bringing to trial the two Libyans indicted of the

Lockerbie bombing on 21 December 1988.

Mandela decided not to stand for a second term and retired in 1999, to be succeeded by Thabo Mbeki. In July 2001 Mandela was diagnosed and treated for prostate cancer. In June 2004, at age 85, Mandela announced that he would be retiring from public life.

On 8th December 2012, Mandela was hospitalized at a Military Hospital near Pretoria suffering from a recurring lung infection. On 15 December, Mandela had surgery to have gallstones removed. He was released from the hospital on 26 December 2012.

Until July 2008 Mandela and ANC party members were barred from entering the United States—except to visit the United Nations headquarters in Manhattan—without a special waiver from the US Secretary of State, because of their South African apartheid-era designation as terrorists.

Robert Mangaliso Sobukwe

Sobukwe was born in Graaff-Reinet in the Cape Province on the 5 December 1924. He attended a Methodist college at Healdtown and later Fort Hare University where he joined the African National Congress Youth League (ANCYL) in 1948. In 1949 Sobukwe was elected as president of the Fort Hare Students' Representative Council.

In 1950 Sobukwe was appointed as a teacher at a high school in Standerton. In 1954 Sobukwe became a lecturer of African Studies at the University of the Witwatersrand. He identified with the Africanists within the African National Congress. He edited *The Africanist* Newspaper in 1957, criticizing the ANC for allowing itself to be dominated by 'liberal-left-multi-racialists'. He later left ANC to form the Pan Africanist Congress (PAC). He became its first President in 1959.

On 21 March 1960, Sobukwe led a march of PAC supporters to the local police station at Orlando, Soweto in order to openly defy the Pass laws. In a similar protest in Sharpeville, police opened fire on a crowd, killing 69 in the Sharpeville Massacre. Sobukwe was arrested, convicted of incitement, sentenced to three years in prison and later interned on Robben Island. Sobukwe was released in 1969 and allowed to live in Kimberley with his family under house arrest. He died on 27 Feb. 1978 Due to lung cancer and was buried in Graaf-Reinet on 11 March 1978.

Albert Luthuli

Albert Luthuli was born near Bulawayo, Rhodesia, around 1898 to a Seventh-day Adventist missionary John Bunyan Luthuli and Mtonya Gumede. When His father died, his mother returned to her ancestral home, Groutville in Stanger, Natal, South Africa to stay with his uncle, Martin Luthuli.

On completing a teaching course at Edendale, Luthuli became principal and only teacher at a primary school in rural Blaauwbosch, Natal. Here he also became a lay preacher. In 1920 he declined a scholarship to University of Fort Hare to provide financial support for his mother. In 1928 he became secretary of the African Teacher's Association and in 1933 its president. He was also active in missionary work. He became chief in 1936, until removed from this office by the government in 1952 due to what colonial authority called conflict of interest.

In 1944 Luthuli joined the African National Congress (ANC). In 1945 he was elected to the Committee of the KwaZulu Province Provincial Division of ANC. A month later Luthuli was elected president-general of ANC. In 1955, he attended an ANC conference only to be arrested and charged with treason a few months later, along with 155 others. In December 1957, Luthuli was released and the charges against him dropped.

Luthuli's leadership of the ANC covered the period of violent disputes between the party's "Africanist" and "Charterist" wings.

In 1962 he was elected Rector of the University of Glasgow by the students, serving until 1965.

In 1962 he published an autobiography titled: LET MY PEOPLE GO

In July 1967, at the age of 69, he was fatally injured in an accident near his home in Stanger.

Methods used by nationalists in South Africa in their struggle for liberation from white minority rule.

- a) They used force to fight for their independence.
- b) Africans used mass media to articulate their grievances, spread propaganda and mobilize the masses.
- c) Riots e.g. the Soweto riots of 1976 against the proposal to make Afrikaans (Boer language) the medium of instruction in all schools.
- d) There were demonstrations against Press Laws in 1960 at Sharpeville leading to massacres.
- e) Guerilla fighters trained in Algeria, Ghana etc carried out acts of sabotage like bombing strategic installations and power plants.
- f) The role of the clergy .e.g. Desmond Tutu who bitterly campaigned worldwide against apartheid.
- g) Use of diplomacy and negotiations to convince the whites about the futility of apartheid policy.
- h) Use of slogans such as Freedom Charter (1955) which proclaimed south Africa belonged to all races and called for political, social and economic equality
- i) They sent petitions, delegations to international forum.
- j) They formed political parties e.g. ANC, PAC, UDF and trade union activism to pressurize the government to change.
- k) They used job boycotts and strikes.
- l) They organized defiance campaigns and demonstrations in the streets to provoke the police to arrest them.
- m) They formed underground movements after the Umkhonto we Sizwe.
- n) Pressure from youth groups e.g. Steve Biko formed the Black Consciousness Movement as a weapon to counter oppression through organized strikes.
- o) Africans serving jail terms organized hunger strikes.

Problems encountered by African nationalists in South Africa.

- a) The colonial government employed the method of Banning of political organizations as a means of frustrating the struggle for independence. .g ANC, PAC, and CP which restricted their activities
- b) The Nationalists were harassed , arrested and detained or jailed by the authorities e.g. Mandela, Oliver Tambo Sisulu, Sobukwe e.t.c
- c) Many were forced into exile or flee the country in search of political asylum and restriction.
- d) A lot of violence was unleashed on them/ Killing of many nationalists and Africans such as Steve Biko and the 1960 Sharpeville massacre of school children spreading fear.
- e) Deliberate policy of divide and rule was employed to weaken African unity e.g. establishment of black homelands or Bantustans which eventually brewed the conflict between ANC and IFP of Buthelezi.
- f) The racist regime used emergency powers to harass and frustrate Nationalist leaders.

- g) The nationalists faced the problem of lack of money and other resources which slackened the struggle.
- h) Nationalists were denied access to state owned radio and other media outlets. Those media were instead used as a means of propaganda against the nationalists.
- i) Banning of trade unions also frustrated the activities of nationalists. Where they were allowed to exist, they were monitored by the police.
- j) The nationalists faced the challenge of movement restrictions through the pass laws that were introduced.
- k) African Journalists were harassed and their newspapers proscribed by the government.

LIVES AND CONTRIBUTIONS OF KENYAN LEADERS

Jomo Kenyatta.

Early life

Jomo Kenyatta was born Kamau wa Ngengi to Ngengi wa Muigai and Wambui in Gatundu, Kiambu on 20th October 1891. His father died while Kamau was very young was adopted by his uncle Ngengi, who inherited his mother. When his mother died during childbirth, young Kamau moved from Ng'enda to Muthiga to live with his medicine man grandfather Kūngū wa Magana.

He joined the Church of Scotland Mission (CSM) at Thogoto, as a resident pupil. In 1912, having completed his mission school education, he became an apprentice carpenter.

In 1914, he converted to Christianity, assuming the name *Johnstone Kamau*. He left the mission later that year to seek employment as an apprentice carpenter on a sisal farm in Thika.

To avoid forced recruitment as WWI soldier, he lived with Maasai relatives in Narok, where he worked as a clerk for an Asian contractor. He took to wearing a traditional beaded belt known as a 'Kenyatta', a Swahili word which means 'light of Kenya'.

In 1922 Kamau adopted the name Jomo Kenyatta, and began working for the Nairobi Municipal Council Public Works Department as a store clerk and water-meter reader.

Marriage and family.

In 1919 he married Grace Wahu. On 20 November 1920 Kamau's first son Peter Muigai was born. Grace Wahu lived in the Dagoretti home until her death in April 2007 at the age of around 100.

In 1942, he married Edna Clarke and Peter Magana was born in 1943. In 1951 Kenyatta married Ngina Muhoho, daughter of Chief Muhoho and was independent Kenya's First Lady, when Kenyatta was elected President.

Kenyatta and politics.

Kenyatta joined the EAA in 1922 which disbanded in 1925. Kenyatta worked as editor of the KCA's journal between 1924 and 1929, and by 1928 he had become the KCA's general secretary.

In May 1928 Kenyatta launched a monthly Kikuyu-language newspaper called *Mwĩgwithania* which was intended to draw all sections of the Kikuyu together.

He also made a presentation on Kikuyu land problems before the Hilton Young Commission in Nairobi in the same year.

In February 1929 Kenyatta was dispatched to London to represent the KCA in discussions with the Colonial Office. He wrote several letters and in the letter published in *The Times* in March 1930 set out five points:

- ~ The security of land tenure and the return of the land taken by European settlers.
- ~ Improved educational opportunities for Black Africans.
- ~ The repeal of Hut and poll taxes.
- ~ Representation for Black Africans in the Legislative Council.
- ~ Freedom to pursue traditional customs (such as female genital mutilation)

He returned to Kenya on 24 September 1930. He returned to London in 1931. In 1932 to 1933, he briefly studied economics in Moscow. at University College London from 1935 studied social anthropology. Kenyatta published his own book, *Facing Mount Kenya* in 1938.

Kenyatta and pan-Africanism.

In 1945, with other prominent African nationalist figures, such as Kwame Nkrumah of Ghana, Kenyatta helped organize the fifth Pan-African Congress held in Britain.

Kenyatta and the struggle for independence.

On arrival into Kenya in 1947, he became principal of Kenya Teachers College Githunguri. In 1947, he was elected president of the Kenya African Union (KAU) after James Gichuru stepped down.

From 1948 to 1951 he toured and lectured around the country. He also published *My People of Kikuyu* and *The Life of Chief Wang'ombe, a history shading into legend*.

The Mau Mau Rebellion began in 1951 and KAU was banned, and a state of emergency was declared on 20 October 1952. Kenyatta was arrested in October 1952 and indicted with five others (Bildad Kaggia, Fred Kubai, Paul Ngei, Achieng Oneko and Kung'u Karumba).

At Kapenguria trials lasting 5 years, Rawson Macharia who was the main prosecution witness later confessed that he had been bribed to give false information about Kenyatta. The defense was led by British barrister D.N. Pritt. The court led by Judge R.S. Thacker, sentenced Kenyatta and his team on 8 April 1953 to seven years imprisonment with hard labour and indefinite restriction thereafter.

Kenyatta remained in prison at Lokitaung in north western Kenya until April 1959, after which he was detained in Lodwar.

On 14 May 1960, he was elected KANU President *in absentia*. In 1960, Ambu Patel, a follower of Mahatma Gandhi formed the 'Release Jomo Kenyatta Committee'. On 23rd march 1961, Kenyan leaders visited him in Lodwar. On 11 April 1961, he was moved to Maralal with daughter Margaret. On 14 August 1961, he was released.

Leadership

Kenyatta was admitted into the LegCo after his release in 1961, after Kariuki Njiiri gave up his Kigumo seat for him. In 1961 and 1962, he led the KANU delegation to first and second Lancaster Conference in London to negotiate Kenya's independence constitution.

Elections were then held in May 1963 and KANU beat KADU by winning 83 seats out of 124. On 1 June 1963, Kenyatta became prime minister of the autonomous Kenyan government. On 1 June 1964, Kenyatta became an executive President following amendment of the Constitution to make Kenya a republic.

Commentary

Historians have questioned Kenyatta's alleged leadership of the radical Mau Mau movement. Kenyatta was in truth a political moderate. It is even alleged that the colonial administration deliberately arrested him to protect him from the radical KAU members who accused him of betraying their course. (There were three attempts to assassinate him before he was arrested).

His marriage of Colonial Chief's daughters, his post independence Kikuyu allies mainly being former colonial collaborators, and his short shrift treatment of former Mau Mau fighters after he came to power, all strongly suggest he had scant regard for the Mau Mau

Kenyatta and nation building

On 10 November 1964, KADU officially dissolved and its representatives joined KANU, forming a single party. Kenyatta was re-elected un-opposed in 1966, and the next year had the Constitution amended to expand his powers.

In the 1969 elections, Kenyatta banned the only other party, KPU led by Jaramogi Oginga Odinga, detained its leaders, and called elections in which only KANU was allowed to participate. Kenyatta made use of detention, ethnic loyalties, and careful appointment of government jobs to maintain his commanding position in Kenya's political system.

Kenyatta was again re-elected unopposed as President in 1974. He remained president until his death four years later in 1978.

Sickness and Death

President Kenyatta had suffered a heart attack in 1966. In April 1977, then well into his 80s, he suffered a massive heart attack.

On 14 August 1978, he hosted his entire family, including his son Peter Magana who flew in from Britain with his family, to a reunion in Mombasa. On 22 August 1978, he died in Mombasa due to 'old age'. He was buried on 31 August 1978 at a mausoleum on Parliament grounds.

Kenyatta's tenure as president featured the following problems.

- a) There was a great split within KANU due to his land policy. Kenyatta compromised with the whites over their property. The Land-buying companies formed to buy European farms favoured one community.
- b) From the onset of independence, KADU advocated for Majimboism and therefore opposing national unity.
- c) The 1966 term featured border conflicts with Somalia, and more political opposition. He made the Kikuyu-led KANU practically the only political party of Kenya. He placed several of his Kikuyu tribesmen in most of the powerful state and security offices and posts.
- d) Increasing loss of confidence in his government suspected of complicity in murders of Pio Gama Pinto, Tom Mboya and J.M. Kariuki. MP and Lawyer C.M.G. Argwings-Kodhek and former Kadu Leader and Minister Ronald Ngala.
- e) Poverty, ignorance and disease were serious problems in Kenya in the early years of independence.
- f) There was shortage of manpower since the inherited educational policy left Africans ill-equipped for skilled employment.
- g) Kenya did not have adequate funds to provide for its development needs.
- h) There was a serious problem of poor transport and communication.
- i) The existence of Banditry (Shifta Menace) in north-eastern Kenya also shifted attention from economic development.

Achievements.

