

A STUDY OF RACIAL DISCRIMINATION  
IN KENYA DURING THE  
COLONIAL PERIOD

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## PREFACE

This study examines racial problems in Kenya during the colonial period. It does so by examining public documents and books that give an account of the racial problem.

The author through the study came to the conclusion that the establishment of Kenya as a white colony brought with it racial discrimination, against the natives and Asians. That the colonial government through lack of definite policies aided the white settlers to perpetuate the condition. That the white settlers established and maintained racial discrimination with the idea of retaining their position of superiority. Racial discrimination was maintained by: taxes, labor, land, justice, education, residential and general welfare. That the natives through the provisions of the 'white paper' of 1923, which declared the interests of the natives paramount, got a chance to fight racial discrimination.

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## TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION . . . . .	1
II. KENYA AND ITS PEOPLE . . . . .	6
III. THE BASIS OF RACIAL DISCRIMINATION . . . . .	15
IV. THE GOVERNMENT AND DISCRIMINATION . . . . .	23
V. DISCRIMINATION IN POLITICS . . . . .	52
VI. THE AFRICAN REACTION TO DISCRIMINATION . . . . .	76
VII. SUMMARY AND CONCLUSION . . . . .	93
A SELECTED BIBLIOGRAPHY . . . . .	96
APPENDIXES . . . . .	99
APPENDIX A - ALIENATED AREAS VS AFRICAN RESERVES . . . . .	100
APPENDIX B - POPULATION MAP, 1940 . . . . .	102
APPENDIX C - MAU MAU AFFECTED AREAS . . . . .	104

## INTRODUCTION

On the night of December 12, 1963, Kenya achieved independence. Amid the smiles of black faces and the solemn looking faces of the Europeans and Asians, the Union Jack was lowered and the new Kenyan flag hoisted. With the shield and spears in the center, the Kenya flag has four colors (black, red, green, white). The black signifies the rule by the blacks; the red, the blood that was shed to win freedom; the green, the landscape; the white, agricultural products (mainly dairy). The spear and shield signifies the main weapons the black man used in Kenya to defend his country against white rule.

What forces led to Kenyan independence? The answer to that question provides the theme of this thesis. The establishment of Kenya by the British government had brought with it the establishment of racism. This policy rationalized by the belief that European dominance was "for the good of the natives", a rationalization which the British representatives used while pursuing their own interests. Kenya was established as the "white man's country"<sup>1</sup> and racial lines were preserved. While the Europeans were the minority and the British spoke of equal rights, they simultaneously wanted to maintain their dominance. The purpose of this paper is to prove that the Europeans in Kenya established and maintained racial discrimination to solidify their position of superiority. The British government aided the white settlers and officials by not having definite guidelines and by adopting a wavering policy for the colony. This policy led to friction between the Indian

and European races between 1918 and 1923. The British government in an attempt to settle the dispute, declared the native interests paramount by publishing the white paper of 1923<sup>2</sup>. This was accidental and the white settlers would not tolerate this statement. They published their own white paper of 1927 stating clearly that the rights to be safeguarded were not those of the Africans but those of the Europeans. It is the second major point of this thesis to prove that the paramount policy provided a chance to the Africans to fight racial discrimination and brought the eventual downfall of the European supremacy and the establishment of a government for all.

Kenya was not the first of the British colonies to experience racial discrimination.<sup>3</sup> The first British colonies in America and the West Indies had suffered from discrimination with the introduction of slaves. It is true that the British were not the first to deal with the African slaves, but when they did, they were leaders in the numbers they carried; moreover, the mistreatment these slaves received in the British colonies is amply documented. It is equally true that Britain was the first to advocate the abolition of slavery and the granting of equal rights to the ex-slaves, and the government paid slaveowners 20,000,000 pounds sterling in compensation to avert rebellion in the West Indies. Until the establishment of Kenya, all racial or religious discriminations was expressly forbidden in many statements of imperial policy. During the time of the introduction of racial discrimination into East Africa, most of the older British colonies had eradicated it.<sup>4</sup>

Britain believed in equal rights at home and advocated equality abroad, racial discrimination was still introduced into East Africa in

the 20<sup>th</sup> Century. When most Englishmen thought that the problem of slavery had been solved, a new kind of bondage was instituted in Africa. The men who believed in and practiced the policy of inequality, discrimination because of race, still dominated one-half of British Africa.

This study begins by examining the racial composition in Kenya at the outset of British colonialism. The two major races were the indigenous Africans which was the largest group and the immigrant groups consisting of Europeans, Indians and Arabs. Although the Indians and Arabs outnumbered the Europeans by a two to one majority, they did not receive equal treatment, as the study will show.

The study further analyses the reasons in the establishment of racial discrimination. It is evident that the British government's policy, with its good intentions was never strictly applied. This accounted for many racial problems. This thesis will examine in detail how the natives were treated by the European settlers, the officials, and the other immigrant groups. It will show that the natives did not accept British rule completely without protest, as many have written.

The last major section of the study deals with racial discrimination in other parts of Africa which were under the British rule. It will show that Kenya was not the first of the British colonies to suffer racial discrimination, but its pattern was similar to that of South Africa and Rhodesia. There are also differences in the East African countries Uganda and Tanzania. In other British colonies in Africa, such as in West Africa, (Nigeria, Ghana) discrimination as it is understood by a Kenyan, Rhodesian, or South African was non-existent. This was due to the different policies followed in the West and East



African countries. It will also be noted that social problems were greater in British Africa than in French, Portuguese, or Belgian Africa.<sup>5</sup>

## FOOTNOTES

<sup>1</sup>E. Huxley, The White Man's Country (New York, Vol I, 1968), pp. 77-85.

<sup>2</sup>M. R. Dilley, The British Policy in Kenya (2nd ed. London, 1966), p. 57.

<sup>3</sup>Norman Leys, A Last Chance in Kenya (London, 1931), pp. 127-128.

<sup>4</sup>*Ibid.*, p. 15, 18.

<sup>5</sup>*Ibid.*, p. 19.

## CHAPTER II

### KENYA AND ITS PEOPLE

Kenya is an immense, sweeping country of plains and plateaus and mountains and desert. It sits astride the equator which cuts it in half east and west. The great Rift Valley divides it north to south. From the hot and steamy coastline on the Indian ocean, the land rises steadily through bush and desert for approximately 300 miles to the great plateau which at Nairobi is 5,500 feet. This plateau has the best agricultural land in the country which is about a fifth of the whole country. Several tribes were concentrated in the area which would later be known as the "white highlands" for it was reserved for Anglos after the British took over the colony. The upper one-half of the country consists mainly of the desert. Wandering nomads from Sudan and Ethiopia at times occupy this sparsely populated area.<sup>1</sup>

Kenya borders Ethiopia and the Sudan to the north, Uganda and the great Lake Victoria to the west, Tanzania to the southwest, the Indian Ocean to the south-southeast, and Somalia to the east. The borders were arbitrarily imposed by the Europeans during the partition of Africa and divides many tribes.

Africa was the last continent to fall under the European rule. This partially explains the scramble for territory in Africa and the odd borders which disregarded the indigenous population distribution. There are many explanation given to explain the European takeover of

Africa from 1870 to 1900. The search for raw materials was a powerful motion for European expansion. The world balance of power is another motivating buster, one which especially affected Kenya. Britain occupied Kenya to prevent the Germans from taking it. The political motive, in the eyes of some authorities, were the most important. Some assert that the partition of Africa came when there was no strong political or commercial movement in Britain in favour of occupying Africa. The other reasons put forward for the partitions are those relating to the need to safeguard strategic positions like Egypt and Uganda. The latter was especially important because of the Nile and Zanzibar on the Indian ocean. Stopping the slave trade was one of the weakest excuses for occupying a territory, but, like several other powers, Britain used it in East Africa as well as in West Africa.

The above reasons explained the occupation of most of the African countries by the European powers, but not Kenya. Kenya was little more than a highway to Uganda. But, the British had to ensure that they controlled the source of the Nile, stop slavery inland, and make connections with Zanzibar on the Indian Ocean. To do all this Kenya had to be brought under British rule.

The British government cared less about the administration of Kenya after the partition of Africa. Its development was left to the Imperial British East Africa Company which found that ivory was of commercial benefit, but soon gave up the idea of exploring the resource because of lack of communication. The British government took over and built a railway line between Mombasa and Lake Victoria. The building of the railway was justified as ending the slave trade, but the real reason was commercial. The completion of the railway did

not end the slave trade but was a success as an economic life-line and was vital later to the development of Kenya and Uganda.<sup>2</sup>

The building of the Kenya-Uganda railway, which sometimes has been said to have conquered Kenya, caused some resentment among the Africans. Force had to be used when the Africans opposed the march of the British.<sup>3</sup> This contradicts the belief that Africans offered no resistance and indicates that they wanted no part of British rule. It was the Arabs of the coast who were the first to experience the effect of the new order. The Mazrui revolted rather than accept British rule. The Commissioner for the Protectorate, Sir Arthur Handinge was not reluctant to use force to demonstrate that there could be "no question as to our (the British) being the masters".<sup>4</sup> With this kind of mentality, British rule was established in Kenya.

The first of the indigenous people to be shown the effectiveness of modern rule when backed up by force of arms were the Masai. The Masai are a Nilo-Hamitic people. They are, by tradition, herdsman, warriors, and hunters of the lion. They are excitable and full of nervous energy. Classically fierce and cruel they loved conflict and war before the arrival of the Europeans. For centuries they were the scourge of East Africa. They roamed the highlands and confined the Kikuyu, one of the largest tribes in Kenya to the Mt. Kenya region. The railway line to Uganda had to go through their territory. This could only be done by bringing them under control either by peaceful means or by force. At first the Masai saw no danger in the British railway line, since the British made no attempts to settle at that time and since they had no cattle, the object of Masai raids. The British on the other hand did not try to restrict Masai raids in other terri-

tories. The Masai were also having trouble with rinderpest, a cattle disease, and smallpox and so a mutual tolerance was created. However, an unfortunate incident which resulted in massacre of 650 Swahili and 40 Masai made an Englishman kill 100 Masai with the help of three Frenchmen.<sup>5</sup> Good relations prevailed after that.

Next to come under British control were the Taita of the hills. After a show of force by the British, the Taita became the most obedient and peaceful tribe. The Kikuyu offered a little resistance, because they were generally not warlike and lived by cultivating the soil. The rest of the tribes -- Waiga, Ketosh, Elgumi, Kipsigis, Bureti, and Sotik -- had to be forced into accepting the British rule.<sup>6</sup> The tribe most resistant to British rule was the Nandi, who lived between Lake Victoria and the Rift Valley. The tribe accepted alien rule and it was necessary for several fierce and bloody military campaigns to try and control them. The Nandi gave the protectorate government fierce resistance and were a threat as the new railway passed close to their territory. Some authorities believed that there was no resistance to the introduction of foreign rule in Kenya, but, as has been shown, this was not the case.<sup>7</sup>

After the completion of the Mombasa-Kisumu railway, the British found it unprofitable. They needed to make it pay.<sup>8</sup> They had found that Kenya had no mineral resources and that the railway was a big burden for the new country to carry. The administrators had to find other ways to support the economy, and they decided to introduce a permanent white settlement. They had seen the fertile highlands as the railway progressed through Kenya and decided that a quick remedy to Kenya's initial poverty appeared to be the agricultural colonization

of what they thought to be the empty but potentially productive lands.<sup>9</sup>

After the decision to colonize had been reached, British officials considered various plans. The first was to settle Zionists in the Uasin Guishu plateau west of the Rift Valley. This scheme attracted considerable attention and controversy in Europe. It appeared to the British imperialist, Joseph Chamberlain, the promoter of the idea, to be a means of introducing capital to the protectorate and at the same time satisfying the demands of the Jews for a national home. But the area was not considered large enough to accommodate the Jews from the ghettos of eastern Europe. The next scheme, if accepted, would have made Kenya "Brown Africa". Sir Harry Johnston, a British foreign officer, and a special commissioner for Uganda, believed that Uganda and Kenya were important to Britain only for their geographical position at the source of the Nile. Europeans believed that whoever controlled the Nile controlled Egypt, an important post on the way to India. Many British officials argued that if East Africa was being reserved by the British on the account of Indian Empire then it followed that East Africa was a suitable outlet for Indian trade, enterprise, and immigration.<sup>10</sup>

The third, and most successful, scheme was that of white settlement and establishment of an Anglo-Saxon empire in East Africa.<sup>11</sup> This was achieved with the arrival of the first settlers from South Africa. This plan was conceived and implemented by Sir Charles Eliot, the protectorate commissioner of Kenya from 1903 to 1904. He sent his chief of customs to South Africa to advertise the territory for European settlement. He was successful because of the interest shown by the Boers whose economy suffered from a depression following the Boer war. Shiploads of Boer farmers arrived in search of empty, untamed acres.

Initially most of them settled outside Nairobi in the Kiambu district. This was an unplanned, hurried operation which caused an acrimonious land dispute between the British and the Kikuyu. The Boers later moved to Uasin Gishu Plateau where they formed an island of Afrikaners in the heart of Kenya. Following the settlers from South Africa were settlers from Britain, Australia, New Zealand, and Canada.

Sir Charles Eliot is also credited with the reservation of the highlands for European use only. He was convinced that Kenya was a white man's country (an idea said to have been coined by Johnston) and that the land along and near the railway was suitable for European cultivation alone. The "white highlands", as it was later called, was that tract of the country almost without parallel in tropical Africa, a region of 12,000 square miles, admirably well-watered with fertile soil, cool and perfectly healthy climate covered with noble forests, and from which the brown man and later the African was kept away.

The white highlands in a real sense belonged to several tribes. At the arrival of the British the indigenous population had been reduced by disease and epidemics in the 1890's. Most of the land settled, the Kapiti plains south of Nairobi, Donyo Sabuk on the borders of Ukambani, the central Rift Valley, the Mau, the Laikipia Plains between Mount Kenya and the Aberdares, and the Uasin Gishu plateau was formerly occupied, if somewhat sparsely and tenuously, by the Masai. There were other pockets of land, notably Kiambu in Kikuyuland and parts of Nandi and Lumbwa which were all alienated. Therefore almost all the people between Lake Victoria and the sea were able to point to some portion of their ancestral lands which had fallen under



European occupation. Agreements were made with the Masai in 1904 and with the others in 1913. The 1904 agreement gave them land in the Laikipia north of the railway line and another tract south of the railway. The Masai later disputed the 1904 agreement and the government forced them in the 1913 agreement to surrender more land. The new agreement confined them to areas south of the railway close to the Tanzania border. This agreement gave them 15,000 square miles of land, about a one and one-half square miles per family, they were nomads and they needed more land. This allocation of land to the Masai compares to that given to the settlers such as Lord Delamere, the "father" of white settlement, who was given more than 100,000 acres, while South African and London-Johannesburg financiers were given more than 300,000 acres of land east of the Rift Valley in an area where the Masai were concentrated. This set a precedent for disregarding African land rights whenever the need arose and for the demarcation of other tribal areas into reserves and in doing so created the white highlands reserved for exclusive European colonization.

The Indian populace, although an immigrant one, had a long history in East Africa. They were a trading community in the early times, and Great Britain originally sent a consul there to protect her Indian subjects. But the great influx of Indians into the interior came with the British control and the need for labor on the Kenya-Uganda railway. Thirty-five thousand Indians were given contracts since the British could not obtain enough labor locally. Some of these Indians went home when their contracts expired, but some stayed behind and became small merchants and traders. The Indian population continued to increase until it became the second largest, the Europeans thus became

a minority. However, whites remained the dominant group. The African formed the lower unskilled laboring class, while the Indians formed the middle skilled class. The Europeans remained the masters. The three groups of people then provided the racial setting in East Africa, and the situation provided the breeding grounds of race discrimination.

#### FOOTNOTES

<sup>1</sup>Fred Majdalaney, p. 3.

<sup>2</sup>Marshall MacPhee, Kenya (New York, 1968), p. 42.

<sup>3</sup>B. A. Ogot, Zaman (Nairobi, 1968), p. 249.

<sup>4</sup>Marshall MacPhee, p. 42.

<sup>5</sup>Ibid., p. 44.

<sup>6</sup>Ibid., p. 45. The names of the tribes given by the author namely Kipsigis, Sotick and Buret are one and the same people. Kipsigis is the name of the tribe and the other two names are the districts of the tribe.

<sup>7</sup>Roland Oliver, History of East Africa (Oxford, 1963), pp. 42-43.

<sup>8</sup>Ogot, p. 258.

<sup>9</sup>Later in dealing with land question it will be found that the land was not really empty, but due to needs of the settlers the land seemed empty. MacPhee, pp. 47, 48, 50.

<sup>10</sup>M. F. Hill, Permanent Way (East Africa, 1950), p. 220.

<sup>11</sup>F. D. Lugard, The Rise of Our East African Empire (London, 1893).

### CHAPTER III

#### THE BASES OF RACIAL DISCRIMINATION

British policy for her colonies was as follows:

There shall not be in the eye of the law any distinction or disqualification whatever, founded on mere distinction of color, origin, language, or creed, but the protection of the law, in a letter and in substance shall be extended impartially to all alike.<sup>1</sup>

In South Africa and East Africa, the government entrusted the fulfillment of this high imperial pledge to the resident European minorities. In Kenya the white minority entrusted with the above policy which placed the country upon a path that led to a racial war which was fought to restore the equal rights policy.

The disregard of the policy of equal rights and the practice of racial discrimination took place without the sanction of Parliament. The British public was largely unaware of it. In the 1940s almost fifty years after taking over Kenya, the British were still talking of their empire as if it were based on free and equal opportunity for all.<sup>2</sup> What had thwarted the British policy in Kenya? The men who directly governed Kenya, like their counterparts in other British colonies in Africa refused to implement the policy of equality.

The change was gradual. The generation that had advocated equal rights died out and with them died the zeal to enforce equality. Moreover, the mood of the empire changed. The conception of what the empire meant was transformed until no longer was a colony thought to

belong to its inhabitants. This change in both British public sentiment and official policy was shown by the Masai treaties made in 1906 and 1912. In 1903 the government began giving away lands on the white highlands to Europeans so recklessly that by 1905 they left the Masai with little patches of land which they decided to make theirs forever by treaty. The treaty was made in 1906; then in 1911 the governor told the colonial office that the Masai wanted to leave the Laikipia which had the best soil, was a well-watered, and was an uninhabited area. What the governor did not say was that the uninhabited area had no water in the dry season. The colonial office agreed on condition that another treaty be made. The Masai were escorted out of the area by troops with rifles. Masai chiefs filed suit in the court of Mombasa, and when the secretary of state found out that he had been misinformed by local officials on whom British colonial policy rested, he ordered Laikipia to be given back to the Masai. The governor resigned. The secretary of state went out of office and his successor eventually gave Laikipia back to the settlers. The court decided that the 1906 treaty was not valid; but Britain made a new one in 1913. The governor who wanted to move the Masai out of Laikipia had been rapidly promoted for keeping the Masai quiet. One official wrote to the governor protesting the removal of the tribe, but he never spoke to the Masai or wrote to them. But all the same, when the law suit was filed, he was expelled from Kenya for conspiring with the tribe. As a lesson to the rest of the officials on the continent, this man was left at the lowest rank until he was pensioned.<sup>3</sup>

In 1939 His Majesty signed two orders-in-council to deal with land in Kenya. One proclaimed the exclusive ownership by Europeans forever

of the so-called settled areas, including Laikipia. It said that in those areas "all native rights whether such rights be tribal, group, or individual holdings in any land are hereby extinguished".<sup>4</sup> The other dealt with "native lands". The governor was given the power, with the consultation of his board which had no African member, to grant leases of such lands to Europeans. In short, Africans had no rights even to the so-called "native reserves", while the European had the right not only to the white highlands but also to any other desirable land.

The British introduced taxation in Kenya to meet to cost of governing. They gave men work to do in making roads and building houses and stockades at two shillings and eight pennys a month; and at the same time the workers were taxed two shillings and eight pennys. This, however, did not provide money for salaries and imported goods so they decided to create that wealth by persuading owners of capital in England and South Africa to accept grants of land and to grow on it, by employing African laborers, produce for export and sale. The intruding Europeans were given unquestioning obedience almost everywhere, even when a poll tax was imposed, though it was regarded as enslavement. The taxation of the African male and the land question created a pattern of society in Kenya during the colonial period. The society which was created in Kenya was activated by endowing a minority with all the privileges and advantages over a majority one. This was done first by the taxation already cited and land policies. Second, it was done by discouraging people from living and working at home. If they did, they would have to work for nothing for twenty-four days or more a year. The work which they did inside the reserve for free was paid for out-

side the reserve out of general revenue, that in the main, they provided in taxation. This work was done whenever the district commissioner so decided and in most cases at inconvenient times. Sometimes the natives crops were lost. Third, the great bulk of expenditure on railways and roads were allocated to the districts where land belonged to the Europeans; Africans had to carry their produce to the market on their heads or backs. The markets, in most cases, were far and the crops permitted for cultivation were so bulky that their marketing was impracticable. All departments, except those dealing with transport, spent at least four-fifths of their money in the European areas. The Europeans also had the advantages of superior education and wealth which enabled land owners to market their produce economically and introduce the Empire Marketing Board to advertise their produce abroad, while it was not done for the Africans.