- a) Mzee Jomo Kenyatta is credited with leading Kenya to independence and setting up the country as a relatively prosperous capitalist state.
- b) He oversaw a peaceful land reform process, oversaw the setting up of the institutions of independent Kenya, and also oversaw Kenya's admission into the United Nations.

- c) During his reign, the country was reasonably well governed, peaceful and stable, the economy developed and grew rapidly and attracted high levels of foreign investment, and a black Kenyan professional and business middle class was established.

Failures

- a) Kenyatta failed to mould Kenya, being its founding father, into a homogeneous multi-ethnic state. the country remains a de facto confederation of competing tribes.
- b) His resettlement of many Kikuyu tribesmen in the country's Rift Valley province is widely considered to have been done unfairly.
- c) His authoritarian style, with elements of patronage, favouritism, tribalism and/or nepotism drew criticism and dissent, and set a bad example followed by his successors.
- d) He had the Constitution radically amended to expand his powers, consolidating executive power.
- e) He was also been criticized for ruling through a post colonial clique of his relatives, mainly African Kikuyu colonial collaborators from Kiambu, while giving scant reward to the real fighters for Kenya's independence.
- f) Kenyatta has further been criticized for encouraging the culture of wealth accumulation by public officials their office influence, thereby deeply entrenching corruption in Kenya.
- g) His policies are also criticized for leading to a large income and development inequality gap in the country favouring mainly Nairobi and the Country's Central Highlands, over others.

Tom Mboya

Thomas Odhiambo Mboya was born on August 15, 1930 in Kilimambogo, near Thika town. In 1942, he joined St. Mary's School Yala. In 1946, he went to the Holy Ghost College (later Mang'u High School), where he passed well enough to proceed to do his Cambridge School Certificate. In 1948, Mboya joined the Royal Sanitary Institute's Medical Training School at Nairobi, qualifying as an inspector in 1950 and employed by the Nairobi City Council. In 1955, he attended Ruskin College, Oxford, where he studied industrial management. In 1956, he returned to Kenya and joined politics at the height of Mau Mau uprising.

Political life

A year after joining *African Staff Association*, he was elected its president. He molded it into a trade union named the *Kenya Local Government Workers' Union*. Upon returning from Britain, he contested and won a seat against incumbent C.M.G. Argwings-Kodhek. In 1957, he formed his own party, the People's Congress Party. In 1958, during the All-African Peoples' Conference in Ghana, convened by Kwame Nkrumah, Mboya was elected as the Conference Chairman at the age of 28.

In 1960, Mboya together with others formed KANU. As Secretary General of KANU, Mboya headed the Kenyan Lancaster House delegation.

After Kenya's independence on 1 June 1963, Mboya was elected as an MP for Nairobi Central Constituency (today: Kamukunji Constituency) and became Minister of Justice and Constitutional Affairs.

As Minister for Economic Planning and Development, he wrote "Sessional Paper 10" (adopted by Parliament in 1964), which provided a model of government based on African values.

He was gunned down on July 5, 1969 on Moi Avenue, aged 38 years.

Mboya left a wife and five children. He is buried in a mausoleum located in Rusinga Island which was built in 1970.

Ronald Ngala

Early career

Ngala was born in 1922 at Gotani in Giriama country. In 1929 the family moved to Vishakani near Kaloleni, which was to be Ngala's home for the rest of his life. Ngala attended Alliance High School and Makerere University College where he gained a teaching diploma. He worked as a teacher and later became headmaster of Mbale Secondary School in Taita-Taveta. In 1952 he was transferred to Buxton School in Mombasa where he served as the principal.

Political career

Ngala was elected to the Legislative Council in 1957 to represent the Coast Rural constituency. He formed the African Elected Members Organization (AEMO) together with other elected African MPs.

at a meeting held on May 14, 1960 in Kiambu he was elected as the KANU's treasurer, a position he declined to take. At a meeting held in Ngong on June 25, 1960, the Kenya African Democratic Union (KADU) was formed with Ngala as its leader, in opposition to KANU.

At the 1961 legislative council elections Ngala formed the first African government. Ngala became Leader of Government Business and later Prime Minister.

On 12 November 1964 The leaders of KADU, including Ronald Ngala, Masinde Muliro and Daniel arap Moi decided to dissolve KADU and join KANU.

Ngala in the post independence period

Ronald Ngala was made Minister of Cooperatives and Social Services in the Kenyatta government. He went on to become one of KANU's vice-presidents at the 1966 Limuru Conference. Ngala remained active in the government until he died in a road accident in 1972. The circumstances of Ngala's death in 1972 were suspicious.

Daniel Arap Moi

Early life and entry into politics

Daniel Arap Moi was born on 2nd September, 1924 in Kurieng'wo in Sacho Location of Baringo County, raised by his mother Kimoi Chebii following the early death of his father. his elder brother Tuitoek played a guardian role, influencing him to go to school at an early age.

In 1934, Moi joined African Inland Mission School, Kabartonjo. On October 20th 1936 he was baptised Daniel. In 1938, he transferred to African Inland Mission, Kapsabet and later to Government African School, Kapsabet where he was a school captain and a captain of the football team. He attended Tambach Teachers Training College. He worked as a teacher from 1946 until 1955. He was posted as a Head teacher at Kabarnet where he studied privately and passed London Matriculation Examinations. He was promoted in 1949 to the rank of P2 and transferred to Tambach Government African School as a Teacher Trainer.

President Moi married Helena (Lena) Bommet in 1950 and they were blessed with 8 children; 3 daughters and five sons, (Jennifer, Doris and adopted daughter June; Jonathan, Raymond, John Mark, Philip and Gideon). But they separated in 1974, before his presidency.. Lena died in 2004.

Moi's long political career.

In October 1955 the Electoral College selected Moi from a list of eight nominated candidates to fill a vacancy left by Joseph ole Tameno who resigned from the unofficial benches of the legislative council. In 1957, when elections were held, for LEGCO, Moi won with a landslide

against Justus Ole Tipis and later joined AEMO. In 1959, he led AEMO members to visit Jomo Kenyatta in detention in Lodwar.

In 1960 he founded the Kenya African Democratic Union (KADU) with Ronald Ngala to challenge the Kenya African National Union (KANU) led by Jomo Kenyatta.

Moi was among the Kenyan delegation under the auspices of KADU who went to the London Constitutional talks of June 1960.

Moi was elected to the Kenyan parliament in 1963 from Baringo North. Since 1966 until his retirement in 2002 he served as the Baringo Central MP and only served as a vice-president from 1967 until 1978 when he became the president.

In 1976, the Kiambu Mafia, tried to infamously change the constitution to prevent the vice-president automatically assuming power in the event of the president's death. However, Kenyatta withstood the political pressure and safeguarded Moi's position.

Presidency

When Jomo Kenyatta died on 22 August 1978, Moi became president. Political realities dictated that he would continue to beholden to the Kenyatta system which he had inherited. On 1 August 1982, fate played into Moi's hands when forces loyal to his government defeated an attempted coup d'état by Air Force officers led by Hezekiah Ochuka.

Moi took the opportunity to dismiss political opponents and consolidate his power reducing the influence of Kenyatta's men in the cabinet. He appointed supporters to key roles and changed the constitution to establish a *de jure* single-party state.

Moi, his regime now faced an economy stagnating under rising oil prices and falling prices for agricultural commodities, singlehandedly convinced the KANU delegates at a conference at Kasarani in December, 1991 over the restoration of a multi-party system

in 1992 and 1997, marred by political violence and absence of an effective and organized opposition, Moi had no difficulty in winning, skillfully exploited Kenya's mix of ethnic tensions.

Mwai Kibaki was elected President on 29 December 2002 and Moi handed over power to him.

Moi After retirement.

After leaving office in December 2002, Moi lived in retirement but still retained some popularity with the masses. He spoke out against a proposal for a new constitution in 2005. On 25 July 2007, Kibaki appointed Moi as special peace envoy to Sudan.

On 28 August 2007, Moi announced his support for Kibaki's re-election.

Moi owns the Kiptagich Tea Factory, established in 1979, which in 2009 the factory was under threat of being closed down by the government during the Mau Forest evictions.

Challenges and achievements

The major test to His leadership was in August 1982 when a detachment of Airforce soldiers attempted to overthrow his government but they were crushed.

Achievements

- ~ Moi served as Chairman of the Organization of African Unity (OAU) for two consecutive terms - 1981 and 1982.
- ~ He has also been involved in mediation between various conflicting sides in Uganda, Congo, Somalia, Chad, Sudan, Mozambique, Eritrea/Ethiopia, Rwanda, and Burundi etc.
- ~ He served as Chairman of Preferential Trade Area (1989-1990), COMESA (1999-2000), E.A. Co-operation (1996- 2002) and Inter-Governmental Authority on Development IGAD (1993 - 1998).

- ~ He has travelled widely, being called upon as a president to provide peace keeping forces in troubled parts of the world like Chad, Uganda, Namibia, Mozambique, Iran/Iraq, Kuwait, Yugoslavia, Liberia, Morocco, Angola, Serbia/ Croatia, D.R. Congo, Sierra Leone and East Timor.
- ~ Moi has supported the formation of regional economic bodies to increase trade and as a means for the developing countries to have a united voice in the global economy.
- ~ On 30th December 2002, Moi handed over power to Mwai Kibaki in a peaceful transition that followed the Narc victory over Kanu in the December 2002 General Elections.
- ~ Currently, Moi is setting up a foundation through which he hopes to participate in solving conflicts in the horn of African and the Great Lakes Region as well as help rehabilitate street children and those orphaned by HIV/aids.

Jaramogi Ajuma Oginga Odinga (Oct.1911 – Jan 20, 1994).

Early years and career

Oginga Odinga was born at Nyamira Kang'o, in Sakwa location in Bondo, in October, 1911. Christened Obadiah Adonijah, he later renounced his Christian names and became known as Ajuma Oginga Odinga.

Young Odinga began his formal education in 1926, at Maranda. He sat for his common entrance examination in 1929. He Attended Maseno School where he sat his STD 8 exams in 1934. He enrolled at Alliance High School in 1935 upto, finishing his formal education with a diploma in education from Makerere University College in 1939. From 1940 to 1942 Odinga taught mathematics at the Church Missionary Society school, Maseno. From 1943 to 1946 he was headmaster of the Maseno Veterinary School.

Odinga and Economic and social independence

In 1944, he quit teaching and formed the Bondo Thrift Association in 1945.

In 1947, he founded the Luo Thrift and Trading Corporation for commercial and political purposes, serving as its managing director until 1962. LUTATCO build their first shop, Maseno Store, posho mills at Ngiya, Bondo and Dudi. The company owned Ramogi Press in Nairobi in 1947, publishing a Dholuo newspaper, *Ramogi*, edited by Achieng Oneko, Odinga's student in Maseno School. They also published *Nyanza Times*, *Radioposta*, *Sauti ya Mwafrika* and *Mumenyereri*. Between 1956 and 1957, they built Ramogi House and Africa House Kisumu.

He helped to form the Luo Union, which brought together all the Luo people. His efforts earned him admiration and recognition among the Luo, who revered him as *Ker* – a title previously held by the fabled classical Luo king, Ramogi Ajwang, who reigned 400 years before him. Odinga became known as *Jaramogi* (man of the people of Ramogi).

Odinga travelled across the major towns in East Africa raising funds that resulted in the building of the Ofafa Memorial Hall in Kisumu in 1957 which became the headquarters of the Luo Union.

Odinga's political contributions (1948-1963)

In 1947, he won the central Nyanza African District Council elections. In 1948 he joined Kenya African Union (KAU) having been influenced by a Luo Union and KAU leader, Ambrose Ofafa. In 1957 and became the political spokesman of the Luo. The same year, he was elected member of the Legislative Council for the Central Nyanza constituency. He became the chairperson of AEMO formed by the eight African elected Members of the LEGCO. He with Mboya and Kiano formed the Kenya Independence Movement after AEMO began to disintegrate.

After the 1960 Lancaster House Conference, attended by a unified African delegation, Odinga emerging as one of the radical group leader, dissatisfied Africans with the conference decisions. Odinga and other members of the legislative council formed the Kenya African National Union (KANU). Odinga's KANU used its strong showing in the 1961 general elections to help gain Kenyatta's release.

Odinga after independence.

Kenya gained independence in Dec 1963, and Odinga was appointed minister for home affairs. When Kenya became a Republic in 1964, he was its first Vice-President. As Vice-President he did not agree with Jomo Kenyatta's government, and he resigned his post and quit KANU in 1966 to form the Kenya People's Union (KPU). He openly challenged the government's use of private and foreign investment capital and its close ties with the West.

Within KANU, a coalition formed against Odinga and in 1966 a KANU reorganization conference abolished his post of party vice-president. In October 1969, Odinga together with Achieng Oneko and other KPU members were jailed by the government. The KPU was banned, and he stayed in prison for 15 months. Odinga remained an opposition leader throughout the 1970s.

After Kenyatta's death in 1978, the new president, Daniel Arap Moi, tried to bring Odinga back into KANU. Moi, appointed Odinga as chairman of the Cotton Lint and Seed Marketing Board where he did not last long, because he was still outspoken against Kenyatta's policies. When Odinga was reinstated into the party in 1980, he attacked Moi and Kenyatta as corrupt and protested U.S. military presence in Kenya.

Odinga attempted to register a political party in 1982, but his plans were foiled when Kenya was made a *de jure* single-party state in 1982, KANU party again banished Odinga. Throughout the 1980s, Odinga remained vocal in calling for democracy. In 1984, he tried to launch and register the Ramogi Development Trust (RADET) but the government denied it registration

Odinga and the Struggle for multi-partyism in the 1990s

In 1991, Odinga founded the National Democratic Party, but the government refused to recognize it and briefly jailed Odinga. Later that year Odinga and five other opposition leaders formed the Forum for the Restoration of Democracy (FORD). But FORD split in 1992, and Jaramogi formed FORD-K finishing fourth behind Moi, Matiba and Kibaki.

In 1993, Odinga's reputation suffered when he admitted taking a campaign contribution from a bank accused of bribing government officials. In the months before his death in January 1994, Odinga tried to reconcile his branch of FORD with KANU, but without success.

Wangari Maathai

Early life of Wangari Maathai.

Maathai was born on April 1, 1940 in the Ithite village, Nyeri County, in the central region to Muta Njugi, a farm labourer on a white owned farm in the rift valley. In 1950, she joined Ithite Primary School for primary education in 1951, Maathai moved to St. Cecilia's Intermediate Primary School at the Mathari Catholic Mission in Nyeri where she studied for four years. During this time, she converted to Catholicism, taking the Christian name **Mary Josephine**. In 1956 she joined Loreto High School Limuru.

She was chosen to study at American universities in September 1960 under the Kennedy Airlift or Airlift Africa. In 1964, she joined the University of Pittsburgh to study for a master's degree in

biology.

In January 1966, upon her return to Kenya, Maathai dropped her Christian name, preferring to be known by her birth name, *Wangari Muta*. In April 1966, she met Mwangi Mathai, whom she later married in 1969 and had three children with him.

In 1971, she became the first Eastern African woman to receive a Ph.D., (in Anatomy) from the University of Nairobi. She was a member of the Nairobi branch of the Kenya Red Cross Society, becoming its director in 1973.

In 1979, her husband, *Mwangi Mathai* divorced her, saying she was too strong-minded for a woman and wife and accusing her of adultery with another Member of Parliament.

Wangari Maathai as political activist.

In 1979, Maathai ran for the position of chairman of the National Council of Women of Kenya (NCWK). She lost, but was chosen to be the vice-chairman of the organization. In 1980, Maathai was elected chairman of the NCWK unopposed. However NCWK was left virtually bankrupt, as Future funding by government was channeled to Maendeleo Ya Wanawake a pro-government splinter group.

In 1982, she resigned from the University of Nairobi to campaign for a Parliamentary seat in her home region of Nyeri. However, she was disqualified from vying.

On February 28, 1992, Maathai and others took part in a hunger strike in Uhuru Park, to pressure the government to release political prisoners. The protest continued until early 1993, when the prisoners were finally released.

After the first multi-party election of Kenya, in 1992, Maathai traveled with friends and the press to areas of violence in order to encourage them to cease fighting. After her friend and supporter Dr. Mukanga was kidnapped, Maathai chose to go into hiding.

During the elections of 1997, Maathai ran for parliament and for president as a candidate of the Liberal Party. She lost the election.

On July 7, 2001, shortly after planting trees at Freedom Corner in Uhuru Park in Nairobi to commemorate Saba Saba Day, Maathai was again arrested. Later that evening, she was again released without being charged.

Maathai again campaigned for parliament in the 2002 elections, this time as a candidate of the National Rainbow Coalition; she won with an overwhelming 98% of the vote. In January 2003, she was appointed Assistant Minister in the Ministry for Environment and Natural Resources and served in that capacity until November 2005.

In December 2007, choosing to run as the candidate of a smaller party Maathai was, defeated in the parliamentary election.

The life of Wangari Maathai as an environmental conservationist.

Following the establishment of the Environment Liaison Centre in 1974, Maathai became the chair of the board. In 1974, with her husband as the MP for Lang'ata constituency, Maathai founded the Envirocare Ltd., a business that involved the planting of trees to conserve the environment. This led to the planting of her first tree nursery, in a government tree nursery in Karura Forest.

On June 5, 1977, marking World Environment Day, Maathai led the NCWK in a procession from Kenyatta International Conference Centre to Kamukunji Park where they planted seven trees in honor of historical community leaders.

This was the first "*Green Belt*" planted by what became *the Green Belt Movement*.

In 1982, she was approached by Wilhelm Elsrud, executive director of the Norwegian Forestry Society. Who partnered with the Green Belt Movement and offered her the position of coordinator. In 1987, Maathai stepped down as chairman of the NCWK and focused her attention on the newly separate nongovernmental organization.

In October 1989, Maathai learned of a plan to construct the 60-story Kenya Times Media Trust Complex in Uhuru Park. Her protests, some leading to her being harassed, led to the foreign investors to cancel the project in January 1990

In June 1992, both Maathai and President Arap Moi traveled to Rio de Janeiro for the UN Conference on Environment and Development (Earth Summit) where she became a chief spokesperson despite government protest.

In 1998, Maathai protested against the privatization of large areas of public land in the Karura Forest. In August 16, 1999, when the president announced that he was banning all allocation of public land.

On October 8, 2004, Maathai became the first African woman, and the first environmentalist, to win the Nobel Peace Prize for her contribution to sustainable development, democracy and peace.

On March 28, 2005, she was elected the first president of the African Union's Economic, Social and Cultural Council and was appointed a goodwill ambassador for an initiative aimed at protecting the Congo Basin Forest Ecosystem.

Achievements of Wangari Maathai.

- a) As a member of the Kenya Association of University Women, she was on the forefront in campaigning for equal benefits for the women while at the university and also as a member National Council of Women of Kenya (NCWK).
- b) she succeeded in stopping the government from encroaching on a public utility at Uhuru park to construct the 60-story Kenya Times Media Trust Complex.
- c) She succeeded in pressurizing the government to release political prisoners through painful hunger protests at Uhuru Park. The prisoners were released in early 1993..
- d) Maathai was the first African woman, and the first environmentalist, to win the Nobel Peace Prize for her contribution to sustainable development, democracy and peace.
- e) Maathai has been very instrumental in environmental protection through the **Green Belt Movement**.

THE FORMATION, STRUCTURE AND FUNCTIONS OF THE GOVERNMENT OF KENYA.

THE ELECTORAL PROCESS.

Role of the Independent Electoral and Boundaries Commission in Kenya.

- a) The Commission is responsible for conducting or supervising referenda and elections to any elective body or office.
- b) It is responsible for continuous registration of citizens as voters and regular revision of the voters' roll.
- c) It Prescribes and reviews electoral boundaries in constituencies and wards at intervals of not less than eight years, and not more than twelve years. The constitution provides for 290 constituencies established under the following considerations;

- ~ Community of interest, historical, economic and cultural ties
 - ~ Geographical features and urban centres
 - ~ Means of communication
- d) It is responsible for regulation of the process by which parties nominate candidates for elections.
 - e) The commission is responsible for settlement of electoral disputes, including disputes relating to or arising from nominations. However it does not handle election petitions and disputes subsequent to the declaration of election results.
 - f) The registration of candidates for election.
 - g) Educate/informs the public on the requirements for voters and contestants
 - h) Facilitation of the observation, monitoring and evaluation of elections.
 - i) It is responsible for regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election.
 - j) Identifies, appoints and trains election officials.
 - k) Verifies and announces election results
 - l) Prepares ballot papers and other election materials.
 - m) Identifies and recommends polling stations.

Types of elections.

There are three types of elections in Kenya;

- a) *General elections.* These are elections held after every five years. Initially they were meant to be held on the second Tuesday in August on the fifth year. But this has since been altered due to the delay in new constitution implementation process
- b) *By elections.* These are elections of new leaders to fill vacant seats left following deaths of occupants, resignation or annulment of their election through successful petition in court.
- c) *Re-run elections-* these are elections held exactly one month after the general elections involving only two presidential candidates in case of no clear winner in the general election.

Why Kenyans elect their representatives to parliament every five years.

- a) It is a constitutional requirement that Kenyans elect MPs after every five years.
- b) The elections give Kenyans a chance to practice their democratic right of choosing their representatives.
- c) It enables Kenyans control their elected representatives i.e. the fear of losing election ensures that elected representative serve the electorate well.
- d) It enables Kenyans choose between representatives and between parties that express the policies that they agree with.
- e) Through periodic elections, Kenyans are able to participate in activities of their government

The following methods have been used in elections in Kenya.

- a) Mololongo (queuing)
- b) Acclamation
- c) Secret ballot.

THE 2007 ELECTIONS IN KENYA

The electoral process that was adopted by the ECK under the stewardship of Samuel Kivuitu in the 2007 election was very unfair and yielded false results. This caused the outbreak of violence, bloodshed, destruction and loss of property.

The Kreigler commission that was formed to look into the causes of the 2008 violence reported

the following weaknesses.

- a) Irregularities in the voter register which excluded 30% of the potential voters the register contained names of deceased persons. Women who had attained the voting age were found to be under represented.
- b) Imbalanced distribution of registered voters among constituencies. Some constituencies like Embakasi had over 200, 000 registered voters while others like Mandera East had less than 20,000 registered voters.
- c) Rampant cheating where in some cases the votes cast were more than 100% of the registered voters.
- d) Existence of exclusive strongholds with some electoral areas being out of bounds for some political parties.
- e) There was a defective system of voter tallying and relaying of information. Some of those declared winners finally lost their seats through election petitions.
- f) Incompetence of the ECK officials with even the chairmen stating clearly that it was impossible to establish who won the elections.
- g) The results relayed sometimes faced integrity queries. Some officials relayed cooked results.
- h) The composition of the ECK raised suspicion especially among the opposition.

The principles that govern the electoral process in Kenya.

- a) All citizens have the freedom to exercise their political rights
- b) Not more than two-thirds of the members of elective public bodies shall be of the same gender.
- c) Persons with disabilities must receive fair representation.
- d) There must be universal suffrage based on the aspiration for fair representation and equality of vote.
- e) The elections should be free and fair and will be by secret ballot, free from violence, intimidation, improper influence or corruption.
- f) The elections will be conducted by an independent body, transparent; and administered in an impartial, neutral, efficient, accurate and accountable manner.

Legislation on Elections.

The following legislations govern the electoral process in Kenya.

- a) The constitution of Kenya-that is a sovereign state and republic with the people owning all sovereign power directly or through democratically elected leaders.
- b) The national assembly and presidential elections Act- it outlines the steps to be followed in the registration of voters, nomination of candidates, polling and counting of votes and other related processes.
- c) The local government act- it gives the procedure and rules for conducting elections for county, municipal and town councils.
- d) The electoral offences Act. – it lays out the election offences like bribing of voters, threatening voters, voting more than once or causing violence on polling day or during campaigns.

Voter registration.

Qualifications of a voter in an electoral process in Kenya.

- a) One must be an adult citizen at least 18 years old.
- b) He/she must be a Kenyan citizen in possession of an identity card or passport.

- c) He/she must be a registered voter.
- d) He/she must be registered at only one registration centre
- e) One must not be an insane person.
- f) He/she must have been convicted of an election offence during the Preceding five years.

Voter and civic education.

Voter education refers to the provision of information, materials and programmes to voters with the intention of informing them about the specifics of voting process for a particular election. For example, information on who is eligible to vote, where and how to register.

Civic education is aimed at conveying knowledge to the citizens about the country's political system and context. For example, information about the system of government, the nature and powers of the elective offices, to be filled in an election.

Nomination of candidates.

There are two categories of Nominations

- a) Party nominations
- b) IEBC nominations

Party nominations

This refers to the selection of political *party candidates* to contest in an election. It is done through queuing, acclamation or secret ballot. It may involve nomination for county, parliamentary or presidential elections.

IEBC nominations

Once the political parties have nominated their candidates, they are presented to the IEBC for formal nomination to contest the presidential, parliamentary or county/civic elections.

Independent candidates

A person is eligible to stand as an independent candidate under the following conditions;

- a) The person should not be a member of a registered political party and should not have been a member for at least three months immediately before the date of elections
- b) He/she must be a registered voter.
- c) He/ she must satisfy the educational, moral and ethical requirements as per the constitution or act of parliament.
- d) In case of national assembly elections, he/she must attract the support of at least 1000 registered voters in the constituency.
- e) In case of the senate, one must attract the support of at least 2000 registered voters in the county.

Conditions that must be met by one wishing to be elected Member of Parliament.

- a) A person is eligible for election as a Member of Parliament if the person is registered as a voter.
- b) If the person satisfies any educational, moral and ethical requirements prescribed by the Constitution or by an Act of Parliament.
- c) if he is nominated by a political party, or is an independent candidate who is supported in the case of election to the National Assembly, by at least one thousand Registered voters in the constituency; or in the case of election to the Senate, by at least two thousand registered voters in the county.

Disqualifications for one from being elected a Member the National Assembly.

- a) If the person is a State officer or other public officer, other than a Member of Parliament.

- b) If a person has, at any time within the five years immediately preceding the date of election, held office as a member of the Independent Electoral and Boundaries Commission.
- c) If a person has not been a citizen of Kenya for at least the ten years immediately preceding the date of election.
- d) If a person is a member of a county assembly.
- e) If one is of unsound mind.
- f) If one is declared bankrupt.
- g) Is subject to a sentence of imprisonment of at least six months, as at the date of registration as a candidate, or at the date of election.
- h) If one is found, in accordance with any law, to have misused or abused a State office or public office.

An elected MP may lose his/her seat in parliament under the following circumstances.

- a) When he/she ceases to be a Kenyan citizen.
- b) He /she receive a jail sentence exceeding 6 months or death penalty from a court of law.
- c) When he/she resign, through writing to the speaker, from the national assembly.
- d) When he/she is declared bankrupt by a court of law.
- e) When he/she is found to be of unsound mind.
- f) When he/she resigns from the sponsoring political party or as an MP.
- g) When he/she fails to attend 8 consecutive sessions during the life of a particular parliament without permission from the speaker.
- h) When he/she defects from one party to another.
- i) When he/she having been elected to parliament as an independent candidate, decides to join a political party.

Campaigns.

The campaign periods starts immediately after IEBC nomination of candidates and ends 12 hours before the polling day. The main purpose of campaigns is to give the voters chance to assess aspiring candidates and their party policies and strategies and then decide the right candidate.