Fourth, veterinary regulations prohibited the export from the reserves of live animals for sale. The purpose was to check disease and was applied from time to time as need arose for the Europeans but on permanent basis for the Africans. The state-paid veterinary officers and other experts of the Agricultural Department were employed in the European areas. Fifth, the Africans were not allowed to grow cash crops such as coffee, tea, pyrethrum and sisal. In Tanzania they were allowed to do all this with the result that the value of native grown crops were greater than the total yield of the direct taxation of the Africans in that country. Lastly, forced labor and the making of the African into a wage earner was very important to the white society in Kenya. The governor and other government officials had to see that labor was supplied to the European settlers. Governor Sir

E. Denham once said:

"There is the strongest moral obligation on the government of the country to give the full assistance it can in securing to the European settler in this country the benefits of the development which he has created to the lasting advantage of the colony. I wish to make it perfectly clear that such is the policy of the Administration, and the Government expects every administrative office to give all possible encouragement to the labor within their district to work on the lands which have been opened up by the settlers."<sup>5</sup>

These words were intended to result in compulsion. The government and the settlers worked on this for years and finally were able to achieve their goal, which was to employ as many laborers as they could at the wages they decided to give them. They wanted to force Africans to work for low wages which would be consumed by taxes to support a white minority.

The Europeans wanted to control their own affairs and to dominate the Indian and native populations because they considered it their "natural right". They made sure that Kenya was not settled by the "lower classes" from the home country so they would not lower their standards. The men who settled in Kenya were mainly white public school men, younger sons, and refined army and navy people; it was their intention to uphold British standard. It was also expected in Kenya that men go out to make fortunes and then return to England to live at ease at home. To do this they had to control the government and manipulate it in order to get rich quickly. This they accomplished with virtually free labor as they struggled to control the African workers.

Both white settlers and regiment officials in Kenya had many privileges and advantages, and in their view this was due to their superior attainments. They had an exclusive right the the franchise, superior rights in land holding, and advantages in every aspect of life. They



affirmed that they would be "swamped" if they had not kept these advantages or if they were extended to the Africans. What they meant was that if the same opportunities as they and their children had were extended to the Africans, their existing monopoly of high positions and large incomes and extensive estates would vanish.

European superiority was based on the privileges already mentioned and African inferiority was due to lacking it. For the government to spend less than 5 shillings a year on an African child's education and more than fifty times that amount for a European child is to perpetuate inequality. As for the African inferiority, observers who have lived among Africans and understand their languages believe that they have the same natural capacities as themselves.

One official told the colonial office that it was the duty of his government to teach Africans to be "good Africans" and not "bad Europeans". He believed that the African should preserve his past and not copy Europeans. Following such logic, the African would remain in an unskilled, ignorant class which paid the most taxes and got little in return. To attempt to compel an African tribe to remain satisfied with what formerly satisfied them, was the fault of indirect rule. This ruling denies Africans the right to respond to new ideas, to adapt to modern conditions. In short, there was no evidence to show that an African was not capable of what other people could accomplish and that shows that European superiority was a cover for oppression.

Discrimination did not stop with the Africans but extended to the Indians, too. As has been seen, the land that was reserved for Europeans excluded Indians as well as Africans. Major-General Sir Edward Northey, who became governor in 1919, told the Indians that

"universal suffrage for the Asiatics in this protectorate on equality with the whites is out of the question".<sup>6</sup> However, this position changed a little because the British was willing to listen to Kenya Indians after the World War I. India had contributed greatly to the war in Africa and Europe; Indians nationals had become conscious of their position and their potential power and used this in Kenya and tried to secure equal rights.

In Kenya the Indians did not want merely equal representation with the Europeans on the Legislative Council; they wanted the end of segregation in townships, the right to hold land in the highlands, and promotion on merit, not race, to the highest posts in the police, army, and civil service. This was the core of the Indian question, a controversy which was to be the bane of Kenyan politics until the time when the African people themselves began to voice their demands. The Europeans outnumbered as they were, proved too strong politically for their Indian adversaries. Paradoxically, this battle between the two immigrant races may have done more than anything to safeguard African interest. It provoked the British government to maintain, as a compromise and a way out of a difficult situation, that the interests of the African people were paramount in any conflict between the three races. So without the Indian question, Kenya might well have followed Rhodesia and become a self-governing colony ruled by a white minority. This does not mean that the African got what he deserved; he had been used by the two immigrant races to get out of a difficult situation. He was an outsider in his own country.<sup>7</sup>

#### FOOTNOTES

- <sup>1</sup> Norman Leys, Last Chance, p. 154.
- <sup>2</sup> Norman Leys, The Colour Bar in East Africa (London, 1944), p. 22.
- <sup>3</sup> Ibid., pp. 24, 25.
- <sup>4</sup> Ibid., p. 26.
- <sup>5</sup> Norman Leys, Last Chance, p. 96.
- <sup>6</sup> G. Benneet, Kenya: A Political History (London, 1963), p. 43.
- <sup>7</sup> Fred Majdalany, State of Emergency (London, 1962), p. 28.

## CHAPTER IV

### THE GOVERNMENT AND DISCRIMINATION

As was seen in the last chapter, it was the stated intention and policy of the British government to establish and maintain a colony that was based on equal rights for all. But the application of this policy was left to local officials to execute it at their own discretion. In Kenya, Sir Charles Eliot introduced white settlement on the best lands on a racial basis. He intended to make Kenya a white man's country regardless of the numbers and interests of the natives.<sup>1</sup> It was Sir Charles who did not want the Masai to keep the good land along the railway line, because the Europeans wanted it.<sup>2</sup> He resigned in 1904 because the foreign office questioned whether or not sufficient land had been retained for the Masai.

There was no consistent native land policy in Kenya. The authorities adhered to the policy of providing sufficient land for native requirements, but interpretations of "sufficiency" were vague and inconsistent. The imperial government favored native reserves, but their size and boundaries were not fixed until 1926. Until that time the governor, with the consent of the secretary, could reduce or change them. The European settlers did not want definite reserve boundaries for two reasons: They would lose cheap labor, and they did not wish to limit their chance to expand by reserving land for the exclusive use of natives. It was a long time before they accepted reserves and only

then with the assurance that they could lease land if desired, with the permission of the governor. Five native reserves were established in 1906: Kikuyu, Masai, Ulu, Kikumbuli and Kitui. Alienation of land included both the occupied and the unoccupied land. The 1924 Parliamentary Commission reported that it doubted, for various reasons, that the Secretary had provided security for the natives. It was suggested in 1907 that since native unrest was due to apprehension over their land the reserves should be constituted as a trust to prevent further alienation.<sup>3</sup> At that time the British government refused to consider such a plan. The result was the alienation of more than 11,000 square miles of the best land to the Europeans in the country which were later gazetted at 16,700 square miles (see Appendix A). The European population was approximately .07 percent of the population, with the result of overcrowding on the reserves of the two major tribes, the Kikuyu and the Kavirondo, where 107,155 people had only two acres a head. In the Dagorreti District, for example, the average was only 1.3 acres a head<sup>4</sup> (see the population map in Appendix B).

The Crown Land Ordinance of 1915, by declaring native lands to be Crown lands, further increased the insecurity of the natives and created discontent. This ordinance empowered the governor to reserve any Crown land which in his opinion was required for use by the natives to support themselves and further allowed him if not satisfied with their use of it to cancel the reservation with the approval of the secretary of state. He was further empowered to take land from the reserves for public use such as roads, canals, and public buildings. If exclusion left the natives with an amount below that required, the governor could add an equivalent amount from Crown land. This ordin-

ance was interpreted to provide no legal right to land for natives, either individually or by tribe. Natives were held to be merely tenants, at the will of the Crown. Administratively, the law was interpreted to mean that the natives could be dispossessed; part of the reservation could be cancelled by the governor with the approval of the secretary, if land was not used "beneficially". There was no security for the native, and no European could have accepted land under such terms. It was doubtful if the Africans were even aware of it. The ordinance had provided for the natives to be notified by the Gazette. This was delayed for ten years for no apparent reasons, and meanwhile encroachments were occurring on lands belonging to the Masai, Kikuyu, and Nandi peoples. The governor assured the settlers that no decision could be made without an opportunity for discussion.<sup>5</sup>

The Parliamentary Commission in 1924 had recommended the publication of the boundaries at once, hoping that this action would prevent the governor from alienating lands without the knowledge of the secretary of state. The publication in 1926 did not change the 1915 ordinance under which the natives were tenants-at-will of the Crown. The European settlers agreed to it on condition that land which was surplus then or in the near future should be available for leasing to non-natives. They also were assured that the rest of the colony was available for white settlement. This was affirmed by Lord Passfield in the House of Lords when he said,

"I need hardly say that in settling the area of the reserves His Majesty's government never intended a division of land between blacks or whites. It has been repeatedly laid down that, excepting the Highlands, with regards to all the rest of Kenya outside the reserves there was to be no restrictions and no partiality for any race."<sup>6</sup>

Since the Europeans had assumed that land outside the reserves was

open for white settlement, they opposed any increase in the reserves' size. The settlers asked assurance from the governor that the reserves should not be increased without their knowledge.

The Parliamentary Commission in 1924, declared that natives would not be satisfied with anything less than a definite trust board in which their land would be vested; the board consisted of the governor, the chief Native Commissioner, three senior commissioners, two representatives of the natives, and two representatives of the non-white un-officials. They recommended that the powers of the governor be increased by allowing him to acquire land after compensation had been paid. They farther recommended that continued alienation was not necessary and that leases should be granted that would allow the land to be part of the reserve.

The Native Land Trust Bill was introduced in May of 1928, while the Hilton Young Commission was in Kenya investigating the subject. The Commission asked for the bill to be suspended until they made their reports, but unofficial opinion was in favor of the bill. The native representative on the Legislative Council, Canon Leakey, refused to vote for the bill because it did not safeguard the natives. Mr. Malik, an Indian representative, refused to vote for it, too, saying that the natives were not well represented on the board. The Hilton Young Commission requested the bill to be sent to the British Parliament together with the Commission's report. The settlers were furious that the action was influenced by "busybodies" who supposedly had no knowledge of the subject. The House of Commons later objected to the lease arrangements except for brief periods, because it would further reduce the acreage of the reserve.<sup>7</sup>

Colonel Wedgewood said that the bill would "still further enable the exploiters or settlers in Kenya to trench upon the already narrow native lands and to render the title not more secure, but less secure, than it is today".<sup>8</sup> Lack of native representation on the board and "beneficial occupation" as a test for leasing was questioned. Colonel Wedgewood indicated a preference for English rather than local legislation. The bill was still under consideration when the labor government took office. Lord Passfield took immediate action and recommended that (1) For land taken from a reserve for a public purpose, an area of equal extent and value should be added, except when the land was intended for roads or railways, or the site of a building; (2) fair compensation to cover all disturbances or losses incurred should be made to native affected by any exclusion of land from a reserve; (3) leases of land within reserves were to be limited to thirty-three years, save in exceptional cases, with the sanction of the secretary, leases not exceeding ninety-nine years might be granted; (4) if a High Commissions should be appointed for East Africa, he should serve as president of the central board in the place of the governor.<sup>9</sup>

The first of these amendments was immediately objected to by the elected members in a letter to the secretary of state. The governor of Kenya, Sir Edward Grigg, agreed with them. The secretary insisted the the objectionable amendment stand. The unofficial protest was so violent that the governor adjourned the debate until the following session of the council. The governor again asked the secretary to leave it out, but he got the same answer. It was passed by the official vote with elected members objecting to it violently in every way they could.<sup>10</sup>



The passage of the ordinance did not remove native fears, but their extreme anxiety was allayed. Several objections to the ordinance included the failure to provide the machinery to enforce stated objects. The ordinance was also weak because the reserves were still crown lands. Two out of twenty-four sections of the ordinance dealt with securing land for the natives, but the rest of the sections specified how the native land, though reserved, could still be used by non-natives.<sup>11</sup> Native security on land was based on an ordinance approved by a body which could not be trusted to pass disinterested legislation. For the purpose of the ordinance, the local government did not look upon the legislative council as an advisory body but as a deciding one. The very security of native land depended on the leasing privileges, which were closer to alienation than a temporary license to use another man's land. The leasing was provided not to protect the natives but to allow non-natives to exploit parts of the reserved areas without this feature, the Europeans would not have accepted the whole idea.

Soon after the passage of the ordinance, gold was discovered in one of the most thickly populated areas of the Kavirondo district, and the ordinance was put to a test. Within a short time there were seventy-five prospectors; by the end of 1931 there were more than four hundred permits issued. By the end of the following year more than eight hundred Europeans were in the gold fields.<sup>12</sup> The area was thickly populated and was largely under cultivation. A meeting between a native commissioner and other officials was held with the gold prospectors and the natives, and an attempt was made to explain to the natives that the mineral rights were reserved for the Crown; that point

had not appeared in the ordinance. Consequently, the natives mistrust of the government increased because they saw the futility of trusting a body in which they were not represented. A survey determined that the gold field was extensive, and this prompted the consideration of permanent arrangements for prospectors in the native area. The gold was in an area forty miles east to west and fourteen miles north to south, an area of about 420 square miles. Although it was thickly populated, the government alienated an area of 7,000 square miles to be divided into five sections. Two sections borders on the original gold field and the other was in the extreme south, along the Tanganyika border. The other three were to be prospected by companies, syndicates, or individuals under exclusive licenses. An amendment to the ordinance was introduced in December of 1932 and was passed immediately. That the government was aware of the unpopularity of the amendment is seen by a speech given by the chief native commissioner:

I am afraid that we have got to hurt their feelings, we have got to wound their susceptibilities and in some cases, I am afraid we may even have to violate some of their most cherished and sacred traditions if we have to move natives from the land on which according to their own inalienable law they have the right to live, and settle them on land from which the owner has indisputable right to eject them.<sup>13</sup>

This action attracted more attention in England because it was believed to mean the breaking of the imperial pledge to the native population of Kenya. The criticism of protest against the procedure was not confined to the 'busybodies' as they were called by the settlers, but to many people who were familiar with Kenyan and African matters. The press campaign against the action in January of 1933 was opened by Lord Lugard, who introduced the question in the House of Lords in February. He was supported in his protest by Sir Robert

Hamilton, Dr. Drummond Shiels, Professor Julian Huxley, Archdeacon Owen, the Archbishop of Canterbury, Sir Hurbert Samuel, Lord Passfield and the Marquess of Reading, among others. Their objection was that the action of the government in altering the provision that land compensation should be given for land excluded from a reserve amounted to a repudiation of an imperial pledge and would cause more damage to native confidence than any amount of gold secured because of the change. Those who agreed with the government of Kenya, such as Sir Edward Grigg, held that the pledge in itself had been wrong, because it could not be maintained and should never have been passed. This is not surprising in view of his feelings when the original bill was passed, and this meant that in his view and those of the unofficial members, Lord Passfield was responsible for the government's failure to live up to its word. This was not true however, because at the time of its inclusion in the bill, the pledge was generally accepted as a just and wise measure, not different in principle from past policy. No important voice, either in or out of Parliament, was raised against it. It was accepted as a national, not as an individual or party, pledge. Besides, it was not fully accepted that under the new circumstances the pledge could not be fulfilled. It was felt that land was available, and it was suggested that land on the white settlements bordering the reserves should be bought for this purpose.

The intention of the local government was to establish dispossessed individuals on the land of their neighbors. The chief native commissioner had said that these neighbors had a right to eject the new arrivals, and opinion in England objected to a plan which might have such results. Furthermore, such persons being tenants-at-will on

the land of others lost their status, and status was a matter of considerable importance to the African. The local government thought that the natives would object, and that, therefore, they should not be consulted.<sup>14</sup> They vaguely hinted that after the report of the Carter Land Commission and the discussion of it, land as compensation for that which had been excluded might be given.

It was no surprise that the local government put so much stress on the findings of the Carter Land Commission, because it worked within a limited and "colonial" framework of ideas.<sup>15</sup> They felt bound to accept the status quo confronting them and were influenced by the settlers' assumption that the large claims of the small number of existing European immigrants and of those who might possibly come in the future were of equal and, in some cases of more importance, than those of the three million native inhabitants who were already there and who had nowhere else to go. The Carter Land Commission was to consider the needs of the native population present and prospective with respect to land and the desirability and practicability of setting aside new areas of land for native communities. They were to consider native claims both to alienated and unalienated land. They were to define the European Highlands. The commission outlined the Highlands on the most generous scale, not even reserving some important and fertile lands which had been taken from various tribes. There was so much alienated and unoccupied land on the European Highlands that large adjustments and exchanges could have been made. Instead the commission made practically no provision for land to be held for the Africans' future needs, although some tribes were known to be crowded.

Two of the three commission members were settlers.<sup>16</sup> In their

findings they pointed out that the government did not adequately protect Africans from the encroachments of settlers. Nor did the government explain to them the exclusive and permanent nature of European occupation. Rather, it encouraged white settlement when it did not have enough staff to deal with it. As a result, the Africans lost important areas of their land to Europeans, land that generally was fertile and well-watered.

The commission recommended that the existing reserves, with such additions as it considered belonged to the natives, a total of 1474 square miles, should cease to be crown lands and be declared native lands under the protection of the Native Lands Trust Board on terms secured by the order of the council (which had no native representative). The commission then allcoated 16,700 square miles to the settlers. In their fight to strengthen their position the settlers persuaded the government to remove the final check provided by the secretary of state's veto upon their power to refuse any concessions of land from the Highlands to the native areas. It would need an order-in-council to detach an acre from the Highlands, whereas on the other hand, Europeans, with the consent of the Trust Board, could lease native lands for thrity-three years or with the consent of the secretary of state for ninety-nine years. In either case it was unlikely that the natives would ever get the land back.

The commission criticized the native lands trust ordinance of 1932 because it did not provide for the development of native lands. It then challenged the provisions of the ordinance, in which all management, development, admistration and, control of native land was placed in the hands of the Central Board. The commission recommended that the

board should protect native land and that it should retain veto powers and the power to make representations to the government and to the secretary of state, to assure that the land was actually being devoted to the purposes for which it was assigned. The commission also recommended the establishment of an independent London Board, rather than local board composed largely of members who were also on the executive council.

The British government accepted most of the work of the Carter Land Commission. The proposal for creation of the London Board was not accepted; a local Board was to continue. It was suggested that its personnel would be altered, but the changes were never effected.<sup>17</sup>

Before the government of Kenya divided the land into white settlements, reserves, and crown lands, they had introduced taxes. These taxes were discriminatory in the way they were levied and in their collection and in expenditure. The collections from the natives were used to support the administration in which the white settlers shared, for whom it was planned and toward which they did not pay their just share. In addition, taxes were arranged to provide labor to develop white estates. There was in Kenya a close relationship between wage earning and tax paying. Kenya's government used taxation to increase labor supply. Wages were, to a great extent, paid to the government in taxes which were used for the upkeep of an administrative machine largely for the benefit of Europeans. The question of taxation, of land, and of labor are inseparable. This was so because if the natives had enough land and were taught how to use it productively, then they would have enough money with which to pay the taxes and in that case

would interfere with labor in the white settlement. And so the proposal was made to reduce the amount of land held by the natives and at the same time increase the taxes so as to get them out of the crowded reserves to work for the white settlers.

In Kenya direct taxation, a housing or "hut" tax, was introduced as early as 1901. This tax was about two rupees. It was increased in 1906-1907 to three rupees and by 1915 to five rupees. Increases thereafter were applied by the governor's proclamation as he saw fit.<sup>18</sup> In 1920 the chief native commissioner introduced an ordinance in the legislative council increasing the native tax to seven and one-half rupees. In addition, the poll tax, which was a tax on single males, was increased to ten rupees.

Direct taxation in Kenya was designed to be exacted from the poorest class, and indirect taxation was exacted not only on luxuries like whiskey and tobacco, but on necessities of life such as flour and clothing and was deliberately designed to add to the profits of a favored minority at the cost of the rest of the community.<sup>19</sup>

While the Europeans were to pay one direct tax, namely the poll tax, the Africans had to pay three direct taxes. One was paid by all and the others only by the peasantry. The largest taxes were the poll and hut taxes. By official figures the Africans paid twelve shillings, but in reality they paid twenty-eight shillings. The ordinary African in the village paid from one to five or more taxes.<sup>20</sup> For example, if two men over sixteen lived in one hut, they would each have to pay tax. However, if there were four huts in a family, as is customary among the natives, the family had to pay hut tax for all four of them.<sup>21</sup> The fact is the tax fell on the man's dependents and

had to be paid by the person involved. So the tax liability did not rest with an African's wealth but with the number of dependents he had.