Polling

Voting is done in the polling station. It takes place from 6.00am to 6.00 pm on the Election Day. Counting of votes begins after the closure of the exercise. The presiding officer then announces the number of votes garnered by each candidate.

The returning officer, the election officer in the constituency then tallies the total votes from all the polling stations and announces per candidate in the constituency. He/she declares the elected mp for the constituency and councilors of each ward. He announces the number of votes per candidate for the presidential elections.

The IEBC then declares the validly elected candidates for the presidential, National Assembly and Senate.

Factors likely to interfere with free and fair elections in Kenya.

- a) Ethnic loyalties/polarization/Party loyalties. People may be compelled to vote along tribal lines, in total disregard of the leadership records or accomplishment of those they elect.
- b) Illiteracy of some voters. This curtails their ability to mark the ballot papers correctly.
- c) Inadequate civic education. The lack of adequate sensitization of the voters can lead to ineffective election process.

- d) Violence. Harassment of voters by rival groups/ Insecurity/fear instilled in candidates. All forms of chaos makes accessibility to voting stations by voters difficult.
- e) Corruption of candidates and their supporters. This is through bribing of voters to vote for certain candidates.
- f) Incompetent election officials. Some election officials are partisan and therefore unable to preside over elections competently.
- g) *Rigging*. On many occasions aspiring candidates or their agents have complained of rigging.
- h) Transport difficulties. The electoral process in Kenya has been faced with the problem of Inaccessibility of some polling stations
- i) Communication problems. During the voting day, some remote areas experience communication problems between the headquarters' and the polling stations.
- j) Extreme weather conditions. Delivery of polling materials has sometimes been affected by bad weather.
- k) Gender insensitivity. For a long time, women have not been given a fair share in the electoral process in Kenya.
- l) Use and misuse of mass media. Some politicians own some media houses, sometimes they have subjected them to misuse. There has been also the problem of imbalance when it comes to media coverage of elections.

Electoral guidelines and regulations that may help minimize irregularities.

- a) Whatever voting method is used, the system must be simple, accurate, verifiable, secure, accountable and transparent.
- b) The votes cast must be counted, tabulated and the results announced promptly by the presiding officer at each polling station.
- c) The results from the polling stations must be openly and accurately collated and promptly announced by the returning officer.
- d) Appropriate structures and mechanisms to eliminate electoral malpractices must be in place, including the safekeeping of electoral materials.

Electoral disputes

The following must be observed as pertains to election disputes:

- a) Electoral petitions, other than in a presidential election, must be filed within 28 days after the declaration of the election results by the IEBC.
- b) Service of a petition may be direct or by advertisement in a newspaper with national circulation.

ELECTION OFFICIALS

The following are the officers appointed by the IEBC to assist in administering elections.

1. **District election coordinators.** - Officials responsible for all electoral matters at district level. They act as a link between people at the grassroots level and the IEBC headquarters.
2. **Registration officers.** –they register voters in each constituency and issue them with voter's card.
3. **Returning officers.** – are in charge of elections in a constituency which has several polling stations. They perform the following functions:
 - a) They set up polling booths in each polling station.
 - b) They receive nomination papers from prospective candidates

- c) They distribute ballot papers and boxes to polling stations.
 - d) They supervise the voting and counting of votes in the constituency.
 - e) They appoint the presiding officers in each polling station.
 - f) Announcing the results of the elections.
4. **Presiding officers.** –in charge of polling stations. And perform the following duties;
 - a) They conduct the polls in an orderly, free and fair manner at the polling station.
 - b) They ensure that every eligible voter votes only once.
 - c) They help illiterate voters mark ballot papers.
 - d) They seal the ballot boxes and transfer them to a central point in the polling station where the votes will be counted.
 - e) They maintain law and order at polling stations and report any irregularities to the returning officer.
 - f) They ensure that there is impartiality in conducting.
 5. **Polling clerks.** On the polling day, they assist and guide voters, particularly those who are illiterate.
 6. **Security personnel.** –police officers maintain law and order during the polling and counting of votes.
 7. **Counting clerks.** –they sort out ballots and then count the ballots per candidate.
 8. **Party agents.** – they represent candidates or political parties in a polling station or counting hall to ensure that the polling and counting procedures are transparent , orderly , free and fair.
 9. **Observers.** –these are neutral persons who make observations and write reports on the polling and counting exercise to indicate if the elections were free and fair or not.

FORMATION OF GOVERNMENT

NATIONAL GOVERNMENT

Kenyans directly or indirectly exercise their sovereign or absolute power through their democratically elected representatives. This power is delegated to the state organs or arms of government namely;

- a) The parliament and the legislative assemblies in the county assemblies.
- b) The national executive and the executive structures in the county government.
- c) The judiciary and independent tribunals.

The process of National government formation.

After every election, the party with the majority of seats in the house forms the government by appointing cabinet secretaries from among professionals (not among elected MPs) with the approval of the National Assembly. The president then appoints the judiciary with the advice of the JSC. The president-elect is sworn in by the chief Justice and the members of the three arms of government also take oath.

The three arms of government operate independently and work on checks and balances

The executive is responsible for running the country by developing and implementing policies that lead to national development.

Even after dissolution of parliament after its expiry, the cabinet exists until a new one is

appointed. This is to ensure that there is no power vacuum and that government operations continue.

Role of government in Kenya

- a) Government ensures that social and economic development is undertaken – by putting in place policies to improve schools, hospitals, agriculture, trade, housing and industry.
- b) It upholds human rights and freedoms and ensures that all citizens live in peace and harmony through the administration of justice and maintaining law and order.
- c) Government organizes an effective defence force to protect the country from internal and external aggression.
- d) It also has a duty to establish sound foreign policies to promote international cooperation with other countries by setting up foreign embassies and high commissions.
- e) It has a duty to foster national unity by recognizing diversity and ensuring equitable sharing of national and local resources.
- f) Government protects and promotes the interests and rights of the minorities and marginalized communities.

COUNTY GOVERNMENT

The county government is composed of County assemblies, county executive committees and county public service and exist in each of the 47 counties throughout Kenya.

A county government consists of;

- a) Members (one member per ward) elected by the registered voters of the wards in a general election in Kenya.
- b) The Speaker, who is *an ex officio* member.
- c) Members appointed by the county governor, with the approval of the county assembly, from among persons who are not members of the assembly.

The structure of the executive arm of the county government.

The executive authority of the county is vested in the county executive committee. The committee consists of;

- a) The county Governor and the Deputy County Governor who are the chief executive and deputy chief executive of the county respectively.
- b) Members who are not members of the assembly and appointed by the County Governor, with the approval of the assembly. They should be not more than ten other. If the assembly has less than thirty members, the members should be One-third of the number of members of the county assembly.

NB;

- ~ Members of a county executive committee are accountable to the county governor for the performance of their functions and exercise of their powers.
- ~ The appointed members of the county executive committee cease to hold office once the office of the county governor falls vacant.

The election of a county governor.

The county governor is directly elected by the voters registered in the county at a general election for a term of 5 years. To be eligible for election as county governor, a person must be eligible for election as a member of the county assembly. If re-elected, can serve for another final term of 5 years.

Each candidate for election as county governor nominates a person as his/her running mate to be the deputy governor.

Removal of a County Governor from office.

A governor may be removed from office under the following grounds;

- a) Gross violation of the Constitution or any other law.
- b) When the county governor commits a crime under national or international law.
- c) When the governor abuses office or is accused of gross misconduct.
- d) When he/she suffers from Physical or mental incapacity that hinders performance of the functions of office.

The office of the county governor falls vacant when the holder of office;

- a) Dies.
- b) Resigns, in writing, addressed to the speaker of the county assembly.
- c) Is convicted of an offence punishable by imprisonment for at least twelve months.
- d) Ceases to be eligible to be elected as a county governor.
- e) Is removed from office under the constitution.

The deputy county governor assumes office as a county governor for the remainder of the term of the county governor when a vacancy arises. Where the deputy governor is unable to act or his office is also vacant, the speaker acts as governor and elections must be held within sixty days after the speaker assumes office.

THE COUNTY ASSEMBLY

The composition of a County Assembly in Kenya is as follows;

A county assembly consists of

- Members (one member per ward) elected by the registered voters of the wards in a general election.
- Members of special seats (no more than two-thirds of the membership of the assembly is of the same gender.)
- Members of marginalized groups, including persons with disabilities and the youth.
- The Speaker, who is *an ex officio* member.

Nb-The members for special seats and marginalized communities are nominated by political parties in proportion to the seats received in the election in a particular county.

The functions of a county assembly.

- a) County assemblies make laws for the effective performance of the county government.
- b) It acts as a watch dog over the county executive committee.
- c) It receives and approves plans and policies for managing and exploiting the county's resources, and, developing and managing the infrastructure and institutions.

Conditions that must be met by a person seeking for election to a County Assembly.

- a) The person must be a registered as a voter in his/her county.
- b) The person must have been a Kenyan citizen for at least ten years before the elections.
- c) The person must be able to read and write in English and Kiswahili.
- d) He or she must be of sound mind.
- e) The person must be of unquestionable morals and ethics
- f) If a public officer, he/she must relinquish his/her public work.
- g) The person must be nominated by a political party

- h) If he/she is an independent candidate, must be supported by at least five hundred registered voters in the Ward concerned.
- i) The person must not have been declared bankrupt.
- j) The person must not have served a sentence of imprisonment of more than six months.
- k) The person must not have misused or abused a State or public office.

Vacancy in the office of member of county assembly may happen if the member;

- a) Dies.
- b) Is absent from eight sittings of the assembly without permission, in writing, of the speaker of the assembly and is unable to offer satisfactory explanation for the absence.
- c) Resigns, in writing, addressed to the speaker of the county assembly.
- d) After being elected to the assembly as a member of a political party, he/she resigns from the party, or is deemed to have resigned from the party, or after being an independent candidate, the member joins a political party.
- e) Gets to the end of the term of the assembly
- f) Becomes disqualified for election after the court rules in favour of an election petition made against him/her.

Speaker of County Assembly

The speaker is elected by the county assembly from among persons who are not members of the county assembly. The speaker presides over the county assembly. Another member of the assembly may be elected to play the role of a speaker in case of the absence of the speaker.

Structure and functions of the national government.

The three arms of government are:

- a) Judiciary
- b) Executive
- c) Legislature

LEGISLATURE.

The two components of the Kenyan Parliament/legislature are;

1. The National Assembly.
2. The Senate.

The Composition and membership of the National Assembly.

The National Assembly consists of;

- a) Two hundred and ninety members, each elected by the registered voters of single member constituencies.
- b) Forty-seven women, each elected by the registered voters of the counties, each county constituting a single member constituency.
- c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly to represent special interests including the youth, persons with disabilities and workers.
- d) The Speaker, who is an ex officio member.

Membership of the Senate

The Senate consists of;

- a) forty-seven members each elected by the registered voters of the counties, each county constituting a single member constituency

- b) Sixteen women members nominated by political parties according to their proportion of members of the Senate elected.
- c) Two members, being one man and one woman, representing the youth.
- d) Two members, being one man and one woman, representing persons with disabilities.
- e) The Speaker, who shall be an ex officio member.

The official languages of parliament are English, Kiswahili and Kenyan sign language.

Parliament quorum is 50 members for the national assembly and 15 members for the senate.

Office of parliament.

The following are the officers of parliament;

~ **Speakers and deputy speakers.**

Two Speakers, *ex-officio* member, one for each of the two houses.

Each is elected by members of the respective house from among persons who are qualified to be elected as members of parliament but are not MPs. A deputy speaker is elected from among members of each of the houses by the mps.

Their offices become vacant when;

- ~ A new house of parliament first meets after an election.
- ~ When he/she resigns, dies.
- ~ When a house resolution of two-thirds removes him/her from office.

The speakers Preside at any sitting of the house. In a joint meeting of the two houses, the speaker of the national assembly assisted by that of the senate presides over.

The speaker has no vote in parliament and in case of a tie, The question is lost.

The six speakers in Kenya since independence include;

1. 2008-upto date- Kenneth Marende.
2. 1993-2007- Francis Ole Kaparo
3. 1991- 1992-Professor Jonathan Ngeno
4. 1988- 1990-Moses Arap Keino
5. 1970 – 1987-Fredrick Mbiti Mati.
6. 1964-1969-Humphrey Slade became the first speaker of the single house.
7. 1963- Muinga Chokwe (speaker of the upper house)
8. 1963- Humphrey slade (speaker of the lower house).

Role of the speaker.

- a) He/she presides over the proceedings of the house and ensures that they are conducted in accordance with the rules of procedure. He enforces standing orders in the house.
- b) The speaker disciplines members of the house who violate standing orders by ordering such them to leave the house or be barred from attending three house consecutive sittings.
- c) Maintains order during debates and enforces rules which govern conduct of the house. The speaker interprets the rules of the house.
- d) He/she gives the MPs chance to contribute towards house debates to ensure that the minority are given a fair hearing before the will of the majority prevails.
- e) He/she represents and protects the authority of the house.
- f) He/she organizes and determines the business to be conducted in the house by receiving Bills, motions and questions for discussion in the house, and then prepares an order paper.
- g) He/she adjourns sittings if the house lacks a quorum.

- h) He/she keeps and maintains the attendance register and grants permission to MPs to be absent from sessions. MPs going out of the country must inform the speaker of their absence from Kenya.
- i) He/she heads the National Assembly department and takes charge of its general administration and welfare. He/she is responsible for preserving dignity and order and for the comfort and convenience of the members and staff within parliament buildings.
- j) He/she chairs the speaker's committee, the committee of powers and Privileges and the standing Order Committee.
- k) The speaker issues orders and makes rules for the regulation of visitors to parliament and represent parliament in its relations with foreign countries.
- l) The speaker chairs the branches of the commonwealth Parliamentary Association, Inter-Parliamentary Union and the Union of African Parliaments. He/she represents Parliament at the commonwealth speaker's conference.
- m) He/she declares parliamentary seats vacant and issues writs for general elections and by-elections.
- n) He/she receives and accepts letters of resignation from members of parliament.
- o) He/she swears in members of parliament before participating in the House deliberations.
- p) He, summons parliament to a new when parliamentarians are on recess.