The collection of these taxes was harsh. Hut counters would tour the villages and add new names to the lists of the previous year; no name was taken off since that would mean loss of revenue. People who had moved to plantations, who had gone to war, and those who had died were still on the lists, and their relatives had to pay their tax. A hut counter whose tally was high got early promotion while a man who granted exemptions to widows and the aged would either remain in the same status or in some instances would be transferred to the worst parts of the country or demoted.

The second of the direct taxation of Africans was called the access or rate tax, which varied from tribe to tribe. It was levied by the Tribal Councils, on the same people who pay the hut and poll tax, except that those who had left the tribal area to work elsewhere for wages were exempt. Most of the money from this tax was spent on education and on roads.

The third and the last of the direct taxation of Kenya Africans consisted of unpaid forced labor. Under the Native Authority Ordinance, all adult males were commonly required to do six days' unpaid work every three months.<sup>22</sup> The penalty for refusing to work was a fine of up to 7 pounds, but in 1928 Sir Edward Grigg decided that a fine was not sufficient, and he decreed that a magistrate could add two months of imprisonment. This forced labor was used to get done for nothing the public works the government, not the tribes, wanted. It was mostly convenient for the government to get work done for nothing. This forced labor was to be applied whenever and wherever the



district officer saw the need. The natives were expected to respond without question. The only way one would escape this kind of tax, like any other tax, was through bribery, and since the headmen were poorly paid, it worked well for those who had money. Consequently, the forced work had to be done by the poorest. This forced labor was only for the Africans in the reserves. The Europeans, Indians and the Africans who worked in the settlements in industries were not included.<sup>23</sup> The injustice of forced labor acted as a double subsidy for the European settlement. It enabled the government to spend practically all the money available for public works in the settled areas and to discourage to peasant cultivation.

The settlers and the officials claimed that the heavy indirect taxation that Europeans and Asians paid made up for the lack of any substantial direct taxation which was paid by them. High import duties meant little to the rich but bore heavily on the poor, especially on those with dependents. The poorest people of all, the Africans, worried little about indirect taxes because by the time they finished paying direct taxes they had little to spend on imported goods. The trade goods for African consumption, such as calico, cotton blankets and hoes, were charged railway freights four to ten times as much as the rates charged on plantation products for export. The Kenya-Uganda railway tariff heavily taxed not only luxuries but all the articles necessary to civilized life -- clothing, furniture, hardware, flour, and most foodstuffs. The discrimination in indirect tax came from the free list. This list included up to forty percent of total imports, but did not include things that are needed by the poor like, tinned milk and calico. Instead, the free list was almost entirely composed of

articles that only Europeans buy, especially those who had land, such as lorries, machinery, and fencing materials. Bicycles used by the peasants were taxed, while the European landowner's tractor was admitted duty free. Peasants crops were carried to the sea on the state railway at a rate per ton three times as great as that charged on the tractor-grown wheat and maize.

What was disturbing about the tax question was not who pays which tax, but whether the communities contributed according to their ability and received returns in proportion of their contributions. The Parliamentary Commission of 1924 stated that both trade and non-native enterprise should in the future pay a larger direct contribution towards the revenue of the colony. In distribution of the revenue, the Africans who paid more than one-half did not get the services and this constituted a double loss for them.<sup>24</sup>

In 1924 the chief native commission said that

It was strongly felt, both by natives and by administrative officers and others, that the present expenditure from general revenue on direct services to natives does not represent an adequate return for the taxation they pay.<sup>25</sup>

He was firmly convinced that an examination should be made of the taxes paid and the benefits derived, in view of the establishment of the local native councils and the immediate rating of the native communities. He recommended that either a sum be returned to the local councils or part of the direct tax be retained locally at the time of collection. The Parliamentary Commission, 1924 confirmed the Commissioner's Statement of native distrust that their funds were being used to develop European areas. The Hilton Young Committee agreed that Central funds should be returned to the local authorities.

The governor in 1928 announced that all direct taxation was to be

spent on native reserves and that the native contribution to general revenue would be provided from indirect taxation. This policy was adapted in the 1930 white paper, where it was stated,

that government expenditure on native services in the annual budget should bear a proper relation to the revenue raised from the natives, and particularly that the natives should receive, directly visibly, a fair return for the direct taxation which they are called upon to pay.<sup>26</sup>

Lord Moyne in 1932 published a report on comparative taxation and expenditure and the separation of funds. In his report he condemned the existing system of native taxation and recommended that the hut and poll taxes be abolished because they were unsuitable for existing conditions.<sup>27</sup> He advised a uniform adult male poll tax of six shillings to be collected by stamps on registration certificates. After that the hut tax would be from two shillings to fourteen depending on the wealth of the district. He also suggested a native livestock tax on wealth above a certain free allowance. The final development would be a native cultivation tax, instead of the hut tax, to be inaugurated in more advanced areas and to be adopted gradually throughout the reserves. He advised the establishment of the Native Betterment Fund to secure a guarantee that the natives would receive benefits according to the taxes they paid.

Lord Moyne stated that the natives were taxed higher, individually and proportionally, than Europeans and that their returns were not adequate. The natives were overtaxed for the benefit of non-natives, chiefly for the Europeans. If the Europeans paid less in proportion and received more than the natives, surely they profitted at the expense of the larger group. Moyne's recommendation that the non-natives should pay an income tax suggested that they were not paying their fair share.

Lord Moyne's report was discussed in the House of Common in July of 1932. They thought that it was an extraordinarily fair, understanding, practical, and wise report, and all the more interesting because it was so essentially unpretentious in its statement of the problem.<sup>28</sup>

Like the land and the tax question, labor was a constant rowe of friction between the governemtn and the natives, because it was used discriminately for the benefit of the minority group, the Europeans. In Kenya land was a most valuable asset and next to the possession of land, labor was the most important item. It was believe that the possession of land without labor was of little value. The Europeans believed that they could not work in the tropics.<sup>29</sup> The development of the tropics then depended on the adequate supply of native labor, and many difficulties between the government and the settlers arose over native labor. The British government in practicing the principle of trusteeship, could not force the natives to work, but on the other hand the settlers believed that the British were responsible for their welfare and should provide a sufficient labor supply, since the government had invited them into the country in the first place.

Labor supply had its effect on theories of taxation and of land ownership. The settlers had advocated high taxes to force the native to work for wages to pay them. They also made sure the government collected taxes on time to force Africans out to the settled areas during harvest time. They also wanted the government to limit the Africans reserves so the natives, not having enough land for profitable occupation would remain in settled areas permanently to provide labor.

The labor question, perhaps more than any other, showed the British's indecisive policy in Kenya. The dispute showed the battle

between Britain's acclaimed policy of equality and the paramountry of the settlers. The settlers won most of the encounters as they did in everything else, rendering the British policy ridiculous and unworkable.

As early as 1895 during the building of the Kenya-Uganda Railway labor problems surfaced. As was seen before, the government had to bring in Indians to work in the construction because the natives were either scarce or were unwilling to work for the strangers. The Land Committee in 1905 wanted the reserves limited so that any excess population could overflow to meet labor demands. In 1905 the Colonists' Association took an interest in the labor supply and selected a committee to suggest desirable legislation to the government. Most whites believed that labor was adequate if it was made available and that the native land was to be arranged with reference to the labor supply. In 1907 the government announced that the officers of the administration would do the best to supply labor for settlers, planters, contractors, and others.<sup>30</sup>

The settlers were against the regulations because they said that it made it difficult for them to secure labor and to use it. In 1908 the Colonists' Association passed a resolution condemning government policy. They complained that the regulations had doubled the cost of labor without additional return and that the government had favored the natives in telling them that they did not have to work. The white settlers further believed that it was unfair to invite them into the country and then to restrict their labor force thereafter. Lord Dalamere spoke for the colonists and demanded the withdrawal of the regulations. The governor replied by saying that if it was the duty of the government to supply labor, then it had a duty to see that it was

responsible for that labor. He wanted the Africans to work without compulsion and believed that the new regulations were just.

Lord Dalmere felt that the natives had to be forced to work and wanted the government to force them. He also wanted wages lowered. The governor agreed to relax the regulations but not to withdraw. The settlers wanted direct action; one hundred of them marched to the government house and demanded the withdrawal of the regulations. A battle followed,<sup>31</sup> and the settlers demanded that the governor resign because they felt that he was not sympathetic with their plight. The governor kept his word and sent a dispatch to the secretary of state in April of 1908. The secretary decided that the government was to discontinue securing labor for the settlers. The white settlers were opposed to indentured labor because they felt that the colony was a white one and that if indentured labor, which would be mainly Indian, were imported then they would be repatriated after the completion of their contract. The committee on Indian Immigration did not recommend indentured laborers because of the settlers attitude and felt that the system would only work if indentured laborers were allowed to stay on if they wished.

The settlers wanted to increase labor by increasing taxation and reducing the native land. This aroused concern in England where it was feared that a policy was about to be instituted which would virtually provide compulsory labor. The secretary of state said that the officials in the colony would not do anything that would suggest government compulsion in the matter of recruitment, though it was hard to differentiate between advice, persuasion, and compulsion. The European settlers in Kenya were impatient with the government's indecision. The

labor was available, but they could not get it.

The secretary of state disagreed with the settlers' opinion that taxation was not connected with labor. He accepted the principle of native registration and believed the government could encourage natives to go out and work. The ordinance for registration of all male natives sixteen years of age and over was passed in 1915. This ordinance was the key to providing labor supply for Kenya, and it through its operation that labor contracts were enforced. It was supported by the settlers because it gave them what they wanted but was very unpopular among the natives.<sup>32</sup> The measure stipulated that every native who left his reserve and entered employment should carry with him a certificate of identification, which was achieved by fingerprinting. Apart from the native registration ordinance, the Resident Native Ordinance was passed in 1916 which regulated "squatting". This was to insure that men who left the reserves on the uncultivated parts of European farms did so under a regular contract.<sup>33</sup> The settlers did not favor it because they said it made it difficult for the natives to leave the reserves.

A third ordinance was introduced upon the recommendation of the Labor Commission as an amendment passed in 1919 altering the masters and servants ordinance of 1910. The object of the bill was to provide medical inspection of labor prior to its engagement. It was also to provide for labor inspectors who would travel around the farms to make sure that good conditions were kept. The settlers opposed it, saying that it would add extra burdens to the employers; as usual they got their way.

The promise which the government had repeatedly put forward that

they would not enforce the natives to work on European lands was broken in 1919. The governor, due to shortage of manpower, issued a labor circular. It stated that native labor was required for non-native farms and other developments and that it was the wish of the government that they should work. The governor thought that all officers were attempting to aid in developing the labor supply and believed that they agreed with him:

that the larger and more continuous the flow of labor is from the reserves, the more satisfactory will be the relations as between the native people and the settlers and between the latter and the government.<sup>34</sup>

The government had broken its promise that it would not supply labor. Instead, the officials were asked to exercise every possible lawful influence to get labor -- including women and children. All native chiefs and elders were asked to provide labor. The government would keep records of chiefs and elders who provided and those who did not provide natives for labor. The chiefs were to provide manpower for the government department from areas which were not providing labor for the plantation. The settlers had made Africans their slaves except in name. The settler demands for labor were extended in 1920 when the government introduced an amendment to the Native Authority Ordinance providing for compulsory requisition of paid native porters and other labor required by the government for a period of sixty days. The government was attempting indirectly to force men to work for the settlers. This was done by excusing men from the above compulsory labor if they had worked for the settlers for three months the previous year or were fully employed by someone. The government also made sure that they paid lower wages than the settlers so people would work for the settlers instead. The circular ended on a threatening note that if



these measures did not succeed, "other special measures" would be used.<sup>35</sup> This Ordinance was modified in 1921 after a long protest from the East African bishops and a long sustained resistance in England. The secretary of state under pressure from the settlers was slow to respond and sent instructions that administrative officers were not to take part in the recruitment of the native. The bishops objected to compulsory labor. They objected to the use of chiefs to secure labor; to the idea that their success was to serve as a test of their efficiency in office; and to the concept that children and women should be sent from the reserve. They also objected to the common belief that Africans not working for white men were idle. Opponents of the circular claimed that it established a system of "veiled slavery" in a country where the government was pledged to secure the general welfare of the native population, that it seemed to say that colonial policy was designed to make the "nigger work", and that it showed that labor policy was too much influenced by the threats of 2,000 settlers.<sup>36</sup>

The governor announced that since there had been his understanding, there would be another circular. This was issued in July of 1920 and stated that officers should see that calls for labor were handled fairly and that there was no pressure brought on natives needed in the reserve. Children who worked had to be back at night, and women could remain if their husbands were employed and living on the farm. It was the duty of the officers to see that legislation protecting the native laborers was enforced. There were still doubts as to whether the policy had been changed sufficiently to avoid actual, though indirect, forced labor. The contention that a hint and an order were indistinguishable to the natives was not considered by the government in adhering to the

policy of "encouragement" and to the use of native authorities in developing labor supply. The secretary had specifically agreed to provide labor for the employing class, though denying that it should be done for individuals. This responsibility of government to 'encourage' labor for the employers seemed to threaten forced labor for private profit.

A memorandum submitted to the secretary early in 1921, by people prominent in public affairs in England, pointed out the danger of indirect compulsion and suggested that it might be worse than a form of legalized conscription. It was stated that the government placed the officers in a difficult position and did not define the purpose exactly and that the natives should be encouraged to develop their own reserves. Since the employers were better able to present their own case, governments responsibility for the natives was increased. The natives chief could not distinguished between the reformed circular and the original. It was suggested that forced labor or encouragement should be abolished, whether it was for public or private purposes -- that officials should not mix their regular duties with that of paying to find labor.

Secretary of State, Winston Churchill refused to send a Royal Commission, except as the last resort. However, he instructed the governor that the machinery for compulsory paid labor would be maintained for public purposes. To avoid misconception he stated that it was the declared policy to use compulsory labor only when absolutely necessary and could be authorized only by the secretary of state for specified work and for definite periods of time. The settlers objected to the requirement that the secretary's approval was necessary to call out

compulsory labor for public works. The ruling of the secretary that officials were no longer to participate actively in recruitment of labor but only to "encourage" was seen as the reversal of policy. The settlers were not satisfied with this policy but labor after 1922 began to improve, and officials were able to stick to the policy of "encouragement".

Sir Edward Grigg, when he was governor of Kenya had denied that there was any forced labor for private employers, but forced labor still occurred from time to time. The Nairobi Press in January of 1931 reported a case in which a European farmer in the Songhor district was heavily fined for forcing labor and withholding wages. The farmer had sent one of his laborers to the nearest European police post with the complaint that the laborer wanted to leave at the end of his contract and that the constable should induce him to stay. The constable threatened the worker with six months imprisonment, and to prove that threat was to be taken seriously, he ordered the man to break stones for a week without pay, after which time the man returned to work for the farmer. Some weeks later, this laborer, finding that some of his fellows were willing to take a risk went to the district officer, who returned them to the magistrate at Kisumu. The farmer was convicted, but the European constable who was as guilty as the farmer was not brought to trial nor demoted nor moved to another district.<sup>37</sup>

The above incident illustrated the way justice was carried out in Kenya. One result of the difference in status between people of different racial origins was that the offenses of Europeans were punished far more lightly than those of Indians and Africans. The Native Employment Ordinance stated the following: Contract of service means any con-

tract, whether by writing, or oral, whether expressed or implied, to employ or to serve as a servant, for a period of time. One section stated that whoever quits or induces any servant to quit the service of his employer, or harbors any servants who may have quit, will be liable to a fine of five pounds and/or to imprisonment for a period for not to exceed six months.<sup>38</sup> The workers were then making eight shillings a month. One section allowed a child of nine to be a domestic servant. One stated that if a laborer refused to obey the commands of his master or any person placed in authority by his master, then he would be liable to a fine of five pounds and one month's imprisonment or both. If a herdman failed to report the death of an animal in his charge he would be liable to the above fine and imprisonment. This then explains why labor was a problem, although Africans did not have enough room in the reserve, they did not prefer to work for the settlers and probably end up in jail for minor mistakes. The settlers had to use forced labor to get them out of the reserves.

The penalty for not paying hut and poll tax in Kenya was imprisonment for months. Sometimes the officials burned huts of those who failed to pay or seized animals if the man had any. The government made certain that arbitrary laws were obeyed by Africans and Asians. In one instance a thirteen-year-old boy took a joy-ride on a motorcycle which was not licensed. The boy was tried and convicted on three counts -- for not having a license, and for the motorcycle having no license and silencer. He was sentenced to four strokes with a cane on each count. The father pleaded for a fine instead, but the boy was given twelve strokes. If this had been a European boy the parents would have been warned, but the boy would not have been punished in that way. The

laws in Kenya were made and enforced along racial lines. The Europeans committed serious crimes, just as the Asians or Africans did, but did not get the same kind of punishment.

The racial approach which we have noted in taxation, labor, and land was also applied to social services. Medical treatment, education, and other services were organized along racial lines, with the Europeans always getting the best services, Indians the second best, and the Africans having to do with whatever was left over.<sup>39</sup>

Education was first introduced to the natives through missionaries. While the government was busy forcing Africans to pay taxes and to work for the settlers, it did not spend money for their education or other needs. Instead, the government put most of the central revenue to work for the whiteman and his children.

The government in Kenya did not establish education for African children until after World War I. Even then they went by the standards which missionaries had set. The mission schools curriculum was limited -- natives learned elementary reading and writing -- but, it was better than nothing. The missionaries had three kinds of schools -- a sub-elementary, elementary, and primary -- and perhaps a tradeschool. A sub-elementary school was conducted in a village chapel where the children were taught to sing, read, write, and count. The cost of such a school was met out of mission funds, parent's fees, and local levies. Elementary schools offered five years of courses, with English being taught in the fifth and sixth year. In 1938 there were 57,000 children in elementary school and, of that a total of 5,002 were in government schools. The government charged tuition to African children but not to

European. Approximately 9,000 African children in 1939 went beyond elementary to primary schools, which were mainly boarding schools belonging to the mission. There were four secondary schools which were mission sponsored, too. There was no government African secondary school in Kenya at that time.

The government in 1938 was spending 4 shillings and 3 pennys per African child of school age in Kenya and approximately 12 shillings for those registered. It was spending five pounds per Indian child and twenty-seven pounds and twelve shillings per European child. Twelve percent of the European pupils had free education, while 51.7 percent went partly free. The Europeans in Kenya not only escaped paying direct taxation, except for the drifting poll tax, but got most of the cost of their children's education paid for out of state funds.

African parents on the other hand went to jail for a month if they could not pay their hut, poll, and state taxes while Europeans escaped paying altogether. If the Africans could not pay school fees in addition, their children were expelled from school. In other words the education of the richest people in the country was subsidized out of the taxes paid by the poorest, whose own children got no education at all. The worst race discrimination was shown in schools in Kenya where they had separate schools and curriculum, not only for African, Indian and European children, but also for Arabs and Goans.

The state government policy in Kenya was one thing while the practical policy was another; a minority made others servants first by taking their lands, taxing them, and making them work for low wages and then by not educating them so they would not be in a position to compete with them.

#### FOOTNOTES

- <sup>1</sup>MacPhee, p. 49.
- <sup>2</sup>Dilley, p. 250.
- <sup>3</sup>Leys, A Last Chance, p. 58.
- <sup>4</sup>Ibid.
- <sup>5</sup>Dilley, pp. 252, 253.
- <sup>6</sup>Great Britain, Parliament, Parliamentary Debates (Lords, 5th Series, Vol. 86 1933), pp. 574-575.
- <sup>7</sup>Dilley, p. 257.
- <sup>8</sup>Ibid.
- <sup>9</sup>Ibid., p. 258.
- <sup>10</sup>Great Britain, Parliament, Parliamentary Debates (Commons, 5th Series, Vol. 231, 1929), pp. 1034-1035.
- <sup>11</sup>Dilley, p. 260.
- <sup>12</sup>Ibid., p. 263.
- <sup>13</sup>Ibid., pp. 267-268.
- <sup>14</sup>Ibid., p. 272.
- <sup>15</sup>E. Huxley, and M. Perham, Race and Politics in Kenya (London, 1955), p. 54.
- <sup>16</sup>Ibid., p. 68.
- <sup>17</sup>Dilley, p. 272.
- <sup>18</sup>Ibid., pp. 239-240.
- <sup>19</sup>Leys, A Last Chance, p. 19.
- <sup>20</sup>Ibid., pp. 24-25.
- <sup>21</sup>Ibid., p. 25.

- <sup>22</sup>Ibid., p. 35.
- <sup>23</sup>Huxley and Perham, p. 109.
- <sup>24</sup>Dilley, p. 242.
- <sup>25</sup>Ibid., p. 243.
- <sup>26</sup>Ibid., p. 244.
- <sup>27</sup>Huxley and Perham, p. 106.
- <sup>28</sup>Dilley, p. 213.
- <sup>29</sup>Ibid.
- <sup>30</sup>Ibid., p. 216.
- <sup>31</sup>Ibid., pp. 218-219.
- <sup>32</sup>Ibid., p. 233.
- <sup>33</sup>E. Huxley, White Man's Country, (New York, Vol II, 1963), p. 61.
- <sup>34</sup>Dilley, p. 234.
- <sup>35</sup>Huxley and Perham, p. 85.
- <sup>36</sup>Dilley, p. 227.
- <sup>37</sup>Leys, pp. 79-80.
- <sup>38</sup>Ibid., p. 82.
- <sup>39</sup>Ogot, pp. 274-275.