~ **Party leaders**

As part of parliament officers, there is the leader of the majority party and leader of minority party.

The majority party leader is the person who is the leader in the national assembly of the largest party or coalition of parties.

The minority party leader is the person who is the leader in the national assembly of the second largest party or coalition of parties.

Role of party leaders.

- a) They promote and uphold national unity through party activities.
- b) They enforce adherence to principles of good governance, democracy and upholding human rights and fundamental freedoms and gender equality and equity.
- c) The leaders work to advance the goals of the party and ensure their programme is carried out to the satisfaction of the party.
- d) The leader of the majority party has to ensure and maintain support for legislation.
- e) The leader of the minority party has to protect the rights of the minority.
- f) The leader of the majority party has to ensure accountability and transparency in the party. And the government.

Functions of parliament in Kenya.

- a) The elected members of parliament Represents the will of the people, and exercises their sovereignty.
- b) Parliament considers and passes amendments to the Constitution
- c) It has powers to alter county boundaries as provided for in the Constitution.
- d) Parliament has the duty to protect the Constitution and promote the democratic governance of the Republic.
- e) Parliament is the sole body that has the power to make provision having the force of law in

Kenya

Functions of the National Assembly in Kenya.

- a) The national assembly represents the will of the people and expresses their sovereignty since it represents people from the 290 constituencies and special interest groups.
- b) The National Assembly deliberates on and resolves issues of concern to the people in the Constituencies and special interest groups.
- c) The National Assembly enacts legislation that affect the nation-not the county government. For example the money bill may be introduced only in the national assembly.
- d) The National Assembly determines the allocation of national revenue between the levels of government/it controls revenue and expenditure in the republic.
- e) It appropriates funds for expenditure by the national government and other national State organs/ it exercises oversight over national revenue and its expenditure.
- f) The National Assembly reviews the conduct in office of the President, the Deputy President and other State officers/It may initiate the process of removing them from office.
- g) The National Assembly approves declarations of war and extensions of states of emergency.

Functions of the Senate in Kenya.

- a) The Senate represents the counties, and serves to protect the interests of the counties and their governments.
- b) The Senate participates in the law-making function of Parliament by considering, debating and approving Bills concerning counties.
- c) The Senate determines the allocation of national revenue among counties/It exercises oversight over national revenue allocated to the county governments.
- d) The Senate participates in the oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office.

The process of law making in Kenya.

What is law making?

This is the process of enacting new laws or amending the existing ones.

The two conditions for the start of a law making process are

- a) The presence of a speaker or his deputy.
- b) A quorum of fifty members of the national assembly.
- c) A quorum of 15 members of the senate.

What is a bill?

A bill is a proposed piece of legislation (law).

Bills originate in the National Assembly.

A Bill not concerning county government is considered only in the National Assembly, and passed in accordance with the Standing Orders of the Assembly.

A Bill concerning county government may originate in the National Assembly or the Senate, and is passed in accordance with the Standing Orders of the Houses.

Bills are classified into two;

- a) **Public Bill**- these deal with matters of public policy that affect all citizens of Kenya. They are also categorized into two;
 - a. Government Bill-introduced by cabinet secretaries.
 - b. Private member's Bill.-introduced by back-benchers in the national assembly

- a) **Private Bill**.-this is a bill that affects a particular person, associations or people living in a small part of the country.

Money Bill

This a bill that has provisions dealing with taxes, payment of charges by public, appropriation , receipt ,custody or issue of public money, raising or guaranteeing of any loan, its repayment or other matters relating to such monies.

The process

- ~ The government departments and public offices to be affected by a bill consult first before it is drafted. A bill is then drafted by the government draftsman (*the parliamentary counsel*) in the attorney general's chambers.
- ~ When the cabinet is satisfied with the draft, it is published in the *Kenya gazette* at least fourteen days before it is introduced to parliament. The main purpose of this is to give the public chance to view and criticize the Bill. The draft proposal is also presented to parliament to give members chance to research on it on preparation for a debate in the future.
- ~ A Bill is first introduced by any member or committee of the relevant House of Parliament, but a money Bill may be introduced only in the National Assembly.
- ~ Before either House considers a Bill, the Speakers of the National Assembly and Senate jointly resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.
- ~ When any Bill concerning county government has been passed by one House of Parliament, the Speaker of that House refers it to the Speaker of the other House.
- ~ If both Houses pass the Bill in the same form, the Speaker of the House in which the Bill originated shall, within seven days, refer the Bill to the President for assent.
- ~ The National Assembly may amend or veto a special Bill that has been passed by the Senate only by a resolution supported by at least two-thirds of the members of the Assembly.
- ~ Within fourteen days after receipt of a Bill, the President assents to the Bill; or refer the Bill back to Parliament for reconsideration by Parliament, noting any reservations that the President has concerning the Bill.

When a bill is referred back to parliament, the following procedure is followed;

- a) Parliament may amend the bill in light of the president's reservations or pass the bill a second time without amendments.
 - b) If parliament amends the Bill after consideration of the president's reservations, the speaker must resubmit the bill to the president for assent.
 - c) Parliament could pass the bill without amendments or with amendments that do not fully accommodate the president's reservations if supported by;
 - ~ Two-thirds of the members of the national assembly, and
 - ~ Two-thirds of the delegations in the senate, if the bill requires approval of the senate.
- ~ The bill then has to be submitted by the appropriate speaker to the president for assent within seven days.
 - ~ If the president fails to assent the bill within seven days, the bill will be considered acted upon and therefore considered null and void.

The process of the bill coming into force as a law.

After presidential assent, a Bill becomes a law or an act of parliament. It is then published in the official gazette, the Kenya gazette, within seven days after assent.

Sections of it may also be published in the local dailies so as to publicize the law to all residents in the country.

The Act of parliament then comes into force as a law on the fourteenth day after its publication in the Kenya Gazette unless the Act specifies a different date or time when it will come into force.

The law then binds everybody in the country.

Special Bills concerning county governments.

Such Bills, when passed by senate, can only be amended or vetoed by National Assembly by a resolution of 2/3 of the members. When the veto or amend fails to pass, the speaker of the National Assembly must within seven days refer the Bill in the form adopted by the senate to the president for assent.

Ordinary Bills concerning counties.

If one house passes an ordinary bill concerning counties and the second house rejects it , the Bill must be referred to the *mediation committee*.

A *mediation committee* refers to a committee comprising equal number of members from both houses appointed by the speaker with the task of formulating a version of the Bill that both Houses could pass.

Both houses will then vote to pass or reject the formulated version. The Bill is considered rejected if the committee fails to reach an agreed version within 30 days.

If the second House passes it in an amended form, the bill must be taken back to the originating house for consideration. If the originating house passes it as amended; it is referred to the president for assent within seven days. If it rejects it, it is referred to the mediation committee.

Parliamentary supremacy

Meaning of parliamentary supremacy

This refers to the sovereign power exercised by parliament which makes law for the country.

Parliament is supreme because, through elections, it has the people's mandate to legislate and govern on their behalf and is the only means through which people control government.

How parliamentary supremacy is upheld in Kenya.

- a) It is the only Body that makes and repeals laws. Technically, a constitutional court can overrule an act of parliament, but parliament can change the law to prevent that from happening.
- b) Parliament can remove the president from office by impeachment. A member of the national assembly, with the support of at least a third of all the members, may move an impeachment motion.
- c) Parliament through an amendment of the constitution, can limit the powers of the executive. It can also pass a vote of no confidence in the government, compelling the president and his/her cabinet secretaries to resign.
- d) Cabinet secretaries are accountable to the parliament for their activities in the ministries under their control. They have to answer questions in parliament about their ministries.
- e) Bills prepared by the cabinet have to be legislated by parliament, which is a law making body.
- f) Parliament has to approve government expenditure. The Cabinet secretary in charge of

Finance annually presents the budget to parliament for approval by MPs. - the public accounts committee scrutinizes government expenditure. The Auditor and controller-General check the expenditure of all ministries and reports to parliament.

NB; - The upholding of parliamentary supremacy however depends largely on the integrity and maturity of members of the national assembly.

Ways in which parliamentary supremacy in Kenya is limited.

- a) Parliament cannot make laws that contradict traditional customs and practices of the people, unless people want change.
- b) Parliament cannot pass a law that contradicts the constitution. /the supremacy of the constitution is upheld.
- c) Increased power of the cabinet can reduce parliament's authority. If the cabinet is too powerful, it may influence parliamentary decisions.
- d) The president can limit the supremacy by making independent decisions. For example, the president has emergency powers which sidestep parliamentary supremacy. State of Emergency does not follow parliamentary directions.
- e) Parliament supremacy can be limited by the application of international laws. Parliament may be forced to ratify a law out of necessity; failure to ratify an international law may invite punitive actions on the country.
- f) Delegated legislation may also limit its powers, i.e. the operation of the county government by-laws may limit parliamentary supremacy although national legislation prevails over county legislation.
- g) Referendum may be used to decide important issues as opposed to parliamentary decisions.

Merits of parliamentary supremacy/parliamentary system.

- a) It increases harmony, since the legislature and the executive work together. This is realized when MPs, who represent the electorate, bring their views to the executive (cabinet secretaries) in the legislature.
- b) This system allows ordinary citizens to participate in the governing process by electing their representatives to articulate their views on issues of national interest.
- c) It ensures a responsible and responsive government since the cabinet is controlled by parliament in its actions. Cabinet cannot ignore public opinion, since people choose the MPs. Such could risk a vote of no confidence.
- d) It instills a sense of responsibility in the executive since cabinet secretaries have to sit and answer questions in the house.
- e) The system legitimizes actions taken by the government, particularly when such actions originate from recommendations passed by the MPs- the people's representatives.
- f) A parliamentary system gives citizens a chance to participate in national political leadership through presenting themselves for election as members of parliament or county assemblies.
- g) It provides for regular elections, giving the electorate the chance to reject non-performing MPs and elect others who can perform.
- h) Parliament is a training ground for effective leaders; the system enables Kenyans of ability and experience to prove their worth in parliamentary debates.

Demerits of parliamentary supremacy.

- a) It only works well where there are two parties; with one ruling while the other in opposition. In a case where there are more than two parties. A coalition government may be formed and this form of government is sometimes weak and unstable. Also where the legislature is dominated by one party, the cabinet tends to be dictatorial.
- b) Such government may not be effective in times of emergencies. The head of government has to consult with the cabinet and the legislature before acting.
- c) It weakens the executive. It compels the cabinet secretaries to spend most of their time in parliament instead of dealing with matters of their ministries.

“Terminative Role of Parliament” in Kenya.

This means that parliament has the power to impeach a president or pass a vote of no confidence in the government by a two-thirds vote majority of the national assembly, forcing the government to resign.

Functions of the Parliamentary Service Commission

- a) The Commission is responsible for providing services and facilities to ensure the efficient and effective functioning of Parliament
- b) It is responsible for constituting offices in the house.
- c) It prepares annual estimates of expenditure of the parliamentary service and submitting them to the National Assembly for approval, and exercising budgetary control over the service.
- d) It is responsible for undertaking, singly or jointly with other relevant organizations, programmes to promote the ideals of parliamentary democracy.
- e) It performs other functions necessary for the well-being of the members and staff of Parliament; or prescribed by national legislation.

THE EXECUTIVE

Meaning of the executive.

This is the arm of government which deals with the implementation of laws made by parliament. It is charged with the administration of affairs of a country as well as affairs which affect the country from outside.

The National executive comprises;

- a) The president.
- b) The deputy president.
- c) The cabinet.
- d) The attorney general.
- e) The director of public prosecutions
- f) The public service.

The president.

He is the Chief Executive Officer of the republic of Kenya. He is the head of state and government in Kenya. He is the commander-in-chief of the Kenya Defence Forces. He is a symbol of national unity.

He holds office for a five year term from the date of being sworn in to office and the term expires when the next candidate elected as president is sworn in. the constitution gives a two-five year term as the maximum period for the president’s position.

Qualifications for election as President in Kenya.

- a) A person qualifies for nomination as a presidential candidate if the person is a citizen by

birth

- b) The person must be qualified to stand for election as a Member of Parliament.
- c) He or she must be nominated by a political party, or is an independent candidate and is nominated by not fewer than 2000 voters from each of a majority of counties.

NB;- A presidential candidate, whether affiliated to a political party or independent, must garner 50% plus one of all the votes cast in the election.

A candidate must also attract 25% of the votes cast in more than half of the counties in Kenya in order to qualify to be a president.

Disqualifications one from vying for election as a president in Kenya

- a) If the person owes allegiance to a foreign state.
- b) If he is a public officer, or is acting in any State or other public office.

Assumption of office of the president.

The president-elect assumes office by taking two oaths namely;

- ~ The oath of affirmation of allegiance
- ~ The oath of affirmation for execution of the functions of office.

If the president-elect dies before assumption of office, the deputy president-elect is sworn in as acting president. A new fresh election to the office of president must be held within sixty days after death of the president-elect.

The president must be sworn in public before the Chief Justice.

Importance of a presidential election.

- a) The citizens get a chance to exercise their democratic right. It is the essence of democracy in a government. The people have a choice to elect a president directly, freely, and fairly.
- b) It is a means through which the people of Kenya give the president the mandate to rule the country and act on their behalf.
- c) It helps to check dictatorship. The president becomes responsible and accountable to the electorate. He cannot go against public opinion.
- d) The president enjoys legitimacy of power because it is derived from the people

Powers and functions of the president of Kenya as derived from the constitution of Kenya.

- a) As the Head of State, he performs the following functions;
 - ~ He represents the government and the people of Kenya both locally and internationally.
 - ~ He receives foreign diplomatic and consular representatives.
- b) He is the head of Government.
 - ~ He nominates a deputy president to deputize him.
 - ~ He nominates and, with the approval of the national assembly, appoints or dismisses cabinet secretaries, the attorney general, the Director of Public Prosecutions, the secretary to the cabinet, Principal secretaries, High Commissioners, Ambassadors, and diplomatic and consular representatives, the chief justice and the deputy and all the judges in line with the recommendations of the Judicial Service Commission
- c) He is the Commander-in-Chief of the Kenya Defence Forces
 - ~ He has powers to declare a state of emergency, declare war with the approval of parliament.
 - ~ He is the chairperson of the National Security Council of Kenya.
- d) The President has the duty to safeguard the Constitution, ensure the protection of human rights and fundamental freedoms and the rule of law, safeguard the sovereignty of the

republic, promote and enhance unity of the nation and promote respect for diversity.

- e) The President has legislative powers to address the opening of each newly elected Parliament. He also addresses a special sitting of parliament once every year and any other time.
- f) The President chairs Cabinet meetings and assigns responsibility for the implementation and administration of any Act of Parliament to a Cabinet Secretary.
- g) He presides over national holidays during which he expounds on government policy.
- h) He confers honours in the name of people and republic on men and women of Kenya for outstanding achievements. E.g. OGH, OBS, DSM, HSC and EBS.
- i) He may, on petition of any person, exercise mercy powers in accordance with the advice of the advisory committee. E.g. ;
 - ~ Grant a free or conditional pardon to a person convicted of an offence.
 - ~ Postpone execution of any punishment for an offender , for a specified period, or indefinitely
 - ~ Substitute a less severe form of punishment.
 - ~ Remit all or part of a punishment.
- j) The President ensures that the international obligations of the Republic are fulfilled through the actions of the relevant Cabinet Secretaries.

NB-the constitution provides the president with immunity from criminal proceedings during the tenure of office in respect of anything done or not done in exercise of the powers granted by the constitution. But this immunity does not extend to a crime for which the president may be prosecuted under any treaty to which Kenya is part to, and which prohibits such immunity.

The process of Removal of President by impeachment.

A member of the National Assembly moves a motion for the impeachment of the President on the following grounds;

- a) A gross violation of a provision of the Constitution.
- b) President commits a crime under national or international law.
- c) For gross misconduct.

If a motion is supported by at least two-thirds of all the members of the National Assembly, the Speaker informs the Speaker of the Senate of that resolution within two days.

The President continues to perform the functions of the office pending the outcome of the proceedings.

Within seven days, the Speaker of the Senate convenes a meeting of the Senate to hear charges against the President.

A special committee appointed by the senate investigates the matter; and report to the Senate within ten days.

If the special committee reports that the particulars of any allegation against the President have not been substantiated, further proceedings shall not be taken

If any of allegations against the President have been substantiated, the Senate, after according the President an opportunity to be heard, votes on the impeachment charges.

If at least two-thirds of all the members of the Senate vote to uphold any impeachment charge, the President shall cease to hold office.

Reasons that may lead to a presidential by-election in Kenya.

- a) The president's election may be nullified by court due to election offences.

- b) The serving president may die while in power.
- c) The president may resign.
- d) If the president becomes physically /mentally incapacitated.
- e) Parliament may pass a vote of no confidence in the president /government.
- f) If the serving president deserts/defects from the party that sponsored him to parliament.
- g) If the serving president ceases to be a Kenyan citizen.

THE DEPUTY PRESIDENT

The deputy president is nominated by the presidential candidate during a general election.

The process of Electing and swearing in of a Deputy President in Kenya.

- a) A candidate, (qualified for nomination for election as President) is nominated by each candidate in a presidential election.
- b) The Independent Electoral and Boundaries Commission then declare the candidate nominated by the person who is elected as the President as the Deputy President.
- c) The swearing in of the Deputy President-elect is before the Chief Justice or, in the absence of the Chief Justice, the Deputy Chief Justice and in public.
- d) The Deputy President-elect assumes office by taking and subscribing;
 - a) The oath or affirmation of allegiance.
 - b) The oath or affirmation for the execution of the functions of office.

Under the following circumstances, one can cease to hold the office of the Deputy President

- a) At the end of term of office when the person next elected President at an election is sworn in.
- b) When the Deputy President assumes the office of President.
- c) On resignation, death or removal from office of the Deputy President

Functions of the Deputy President in Kenya.

- a) The Deputy President is the principal assistant of the President and shall deputize for the President in the execution of the President's functions.
- b) The Deputy President performs the functions conferred by the Constitution and any other functions of the President as the President may assign.
- c) When the President is absent or is temporarily incapacitated, and during any other period that the President decides, the Deputy President shall act as the President.

NB-The Deputy President is not permitted to hold any other State or public office.

The cabinet.

The composition of The Cabinet in Kenya.

The Cabinet consists of

- a) the President;
- b) the Deputy President;
- c) the Attorney-General; and
- d) Not fewer than fourteen and not more than twenty-two Cabinet Secretaries.

The President nominates and, with the approval of the National Assembly, appoints Cabinet Secretaries.

A Cabinet Secretary should not be a Member of Parliament.

Secretary to the cabinet.

This office is an office in the public service.

The office holder is nominated and appointed by the president, with the approval of the

national assembly. He/she has the following responsibilities;

- a) Taking charge of the cabinet office.
- b) Arranging the business of the cabinet subject to its directions.
- c) Keeping minutes of the cabinet.
- d) Conveying decisions of the cabinet to the appropriate persons or authorities.
- e) Serving other functions as directed by the cabinet.

Principal Secretaries.

Each state department is under the administration of a principal secretary. He/she is nominated and appointed by the president from among persons recommended by the public service commission and approved by the national assembly.

This office is an office in the public service.

General Functions of the cabinet.

- a) The cabinet Advises and assists the president in governing the country.
- b) The cabinet Discusses matters of national and international concern with the president.
- c) The cabinet Formulates government policies and programmes. During parliamentary debates, the secretaries defend the same policies, interpret them to the people and ensure their implementation.
- d) The cabinet initiates new bills and table government bills in the National assembly.
- e) Cabinet secretaries on their individual capacity give direction to operations within their ministries.
- f) The secretary for finance formulates and prepares the national budget which he/she then presents to the National Assembly.

The principle of collective responsibility of the cabinet.

- a) The cabinet does not work in the light of day. Cabinet must abide by oath of secrecy.
- b) It requires that the cabinet must act together as a team. The cabinet must speak together with one voice on all matters of government policy.
- c) All cabinet members are collectively responsible to parliament and to the people through parliament. One act of a cabinet secretary is taken to be an act of all the members of the cabinet.
- d) A minister would resign if in his conscience he cannot abide by the principle of collective responsibility.

The functions of the Attorney-General in Kenya.

- a) The Attorney-General is the principal legal adviser to the Government.
- b) He represents the national government in court or in any other legal proceedings to which the national government is a party, other than criminal proceedings.
- c) He performs any other functions conferred on the office by an Act of Parliament or by the President.
- d) The Attorney-General has authority, to appear as a friend of the court in any civil proceedings to which the Government is not a party.
- e) The Attorney-General has duty to promote, protect and uphold the rule of law and defend the public interest.

The Director of public prosecutions.

The DPP is nominated and with the approval of the National Assembly is appointed by the president to hold office for a term of eight years and can't be re-appointed.

He/she does not require the consent of any person or authority for the commencement of criminal proceedings. His/her powers may be exercised in person or by subordinate officers acting under general or special instructions.

A person qualified to be appointed a DPP should have the qualifications to be appointed a judge of the High Court.

The functions of the Director of Public Prosecutions.

- a) The Director of Public Prosecutions has power to direct the Inspector-General of the National Police Service to investigate any information or allegation of criminal conduct.
- b) The Director of Public Prosecutions exercises State powers of prosecution and may institute and undertake criminal proceedings against any person before any court (other than a court martial) in respect of any offence alleged to have been committed.
- c) He has powers to take over and continue any criminal proceedings commenced in any court (other than a court martial) that have been instituted or undertaken by another person or authority, with the permission of the person or authority.
- d) He has powers to discontinue at any stage, before judgment is delivered, any criminal proceedings instituted by the Director of Public Prosecutions or taken over by the Director of Public Prosecutions.

THE PUBLIC SERVICE

The public service includes all state organs in both levels of government and all state corporations.

Values and principles of public service

- a) High standards of professional ethics.
- b) Efficient, effective and economic use of resources.
- c) Responsive, prompt, effective, impartial and equitable provision of services.
- d) Involvement of the people in the process of policy making.
- e) Accountability of administrative acts.
- f) Transparency and provision to the public, of timely, accurate information.
- g) Fair competition and merit as the basis of appointments and promotions
- h) Representation of Kenya's diverse communities.
- i) Providing adequate and equal opportunities for appointment, training and advancement at all levels of the public service, for women and men, members of all ethnic groups and persons with disability.

The Public Service Commission.

This is the body charged with the responsibility of recruiting, promoting and managing the affairs of the public servants in Kenya in order to make it a motivated and an efficient workforce.

The commission consists of a chairperson, a vice chair person and seven other members appointed by the president with the approval of the National Assembly.

The commission has a secretary who is the CEO and is appointed by the commission for a term of five years and is eligible for re-appointment.

The following persons do not qualify for appointment to the commission;

A person who in the proceeding five years, held office, or stood for elections as;

- i. A member of parliament or the county assembly.
- ii. A member of the governing body of a political party.

- iii. If the person holds any state office.
- iv. A holder of an office in a political organization that sponsors or supports a candidate for election as Member of Parliament or county assembly.

Functions and powers of the Public Service Commission.

- a) The Commission is responsible for establishment and abolishment of offices in the public service.
- b) It appoints persons to hold or act in *Offices* in the public service and confirm appointments.
- c) It exercises disciplinary control over and removes persons holding or acting in public offices.
- d) *It* promotes the values and principles throughout the public service.
- e) *It* investigates monitors and evaluates the organization, administration and personnel practices of the public service.
- f) It has the duty to ensure that the public service is efficient and effective.
- g) It develops human resources in the public service.
- h) It reviews and makes recommendations to the national government in respect of conditions of service, code of conduct and qualifications of officers in the public service.
- i) *It* evaluates and reports to the President and Parliament on the extent to which the values and principles that govern public service are complied with in the public service.
- j) *It* hears and determines appeals in respect of county governments' public service.

Offices in the public service that are exempted from the regulation and control of the public service commission;

- a) State offices.
- b) An office of high commissioner, ambassador or other diplomatic or consular representative of the republic.
- c) An office or position subject to:
 - ~ The Parliamentary Service Commission.
 - ~ The Judicial Service Commission.
 - ~ The Teachers Service Commission
 - ~ The National Police Service Commission.
- d) An office in the service of a county government, with the exception of powers to create and establish offices.

The commission can not appoint a person to hold office or act in any office on the personal staff of the president or retired president, except with the consent of the president or retired president.

Ways in which a public officer is protected by law while in service.

- a) A public officer shall not be victimized or discriminated against for having performed the functions of office in accordance with the Constitution.
- b) He/she shall not be dismissed, removed from office, demoted in rank or otherwise subjected to disciplinary action without due process of law.

Organs of national security.

National security is the protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity.

Principles that promote and guarantee national security in Kenya.

- a) National security is subject to the authority of the constitution and parliament.

- b) Operations of national security must be consistent with the law and must respect the rule of law, democracy, human rights and fundamental freedoms.
- c) In performing their functions and exercising their powers, national security organs must respect cultural diversity of the communities within Kenya.
- d) Recruitment by the national security organs must reflect the diversity of the Kenyan people in equitable proportions.

National security organs in Kenya.

The national security organs are;

- a) The Kenya Defence Forces.
- b) The National Intelligence Service.
- c) The National Police Service.

National Security Council

This is a body whose main responsibility is to exercise supervisory control over national security organs

Composition of the National Security Council

The Council consists of

- a. The President.
- b. The Deputy President.
- c. The Cabinet Secretary responsible for Defence.
- d. The Cabinet Secretary responsible for foreign affairs.
- e. The Cabinet Secretary responsible for internal security.
- f. The Attorney-General.
- g. The Chief of Kenya Defence Forces.
- h. The Director-General of the National Intelligence Service.
- i. The Inspector-General of the National Police Service.

Functions of the National Security Council in Kenya.

- a) It exercises supervisory control over national security organs.
- b) It has duty to integrate the domestic, foreign and military policies relating to national security in order to enable the national security organs to co-operate and function effectively.
- c) It makes assessment and appraisal, the objectives, commitments and risks to the Republic in respect of actual and potential national security capabilities.
- d) The Council reports annually to Parliament on the state of the security of Kenya
- e) With the approval of Parliament, The Council is responsible for deploying national forces outside Kenya for regional or international peace support operations; or other support operations.
- f) It approves the deployment of foreign forces in Kenya.

The Kenya Defence Forces.

The Kenya defence Forces comprises;

- a) The Kenya Army, established in 1963 and which protects the country against external land-based aggression.
- b) The Kenya Air force, established in 1963, disbanded in 1982 and renamed 82 Air force. It helps in the control of locust invasion.
- c) The Kenya Navy, based in Mombasa and created in 1964, patrols Kenya's territorial

waters and is always on the alert for sea-borne invasions, and for illegal landings and departure, and unauthorized fishing by foreign vessels in Kenyan waters.

Functions of the Kenya Defence forces.