## CHAPTER V

### DISCRIMINATION IN POLITICS

The roots of all political controversies that raged in Kenya for more than half a century, as Marsahll MacPhee puts it, lay in the instruction given by the British Foreign office to Sir Donald Stewart when he succeeded Sir Charles Eliot as protectorate commission in 1904. Stewart was told, in writing, that it was only by a most careful insistence on the protection of native rights that His Majesty's government could justify their presence in Africa. This clear indication of British policy was never published, and until the declaration twenty years later that Kenya was primarily African territory and that the interests of the Africans must be paramount, the settlers were led to believe that Eliot's view of Kenya as a white man's country where European interests were paramount was the official policy.

European political activities began in 1903 and by 1905 were well organized by a group called the Colonists of Association. As the settlements grew in the white highlands so did many branch organizations. The settlers found it necessary to change the name to Convention of Associations, commonly known as the convention. Each local member of the convention sent delegates to the regular meetings held twice a year, and a permanent executive committee maintained continuity. Resolutions were drawn up by the member organizations to be presented to the convention; originally the resolutions adopted by the convention

were sent to the government as the representative opinion of the settlers. It was the custom of the governors to attend meetings to reply to the questions raised in the resolutions of a previous meeting or to send a written reply to the Executive Committee to be read at the opening session. Before the unofficial membership of the Legislative Council became elective in 1920, the convention was the only means of expressing European public opinion.

The first meeting of the convention was held in 1911 and until the outbreak of the first world war the European settlers made all the political decision. By 1914 they had advanced their position under the influent leadership of Lord Dalmere. They were on the verge of achieving their ambition of holding elections for the appointment of representatives to the legislative council, and they were well on the way to Dalmere's objective of ultimate self government for the white community and of Kenya itself.<sup>1</sup> At the outbreak of the war the convention lapsed and was revived in 1918.

In 1917 Sir Charles Browning was acting governor, but the European convention decided that a governor selected from the ranks of the British colonial services was not the type of person who could deal with Kenya's post-war problems. They demanded and got from the British government a military governor, Major-General Sir Edward Northey, who had commanded the Rhodesia and Myasalan forces two years before the end of the war.

To the Europeans Northey was a good choice, especially when in his first address to the legislature, he announced that two unofficial members would be added to his executive council and that a bill to implement the grant of the franchise to Europeans would be introduced

immediately. Northey gave effect then to the British government formal recognition in 1916 for the settlers' claim to elect their own representatives to the Legislature. The convention meeting to welcome Governor Northey wanted him to know the following:

"They wanted the Governor's position strengthened against the colonial office; they wanted his position strengthened against local secretariat generally and against John Ainsworth, particularly because his 'zoo theory' in native policy was not acceptable to most of the Europeans. They expected the new governor to end difficulties between officials and unofficials. They wanted it understood that they opposed increased taxation without representation; that they wanted (1) a representative legislation council to which the executive council would be subordinate, (2) the convention, its meetings and its opinion to be taken seriously (3) official support for increased white settlement and changes in land, (4) an extension of railways manned by Europeans and (5) the establishment of a system of native registration."<sup>2</sup>

Major Grogans views on the Asiatic question were clearly stated. He thought it most unlikely that British people would submit to the rule of an inferior people, for while there might be a few "decent and intelligent" individuals among Indians, there were no more. Indians had a right to do business in Kenya, but they had no right to control it; the empire owed it to South Africa to keep them out. The solution of the problem should be dictated from Africa not Downing Street. It was the settlers' warning to the governor that if he was in accord with them, they would show "unswerving devotion" to him, but if not, they would fight him.

In 1920 eleven electoral areas were established and the official membership of the Legislative Council was increased to give the government a majority. The European population had been strengthened by a soldier settlement scheme and numbered 9,000 in 1920. With the election of Europeans to the Legislative Council, the position of the convention was altered from that of dealing directly with the government

to that of advising the elected members.

The convention had been known as the "settlers parliament", and as the "white parliament" had exerted an influence far beyond any other unofficial organization. It provided a medium for the expression of opinion of the politically active section of the Europeans. Because of the effectiveness of their organization, the settlers widened their influence far beyond that which their numbers or constitutional position would lead one to expect. They adhered to the policy of agitation accepted by the earliest colonist organization as the only method of accomplishing anything. They used the method of agitation in securing elected Europeans for the legislative council.

Nominated European officials constituted the majority on the committee appointed to consider details involved in the introduction of elective representation. It is not a wonder then that the following were drawn up and presented to the secretary of state:

That there was to be no property or educational qualifications as the basis for the franchise, but that every adult male British subject, either by birth or naturalization, of European origin should be eligible, subject to proof of twelve months' continuous residence in the country. European origin meant "whole blooded descent from European ancestors." Since the committee was of the opinion that at this stage of the protectorate's development when the colored races outnumber the white race it is not desirable that the franchise should be extended to Asiatics or natives. Indian interests were to be represented by two Indian members to be nominated by the governor, one to represent the lowlands, one the highlands. Arab interests to be represented by the Resident Magistrate at Mombasa and that Native interest should be represented by the chief native commissioner.<sup>3</sup>

The settlers asserted their strength more in 1921 when they formed the Reform Party under Lord Dalmere. The object of the party was to secure for the Europeans community of Kenya the maximum power and authority in the government under the Legislative Council Ordinance by

securing and selecting men agreeing on the need of consolidated action, stimulating public interest, promoting the endeavor to balance the budget by a reduction of expenditure rather than by an increase in taxation, preventing any decision without discussion, and affording the elected members and organization for the investigation and discussion of questions preliminary to the meeting of the Legislative Council. The Reform Party died in 1923, and the settlers entered at what is called Government in Association.

The Europeans in Kenya had from the first looked forward to the time when they would have full self-government, or responsible government. Always, even when they were urging a particular change, such as appointed officials on a legislative council in 1905 or elected representatives in 1913, they insisted that they were asking for moderate change which in no way endangered the control of the colonial office over the other populations of the colony. But they had always had the ultimate goal in view. In the 1923 white paper the imperial government made the following statement concerning the constitutional future of Kenya.

It has been suggested that it might be possible for Kenya to advance in the near future on the lines of responsible self-government, subject to the reservation of native affairs. There are, however, in the opinion of His Majesty's government, objections to the adoption in Kenya at this stage of such an arrangement; and they are convinced that the existing system of government is in present circumstances best calculated to achieve the aims which they have in view, namely, the unfettered exercise of their trusteeship for the native races and the satisfaction of the legitimate aspiration of other communities resident in the colony.

His Majesty's government could not but regard the grant of responsible self-government as out of the question within any period of time which need now be taken into consideration. Nor, indeed, would they contemplate yet the possibility of substituting an unofficial majority in the Council for the Government official majority. Hasty action is to be strongly deprecated, and it will be necessary to see how matters developed especially in regard to African representation, before proposals for so much

fundamental a change in the constitution for the colony can be entertained. Meanwhile, the administration of the colony will follow the British traditions and principles which have been successful in the other colonies and progress towards self-government must be left to take the lines which the passage of time and the growth of experience may indicate as being best for the country.<sup>4</sup>

Therefore the imperial government not only pushed the idea of self-government into the background but ended for the time any hope of an unofficial majority on the Legislative Council. However, the statement that the colony would follow the British traditions and that progress would be determined by developments, left the way open for presentation of other claims if conditions later seemed to justify it.

When the idea of an East African Federation was put forward by the commercial communities in the East African territories, some Britishers who did business in these territories and in the settler community in Kenya were opposed to it because they thought that Kenya should stand alone for a while to realize its own ideals and progress. They could see the advantages of the union but thought that Kenya would lose more than it would gain. They had been fighting for two decades to consolidate their position, and they had made real progress toward self-government because of the concentration of the white population and the small native population. Merging Kenya into a larger East Africa state would mean the swamping of the whites into a huge native state, and they doubted if they would ever be given control. The settlers' policy was that Kenya should stand alone until she had self-government and had solved her own problems. After that she would have no difficulty in absorbing other parts of British tropical Africa and ultimately in joining hands with South Africa. They favored close relations with the Union of South Africa, Rhodesia, Uganda, and

Tanganyika but not federation until the colony had been consulted.

In 1927, however, the settlers changed their policy from that of resisting the federation to that of having one, because the native policy in Tanganyika was not what they wanted. To stop its progress, then, the settlers hoped to use the federation. One other major point in the change of policy was that in 1927 the Conservative Party was in power and the settlers wanted things settled because they favored the Conservative Party, mistrusted the Liberal Party, and thoroughly disliked Labor governments<sup>5</sup> because they disagreed with the Labor government's policies on local labor issues, general native welfare, and Indian rights. Their condition of accepting the East African Federation was that the following safeguards would be provided:

each state would remain a separate entity with its own constitution and government; no hinderance would be placed on any one territory advancing toward self-government on constitutional lines; the finances of each territory should be controlled by its own legislature; the seat of the high commissioner for the territories must be in Nairobi; and a Kenya Protectorate should become an intergral part of the colony. They felt that Kenya had to be safeguarded in any such union. It was their intention that she would be the dominant member. They had struggled for a position of superiority in Kenya through safeguards and granting of privileges, and they wanted the same in the union.

When the question of the union was introduced in the House of Lords in 1927, it was noted that forming a union using the guidelines of the settlers amounted to handing the colony over to the Europeans. The settlers wanted to secure the unofficial majority in the legislature so

that they could have a free hand in designing the East African Federation. As a result of the European demand for more control in the government, the Hilton Young Commission was appointed. The objectives of the commission were: first, to maintain an effective imperial control, with co-operation of the local communities, over racial minorities, native development, international obligations, uniformity, and continuity of policy in the empire as a whole; second, to provide a proper avenue for local initiative in government and to create a sense of security among the immigrant population.