- a) The Defence Forces are responsible for the Defence and protection of the sovereignty and territorial integrity of the Republic.
- b) They assist and cooperate with other authorities in situations of emergency or disaster.
- c) They may be deployed to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly.
- d) The forces also assist in the preservation of internal security. For example the handling of the attempted coup by the Kenya Army in 1982.
- e) They participate in nation building activities such as road and bridge construction.
- f) The military also assists the public during emergencies and calamities such as floods, famine, fire outbreaks, landslides and other disasters. For example during the El Nino rains-construction of mobile bridge on Mombasa-Nairobi highway.
- g) The Navy specializes in detecting and fighting off criminals who use water masses like the Indian Ocean to commit crimes within the Kenyan territory. E.g. Somali Pirates.
- h) The Kenya Army takes part in peacekeeping Missions, such as the United Nations peace keeping operations in different parts of the world and also the African Union and Commonwealth.

The Kenya Defence Council.

Its composition is as follows;

- a) The cabinet secretary responsible for defence is the chairperson.
- b) The Chief of the Kenya Defence Forces.
- c) The Three Commanders of the defence forces.
- d) The Principal Secretary in the ministry responsible for defence.

Functions.

It is responsible for the overall policy, control and supervision of the Kenya Defence Forces.

Challenges facing the Kenya Defence Forces.

- a) There has being cases of indiscipline, such as the abortive coup attempt in 1982.
- b) There have been rampant cases of corruption facing some members of the Kenya Defence Forces, especially on matters of recruitment of new members into the defence forces, purchase of military and police equipment and deployment of officers on specialized duties.
- c) Tribalism, regionalism and nepotism have also been experienced in the Kenya Defence Forces, thereby demoralizing hardworking officers who are left out unfairly during promotions.
- d) Sometimes the Kenya Defence Forces faces the problem of lack of adequate funds to equip the forces with good equipment to facilitate their work.
- e) The majority of the military personnel are not provided with opportunities to acquire further education.
- f) Piracy and militia attacks and raids at the Kenyan Borders also present a major security challenge to the Defence Forces.
- g) Invasion of Kenya's territorial waters by foreign fishermen and foreign fishing vessels from the big nations challenges the ability of the Kenya Navy to curb illegal fishing.

- h) The location of Moi Airbase at Eastleigh presents a big challenge to the air force. The Airbase was built by Britain in 1964 when the population in the area was scarce. Today the area has human congestion
- i) The defence forces also face challenges related to allegations on violations of human rights. After the 2008 elections violence, the Kenya Army was deployed to restore peace in Mt. Elgon, where they were accused of violating human rights by killing people, destroying property, and sexually assaulting women.

The National Intelligence Service.

Initially called the Special Branch, This is an independent civilian government agency dedicated to protecting the national security interests of Kenya and safeguarding its citizens from threats such as terrorism and corruption.

Function of the National Intelligence Service

- a) It is responsible for security intelligence and counter intelligence to enhance national security.
- b) It liaises with the National police CID to investigate some of the threats that have criminal implications e.g. terrorism. And lay the appropriate charges.
- c) Information gathered by the NIS assists the government in decision –making and planning.
- d) The NIS in its operations protects human rights issues and the individual freedoms.

Challenges facing the National Intelligence Service.

- a) Lack of trust from Kenyan citizens. The citizens are reluctant to provide information to NIS as they view it not to be any different from the former Special Branch which was known to be a tool of oppression and torture.
- b) The body lacks financial credibility and political independence. The extent to which NIS is Neutral in its handling of sensitive affairs is questionable.
- c) Lack of a clear distinction between accountability and necessary secrecy has sometimes brewed tension. It is difficult to audit the activities of the Body just like any other government organization, due to the nature of its tasks.
- d) The growing volumes and complexity of communications presents a significant security challenge for national intelligence and government agencies that seek to intercept, process monitor and analyze it.
- e) External and internal threats for example Al-shabaab militia from Somalia, Merille Warriors from Ethiopia and Al-Qaeda attacks. Internally, the refugees hosted in Kenya and the illegal migrants from Somali and Sudan are also a threat. The problem of drug trafficking is also a threat.
- f) Continuous capacity building training is a necessity, given the complexity of the task. However this remains a challenge.
- g) Limited financial and human resources since inadequate funds are allocated to the service. This limits its operations. Sometimes even the staff employed is incompetent.
- h) Political interference- with the aim of using the service to gain political mileage.
- i) Ignorance of the Kenyan people on the kind of tasks the service undertakes and the advice it gives to the government. For example, anytime the country has been faced with tension or violence as was the case in 2008, the public seem not to understand the role of NIS.
- j) The organ does not have implementation powers and is limited in terms of the ability to follow up an implementation of the advice given to the government.

The National Police Service.

The East African Protectorate Police was first created in the 1890s. In 1920, it was renamed the Kenya Police. In 1953, control of the entire police force was placed under the Commissioner of Police. The National Police service was established in 2010 with a mandate to function throughout Kenya.

It is headed by the *Inspector-General* who appointed by the president with the approval of the parliament.

He / She exercises independent command over the national police service

The National polices Service Consists of;

- a) *The Kenya Police Service*, headed by a *deputy inspector general* also appointed by the president in accordance with the police service commission recommendations.
- b) *The Administration Police Service*, headed by a *deputy inspector general* also appointed by the president in accordance with the police service commission recommendations.

Functions of the National Police Service

- a) The National Police Service is responsible for the operations of the Kenya police service and the Administration police service in Kenya.
- b) It has the duty of ensuring the highest standards of professionalism and discipline among its members.
- c) It has the duty to prevent corruption and promote and practice transparency and accountability.
- d) It has the duty to ensure that organs operating under it comply with constitutional standards of human rights and fundamental freedoms.
- e) It ensures that the staff is trained to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity.
- f) It fosters and promotes relationships with the broader society.

Functions of the police service (Kenya police service and administration police service).

- a) The police maintain law and order to ensure that those who break the law are arrested.
- b) The police protect the law in order to safeguard both life and property.
- c) It investigates crime and prosecutes offenders in the court.
- d) The police confine suspected criminals in remand as they await the hearing and judgment of their cases in the court.
- e) The police regulate traffic and arrests traffic offenders. They also check for defective or unroadworthy vehicles on the road in order to safeguard life.
- f) Provides assistance and relief services to victims of natural calamities such as floods, fire outbreaks and other emergencies.
- g) Takes part in national projects such as road construction, bridges, hospitals and other national facilities.
- h) The police take a leading role during public holidays. They control the crowd and entertain people.
- i) They liaise closely with international police (Interpol), in order to investigate and arrest international criminals such as terrorists and notorious Somali pirates.

Challenges facing the National Police Service

- a) The police lack adequate transport and communication equipment necessary to discharge their duties. Lack of facilities such as radios, motor vehicles etc.

- b) Frequent road accident and congestion on roads add pressure to police work.
- c) Many members of the public in Kenya have Negative attitude towards the police making it difficult for them to discharge duties.
- d) Poor conditions of work and remuneration demotivates the police force.
- e) The police force has been accused of Corruption, sometimes demanding for money from the public. This undermines the maintenance of law and order.
- f) Easy access to dangerous and sophisticated weapon by criminals makes police work more difficult.
- g) Terrorism is a serious challenge to the police in Kenya. Some of the terrorists have targeted members of the police force.
- h) Political interference in the work of the police compromises the integrity of the police force.
- i) Modernization and advancements in ICT also some with major challenges for the police. Incidents of cyber crimes have escalated in the world, including kenya.
- j) Lack of regular – in service training for police officers to cope with emerging challenges. This challenge is even compounded by the problem of recruiting of people with low academic qualifications into the force and who can't deal with sophisticated cases.

The National Police Service Commission.

The structure of the National Police Service Commission.

The Commission consists of the following persons, each appointed by the President;

- a) A person who is qualified to be appointed as a High Court Judge, and who is appointed by the president.
- b) Two retired senior police officers, each of whom is appointed by the president.
- c) Three persons of integrity who have served the public with distinction, each of whom is appointed by the president.
- d) The Inspector-General of the National Police Service.
- e) Both Deputy Inspectors-General of the National Police Service.

Functions of the National Police Service Commission

- a) The Commission recruits and appoints persons to hold or act in offices in the service.
- b) The commission confirms appointments, and determines promotions and transfers within the National Police Service
- c) It observes due process, exercises disciplinary control over and removes persons holding or acting in offices within the Service.

Possible solutions to challenges facing the national security organs.

- a) The security organs have acquired modern telecommunication equipment and vehicles to improve transport and communication in the security force.
- b) Introduction of the post of public Relations Officer/ Spokesman in the organs to coordinate and disseminate information.
- c) Raising of qualification requirements for anybody aspiring to join the security organs. This has paved way for employment of university graduates in the forces.
- d) Introduction of professional training programmes for officers with the aim of improving the effectiveness of the organs of national security.
- e) The terms and conditions of service for the members of the security organs have been improved

- f) Community policing has been introduced to help the security forces to get information from the public through hotlines and suggestion boxes.
- g) There is increased patrolling by the Kenya navy as far north as Somali border to address maritime defence more seriously.
- h) The aviation experts have recommended the relocation of Moi Airbase from its current location which is congested.

Correctional services.

The Correctional service Department in Kenya has its origins in the adoption of the India Prisons Act in Kenya in 1894 by the colonial government. Initially, prisons were under the supervision of the provincial Administration.

In 1963 the Prisons Act was enacted to harmonize the treatment and conditions of offenders in Kenya's penal institutions. The Act's milestone provisions were;

- a) Youth corrective training centres
- b) Extra-mural and penal employment
- c) Provision for organization, discipline, power and duties of prisons officers.

Correctional services in Kenya are provided by the former Kenya Prisons Service.

The Kenya Prisons Reform Programme in 2001 adopted The Open Door Policy under which the following reforms were initiated.

- a) Interactive collaboration with all stakeholders in the administration of criminal justice such as courts of law and members of the National Police Service.
- b) Improvement in the management and conditions of the prisons, including rehabilitation programmes, with a view to empower prisoners with knowledge and skill, hasten their re-integration into society and empower them to be law abiding citizens upon release.

The functions of Correctional Services in Kenya.

- a) They Rehabilitate/correct criminals through counseling.
- b) They deter known criminals from committing other crimes.
- c) They administer Punishment to sentenced criminals as prescribed by the court rulings- implement the decisions of the courts regarding treatment of prisoners.
- d) They confine prisoners convicted by the courts of law to ensure that the rights and freedoms of the public are protected.
- e) They provide vocational training for prisoners in fields that they make them productive citizens of the country at the end of their jail term.
- f) They keep watch over the behaviors of suspected criminals whose cases are still pending in the law courts.
- g) They take care of the welfare of prisoners by providing them with the necessary medical attention.
- h) They confine suspected dissidents who are a threat to state security.

Challenges facing correctional services in Kenya

- a) The challenge of overcrowding in prisoners on the rise, overcrowding in correctional facilities has been inevitable. This results in poor living and sanitation conditions for inmates.
- b) Disease outbreak is a very common problem in our prisons mainly caused by inadequate and congested facilities. HIV and AIDS is rampant in prisons
- c) Mistreatment of inmates by warders. This has once happened at Kingongo when some

- inmates were allegedly tortured and killed by warders when they attempted to escape.
- d) Food shortage, inadequate medical facilities and poor clothing further compound the situation in prisons.

The following reforms have been undertaken to improve the conditions of correctional services in Kenya.

- a) Improvement in the quality of food, medical services and living conditions for prisoners.
- b) Provision of sufficient beddings and clothing.
- c) Introduction of extra-mural Penal employment for petty offenders to ease congestion in the prisons.
- d) There has been supply of new and comfortable motor vehicles for efficient transport in the correctional services department.
- e) Petty offenders have been constantly released to ease congestion in prisons. For example the release of a record 11,500 prisoners in December 2003. Death row inmates who have also been in jail for over ten years have been released.
- f) Easing of access to prisons/visits by members of the public/relatives.
- g) Introduction of public Relations office to disseminate information.
- h) Streamlining the hearing of cases with a view of keeping prisoners in remand for a short period before sentencing them.
- i) The national government has also become directly involved the affairs of those receiving correction services.

THE JUDICIARY.

Judicial authority and legal system.

Judicial Authority is derived from the people and is vested in courts and tribunals established by the constitution.

Principles that guide Judicial Authority in Courts and Tribunals in Kenya.

- a) Justice must be done to all, irrespective of status.
- b) Justice shall not be delayed.
- c) Alternative forms of dispute resolution must be pursued including reconciliation, mediation, arbitration and even traditional dispute resolution mechanism.
- d) Justice shall be administered without undue regard to procedural technicalities.
- e) The purposes and principles of the constitution must be protected and promoted.

Ways in which the traditional Dispute resolution is limited in Kenya.

- a) The mechanisms used in traditional dispute resolution should not contravene the Bill of RIGHTS.
- b) The traditional court should not operate in a way that is repugnant to justice and morality or results in outcomes that are regnant to justice or morality.
- c) The operations of the traditional courts should not be inconsistent with the constitution.

The structure of the judicial system in Kenya.

The Hierarchy of the court system in the Kenyan judiciary is in accordance with;

- a) The seriousness of the cases the courts handle.
- b) The punishment they give out
- c) The geographical area of operation.

The courts have either original or appellate jurisdiction.

Difference between original and appellate jurisdictions.

- ~ Original jurisdiction refers to the ability of a court to hear cases brought to a court for the first time.
- ~ Appellate jurisdiction is the powers of a court to hear appeals brought in from a lower court.

The Judiciary consists of the judges of the superior courts, magistrates, other judicial officers and staff.

The Head of the Judiciary is the Chief Justice with the Deputy Chief Justice as the Deputy Head of the Judiciary.

Chief Registrar of the Judiciary is the chief administrator and accounting officer of the Judiciary.

The System of courts is as follows

1. Superior Courts

Supreme Court consisting of the Chief Justice who is the president of the court, the Deputy Chief Justice-the vice-president of the court; and five other judges.

Appointment to the Supreme Court requires the following qualifications;

- a. Degree in law from a recognized university or an advocate of the high Court of Kenya.
- b. Atleast fifteen years experience as a superior court judge or a distinguished academic, judicial officer, legal practioner and or other relevant legal field.
- c. High moral character, integrity and impartiality.

Supreme Court Judges retire at the age of seventy Five Years.

Functions of the Supreme Court of Kenya.

- a) The Supreme Court has exclusive original jurisdiction to hear and determine disputes relating to the elections to the office of President.
- b) It has appellate jurisdiction to hear and determine appeals from the Court of Appeal; and any other court or tribunal.
- c) The Supreme Court gives an advisory opinion at the request of the national government, any State organ, or any county government with respect to any matter concerning county government.
- d) It has of right in any case involving the interpretation or application of the Constitution.
- e) All courts, other than the Supreme Court, are bound by the decisions of the Supreme Court

2. Court of Appeal consisting of judges, not fewer than twelve, a president of the Court of Appeal elected by the judges of the Court of Appeal from among themselves. (The court of Appeal has membership of 30 Judges currently). Each judge to be appointed to the court of Appeal should have ten years experience as a superior court judge or atleast ten years as a distinguished academic or legal practioner.

The court of appeal does not have original jurisdiction except on an application for a stay of execution pending appeal to it on contempt proceedings.

Function of the Court of Appeal in Kenya.

The Court of Appeal has jurisdiction to hear appeals from the High Court; and any other court or tribunal as prescribed by an Act of Parliament.

3. High Court headed by a Principal Judge of the High Court, who shall be elected by the judges of the High Court from among themselves.

Functions of the high court of Kenya.

- a) The High Court has unlimited original jurisdiction in criminal and civil Matters.

- b) It has jurisdiction to determine the question whether a right or fundamental freedom in the Bill of Rights has been denied, violated, infringed or threatened.
- c) It has jurisdiction to hear an appeal from a decision of a tribunal appointed to consider the removal of a person from office. For example, appeals from the courts martial, Business and rental Tribunals on matters related to the constitution.
- d) It has jurisdiction to hear any question respecting the interpretation of the Constitution including the determination of the question whether any law is inconsistent with or in contravention of this Constitution;
- e) It determines any matter relating to constitutional powers of State organs in respect of county governments and any matter relating to the constitutional relationship between the levels of government.
- f) The High Court has supervisory jurisdiction over the subordinate courts and over any person, body or authority exercising a judicial or quasi-judicial function, but not over a superior court
- g) It listens to appeals from the lower courts when the parties involved are not satisfied.
- h) It deals with disputes that take place outside Kenya's territorial waters/maritime.
- i) It hears appeals from decisions made by professional disciplinary tribunals involving advocates of the high court and other members of the profession.
- j) It acts as a constitution court by determining whether a case brought before it is constitutional or unconstitutional.
- k) It listens to appeals from special courts when the parties are not satisfied with the decision made.
- l) It corrects/amends the irregularities in decisions made by lower courts.
- m) It hears cases that carry death sentences / involve large sums of money.
- n) It deals with cases that concern land/succession disputes.
- o) It hears election petitions.
- p) It exercises divorce jurisdictions in matrimonial matters,
- q) It hears appeals from tribunals E.g. Rent Restrictions, Business Premises Rent Tribunal.

Termination of the services of a judge from office.

A judge can be dismissed from service on the following grounds.

- a) Inability to perform the functions of the office arising from mental or physical incapacity.
- b) A breach of a code of conduct prescribed for judges or superior courts by an act of parliament.
- c) Bankruptcy.
- d) Incompetence.
- e) Gross misconduct or misbehavior.

The process of removal of a judge from office.

Such a process is initiated by the Judicial Service Commission on its own initiative or on petition of any person to it based on any of the dismissal grounds.

The commission, if satisfied with the petition or initiative, forwards the matter to the president, who will suspend the said Judge, within Fourteen Days after receiving the petition and on advice of the Judicial Service Commission.

A tribunal is then appointed to determine the case. If the Judge is aggrieved by the decision of

the Tribunal, he/she may appeal to the Supreme Court within ten days after the tribunal has made its recommendation.

The president will finally act in accordance with the recommendation of the tribunal.

4. Subordinate courts.

a) The Magistrates courts.

Its jurisdiction in both Civil and criminal cases is limited to geographical areas.

However the courts have unlimited Jurisdiction in proceedings concerning claims under customary law such as dowry, divorce, legitimacy, inheritance and the administration of estates of the deceased person.

They have unlimited jurisdiction in dealing with matters related to land, adultery and inheritance.

These are the courts responsible for sentencing persons who have broken law of the land.

Reasons why a person who has broken the law should be sentenced by a court.

- i. To deter the criminal from future crimes.
- ii. To deter others from committing similar offences since they would have known the punishment for breaking the law.
- iii. To secure for the public a period of protection from the offender who is in prison.
- iv. To reform the criminal through counseling and corrective training
- v. To satisfy the demands of the people for retribution through punitive justice.

b) The Kadhis' courts.

The courts are headed by a Chief Kadhi and not fewer than three Kadhis

Qualifications for appointment as a Kadhi.

- a. One must profess the Muslim religion.
- b. One must possess such knowledge of the Muslim law applicable to any sects of Muslims.

The jurisdiction of the Kadhis Court is limited to the determination of questions of Muslim Law relating to personal status, marriage, divorce or inheritance in proceedings in which all concerned parties profess to the Muslim religion.

c) The Courts Martial.

This is a subordinate court that was established under the Armed Forces Act after the abortive '82 Air force coup. It has penal or disciplinary powers to ensure discipline within the armed forces. they try cases involving assisting an enemy, cowardice, desertion, insubordination, neglect of duty, drunkenness, malingering and absence without leave.

There is no right to appeal to the high court against the decisions of the courts martial unless they involve constitutional cases.

Industrial Court

Juvenile Court

The Judicial Service Commission.

Membership of the JSC is as follows.

- a) The Chief Justice who is the Chairperson of the Commission.
- b) One Supreme Court judge elected by the judges of the Supreme Court.
- c) One court of appeal judge elected by the judges of the court of appeal.
- d) One High Court Judge and one magistrate, of whom one must be a woman and one a man elected by members of the association of judges and magistrates.
- e) The attorney General.

- f) Two advocates , one woman and one man each with atleast fifteen years of experience, elected by members of the statutory body responsible for the professional regulation of advocates (LSK)
 - g) One person nominated by the public Service Commission.
 - h) One woman and one man to represent the public, not being a lawyer, appointed by the president with the approval of the national assembly.
 - i) The chief registrar of the Judiciary, who will be secretary to the commission.
- Members, except the AG and Chief Justice hold office for a term of 5 years and can be re-appointed for one further term

Functions of the Judicial Service Commission

- a) The Judicial Service Commission promotes and facilitates the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice.
- b) It recommends to the President persons for appointment as judges.
- c) It reviews and makes recommendations on the conditions of service of judges and judicial officers, other than their remuneration; and the staff of the Judiciary.
- d) It appoints, receives complaints against, investigates and removes from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary.
- e) It prepares and implements programmes for the continuing education and training of judges and judicial officers.
- f) It advises the national government on improving the efficiency of the administration of justice.

The concept of “Independence of the Judiciary” in Kenya.

- a) In the exercise of judicial authority, the Judiciary is subject only to the Constitution and the law and not to the control or direction of any person or authority.
- b) The office of a judge of a superior court cannot be abolished while there is a substantive holder of the office.
- c) A member of the Judiciary is not liable in an action or suit in respect of anything done or omitted to be done in good faith in the lawful performance of a judicial function. The Judicial Act protects Judges and Magistrates against any form of victimization and molestation.
- d) There is a separate system of command for the judiciary unlike other government departments.
- e) Appointment of the magistrates is done independently by JSC, which is independent of PSC. The president in consultation with the Judicial Service Commission appoints the Judges.
- f) The judges are bound by the Oath of Allegiance to perform their duties without fear or favour.
- g) Judges enjoy security of tenure.
- h) Statutes fix salaries and allowances of Judges.

Challenges facing the judiciary in Kenya.

- a) There is constant Conflict between the three arms of government. This hinders the just operation of the judiciary. Too much interference from the Executive has undermined the independence of the Judiciary.

- b) The long court processes have always delayed dispensation of justice in Kenya.
- c) Corruption. This is common among the Judges who sometimes compromise their integrity due to greed/ Public doubts of its impartiality due to rampant corruption
- d) Inadequate personnel. There are few qualified judges. For example in 2002, there were 47 judges serving a population of 30 million people. This causes delay in hearing of cases.
- e) There is constant termination of cases by the Attorney General thereby denying justice to some genuine cases.
- f) Poor co-ordination within the court system
- g) Incompetence of some judicial officers. E.g. poor and inconsistent judgments. This has been attributed to flawed appointments and promotion procedures.
- h) Lack of adequate funds to cater for the needs of the judiciary. This has led to inadequate court structures and facilities such as equipment, chairs, libraries etc.
- i) Lack of continuous legal education to keep them abreast of the latest legal development and skills in information technology.
- j) There is a lot of ignorance among the public in Kenya on judicial affairs and their legal rights/ignorance on the legal rights. Members of the public fear the courts and the court language.
- k) Information on the judiciary has not been made available to the public and it appears to be a preserve of a few.
- l) Litigation fees are high limits public's access to the courts.

Solutions to the problems facing Kenya's Judiciary.

- a) There has been increased legal education given to officers and members of the public by the judiciary and other bodies like Kituo Cha Sheria, which releases information booklets and offers free legal advice to people.
- b) The terms and conditions of service for judges and other officers were improved in 2002 in order to make them work better.
- c) The government also set up a committee led by Justice Aaron Ringera in what was famously referred to as Judicial Surgery, to investigate the conduct of judges. Those who were adversely mentioned in the report were suspended.
- d) The government has recruited more legal officers to reduce the backlog of cases in courts.
- e) The passing of the Vetting of Judges and Magistrates Act, 2011 (VJM Act) In March 2011, established the Judges and Magistrates Vetting Board, chaired by Sharad Rao, which is carrying out the vetting exercise to restore public confidence in the Judiciary.

Some of the milestone decisions undertaken to restore public confidence in the judiciary include;

- ~ The suspension of Deputy CJ Nancy Baraza and her final resignation for harrasing an innocent security guard.
- ~ Dropping of President of the Kenyan Appellate Court Justice Riaga Omollo for political bias and authoritarian demeanor while carrying out his activities on the bench.
- ~ Dropping Judge Samuel Bosire for condoning torture of suspects during Coup trial in 1982.
- ~ Dropping of Court of Appeal Judge Emmanuel Okubasu for being unsuitable to continue holding office. Joseph Nyamu

- ~ Justice Mohammed Ibrahim, though Praised as impartial and immune to corruption, was dropped for having an overflowing in-tray of cases
- ~ Appellate judge Roselyn Nambuye was kicked out due to delays in delivering more than 270 judgements and being too wordy in her ruling.

However Nambuye and Mohammed Ibrahim successfully appealed against the decision which once more saw their reinstatement on 21st September 2012 pending further investigations.

The Rule of Law.

Meaning of 'the Rule of Law'.

This is the absolute supremacy or predominance of regular law as opposed to arbitrary power. The concept is associated with the view of Albert Venn Dicey who published a book, *The Law of the Constitution* in 1895, in which he presupposes the supremacy of the law. That all persons whether individual or in government, are subject to the law.

In Kenya, all citizens and residents are subject to and governed by the same law irrespective of their status, race and religion

Elements of the rule of law.

- a) *The principle of legality.* The state can only exercise those powers granted to it by the law. It should be a government of laws and not of men.
- b) *Separation of powers of the three arms of government.* This refers to the practice of dividing the powers of government into the executive, legislature and judicial functions equally and putting in place a system of checks and balances to ensure they control each other. The three functions are to be independent of each other.
- c) *Equality before the law.* Everyone should be treated equally under the law.
- d) *The judiciary must work without favour or the fear of intimidation in the administration of justice.*

The principles of the Rule of Law.

Joseph Raz in an article titled, *The Rule of Law and its Virtues* outlines the following eight principles of the rule of law.

- a) All laws should be prospective and open. A new law should only apply in future.
- b) Laws should be durable and not changing every other day.
- c) No centre of power, and specifically parliament, should enjoy monopoly right in making laws for citizens of a country, the judiciary should scrutinize parliament.
- d) The independence of the judiciary should be protected.
- e) The principal of natural justice should form an important element in the judicial system of a country.
- f) There must be easy accessibility to the courts of law. They should neither be expensive nor intimidating.
- g) The security forces should not use force in contravention of the law.

Meaning of the concept of Natural Justice.

it refers to the requirement that the bodies that resolve disputes adhere to at least minimum standard of fair decision making

Two principles govern the Concept of Natural Justice.

1. The person affected by an impending decision must have the right to a fair hearing prior to the decision being made.

2. The person or body hearing the case should act in good faith and without Bias.

The right to fair hearing

- a) The accused must be given prior notice of the case against him and given a chance to respond.
- b) The accused must be given chance of knowing the case against him and stating his own case.
- c) The person charged should have opportunity to consider, challenge and contradict any evidence, being fully aware of the allegations leveled against him.
- d) The person has a right to legal representation by a legally qualified person.
- e) All legal decisions should have reasons within the law..

The rule against Bias.

Full inquiry must be conducted into the circumstances involved before the Arbitrator makes a decision. The decision made should be impartial with the adjudicator lacking interest in the outcome.

A person is presumed innocent until proven otherwise and the police have no right to beat up suspects.

End