The Hilton Young Commission recommended close union of the East African territories of Kenya, Uganda and Tanganyika. They found out that an economic unity rather than a political one was desirable since all communities, with exception of some in Tanganyika, were frightened of closer political union. The commission also recommended an unofficial majority, after certainly prerequisites had been met, but not a European unofficial majority, either partly nominated and partly elected or entirely elected. The commission did not favor recognition of responsible government for the European minority. The Europeans regarded the report as critical of the entire policy of white settlement in East Africa, and they resented the implication that the white communities in East Africa could not be trusted in their dealings with natives and could not be treated in the same way as the white communities in other parts of the empire. In 1930 a joint committee was appointed to expand the Hilton Young Commission's findings. The committee heard fifty-one witnesses, ranging from those holding positions of prominence in the administrations of East Africa to representatives of the native population. It was the first time that a native group aired their op-



inions without having to do it through a European representative. Kenyan natives did not favor the union, because they feared that the high commissioner -- advised by settlers and by governors advised by settlers, and even further removed from them than their existing government were -- would not make the 1930 white paper effective. The natives believed that existing unsatisfactory conditions would be perpetuated in a federation. The secretary of state officially accepted the joint committee's recommendation that there should be no change in the composition of the Legislative Council, other than that in the increased native representation.

The policy of the paramountcy of European interests in Kenya as established by Sir Charles Eliot was pursued vigorously by the local government and the settlers as already noted. This had been done by the soldier settlement scheme, by the grant of the right of elective representation to Europeans on the Legislative Council and by the nominated representation on the executive Council. It had been done also by the formation in 1923 of the Finance Committee. The purpose of the committee, as the settlers saw it, was to insure that tax money was spent as the whites wished.

The change in imperial policy which occurred in 1923, was largely the result of factors arising from the post-war period. The shifting from the paramountcy of white interests to that of the native was the result of the new realization and ideas of the contact of races. Sir Edward Grigg tried to explain the change in policy by saying that the war had brought with it the concept of protecting the weak people. That may be true, but the Indians, who had been told by Northey that European interests must be paramount, brought about the change through

objections and their desire to be equal with the Europeans. The increasing degree of self-government for Europeans in Kenya in 1919 aroused the Indian issue which led to the famous statement of trusteeship in 1923. It is important to remember that the imperial government's 1923 statement of its trusteeship, supposedly existing from the beginning of British rule in East Africa, came as the solution of a local quarrel between the Europeans and Indians. It was a way of solving a difficult question and not the result of any desire at the moment to insist on a change in the position of the natives. The statement coming at the time when the mandate system, and including a connection between the mandate of Tanganyika and the administration of Kenya, was accepted as the Magna Carta for the natives of Kenya arising from the conscience of Great Britain.

The discrimination against the Indians goes back as far as the establishment of white highlands from which the Indians were barred. Once the Europeans were secure in the Highlands, they objected to Indian landholding in any part of the country. The governor overruled them, saying that there were many parts of the country outside the Highlands where Indians could hold land. The Europeans next wanted freedom in transferring holdings. The 1915 Land Ordinance provided that only transfers between races required the government's sanction, the governor to have a veto on such transactions. The restrictions on the holding of land by Indians were transferred from the administrative to the legislature by the provisions that leases for farms should be sold at auction. A notice stating whether anyone other than Europeans would be allowed to bid for the lease was required. These changes convinced the Indians that their position of inequality was per-

manent. This together with the imposition of segregation in the townships, supposedly on sanitary grounds, the establishment of elective representation for the Europeans on the Legislative Council, and the report of the Economic Commission 1919, promoted a program of reform. The Indians did not particularly wish to live in the Highlands, but they resented racial discrimination and wished to share in the profits of land speculation.<sup>6</sup>

The economic report of 1919 brought to light the feelings of Europeans against the Indians and enlisted the government of India in support of the local Indians. The commission on supposedly native interests excluded the Indian from Kenya on more, physical and economic grounds. It stated that imperial policy should take into account only the interests of the natives, Arab, and Europeans.

The resolutions of the Imperial Conference definitely established the claims of Indian residents in Kenya. They recognized that there was an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the empire. The rights of such Indians to citizenship was recognized.

The Indians asked the Imperial Government to instruct the local government to remove their inequalities and disabilities in accord with the resolution of the Imperial Conference. They also sent a delegation to India and asked them to make representation to the Imperial Government through the secretary of state for India. They wanted equal elective representation with the European Community on the Legislative Council; a common electoral vote for the colony, including both Indians and European voters; the abolition of the reservation of the Highlands for Europeans; the withdrawal of the segregation policy

previously adopted for the towns; and the removal of other disabilities such as restriction on the use of railway couches, railway stations and public conveniences generally and discrimination against Indians in the civil service and professions.

The Europeans in Kenya united to oppose the Indians in these demands because they said that Kenya was a white country, a population of 9,000 compared to the 22,000 Indians and three million Africans. They claimed that they were training Africans in the western ideals. The admission of Indians would be the government's failure of the British trusteeship. Whites feared that the great numbers of Indians would swamp them. They insisted on the policy of segregation so as not to endanger the health of Europeans. The convention also urged the restriction of Asiatic immigration. It opposed the granting of the franchise to Indians, the acquisition by Indians of land outside townships and the employment of Indians in the government. The Governor Sir Edward Northey agreed with the convention.

The Indians sent a delegation to the secretary of state. The group that the Indian community was being deprived of its elementary rights in an attempt to either drive them out of the country or to keep them in perpetual subjection to European settlers, holding greater capital investments, paying a larger proportion of the taxes, and providing skilled labor for the protectorate. The climate was more suited to Indians than to Europeans, and the laws, currency, and administration were based on those of India.

The secretary did not grant them equality; restrictions on land were not removed to prevent discrimination against Europeans; segregation was to continue; and administrative rulings with racial bias

were not altered.<sup>7</sup> This decision of the secretary was criticized in England, but Lord Milner defended his decision in the House of Lords. He thought that Indians' interests would best be served by nominated members, but if Indians insisted, he was willing to grant them a carefully considered franchise. The Indians were indignant; they would not consider any settlement not providing an equal franchise. They believed that their position was weaker than before the settlement, since the reservation of the Highlands was now accepted as government policy. They believed that the Europeans were not essential to the economic life of the community. If they were not prepared to accept equality, they should go home or elsewhere and make room in Kenya for others with less lofty ideas of their own superiority. They showed increasing dependence on the government of India which claimed that Kenya should be attached to India until such time as she was ready for self-government.

The Indian government objected to the differences between Indian and European representation in a council with an official majority. They objected to Europeans having eleven members to voice their views, while the Indians were given two members. It was stated that India regarded the situation as one which would test the entire colonial empire, and India urged that a Royal Commission, with the Government of India represented, be appointed to study East Africa, particularly with the Indian question in mind. The Europeans were not satisfied with the solution because of the absence of restrictions on Indian immigration, but they decided to refrain from expressions which would fan racial antagonism, holding themselves free to reopen the issue in the future.

In July of 1921, the Joint Parliamentary Committee on Indian Affairs, under the chairmanship of Lord Islington, reported that they had considered the Milner dispatch and the reply of the government of India as well as evidence of witnesses. It recommended acceptance of the general principle laid down by the government of India that there was no justification for any inequality among British subjects. Thus they accepted the view of Indian government that Indians were not properly represented and that a reform of the franchise was necessary. They also suggested common roll, elimination of segregation through sanitation regulations had that the question of European ownership of the white highlands should be looked into more carefully.

The Europeans in Kenya did not realize the extent of the feeling of Imperial Government toward some change in the status of the Indians until 1921, but from the report of the Joint Parliamentary Committee, they saw great danger to their position. There were several mass meetings on both sides until the settlement in 1923. The settlers agreed that although Kenya was a British colony, the establishment of equality was impossible for it would mean the end of European settlement. The European women feared the Asiatic menace and cabled the Queen to protect them, and the Indian women did the same.

The leaders of the Europeans sent a delegation to South Africa to convince the government and the public of the common interests of the two countries and to enlist support against the Imperial Government before Kenya was driven to adopt extreme measures. The South African policy and the attitude of the government of the union toward Indians at imperial conferences had led the Europeans to send the delegation. The delegates prepared a highly colored view for South Africa

which represents the hysteria of the European community. They maintained that, since the Imperial Government seemed in danger of yielding to the plans of racial aggrandizement held by a section of the Kenya Indian Community, British communities in Africa should write to secure for Kenya application of the principle that every British community should decide its own composition. They insisted that Kenya was carrying on an unequal struggle against the organization, wealth, and influence of India, that granting Indian demands would mean the eventual withdrawal of Europeans, and that Kenya, once an Asiatic dependency, would, "by crafty exploitation and the great numbers at its disposal", extend its influence into the crippled territory of Tanganyika, Portuguese territory, Uganda, Nyasaland, and Northern and Southern Rhodesia, and finally into the Union of South Africa. In this way one-half of the continent of Africa might be lost to western civilization if India should use her self-government as a means of severance from the British commonwealth, "the fate not only of Africa, but of the western world, may be jeopardized" in the coming war between the East and West. Europeans also tried to enlist the support of Nyasaland and Rhodesia.

The settlers designed segregation on sanitary and moral grounds. To break it down, they feared, would mean the establishment of mixed schools "with the undesirable consequences of English children sitting beside Indian children". The Indian desire to end segregation was based on principle and the Europeans would not take it. To permit Asiatics in the Highlands would amount to breaking of a "solemn pledge". They objected to Indians trying to stir up dissatisfaction among natives and to their false claims concerning their position to the natives.

The secretary of state opposed sending a royal commission to Kenya but announced that Indian policy was under consideration. In 1922 the Secretary of State Churchill announced that the government must consider the interests of Indians and should be careful to shape the laws so that they would not needlessly inflict any "invidious distinction". He assured the Europeans that they would keep its pledge concerning the highlands and that the principle of equal rights on a basis was to be established in consultation with the interests of both Europeans and the natives.

Once again the European settlers had their way. The policy in Kenya was still that of white superiority. The Indians protested that the announcement had been made without being consulted. Churchill claimed that the India office agreed with him, but indications were that this was not so. The resolutions aroused a storm of protest in India. A resolution of the Legislative Assembly stated that failure to meet lawful claims of Indians for equality with other British subjects in African territory would be a serious violation of the rights of Indian citizenship. They regarded the speech as "indiscreet, unwise, reckless, and irresponsible". They emphasized that Kenya was regarded as the test of imperial good faith. They hoped that the government would alter its decision.

In 1922, the Under secretary of state for the colonies, Woods, stated that the proposal was unacceptable to both sides. He found that equal franchise was the most difficult aspect of the Indian question, but he stated that the solution could be achieved with the full consent of the white community and that the Indians could participate "actively and effectively" in the government. In the solution



the Africans whose interests were sometimes overlooked would have to be included. The Europeans passed resolutions immediately, protesting any action the government might take to grant Indian claims. They threatened to use force if persuasive means did not work. They vowed to take such actions as was necessary to prevent the decisions taking practical effect. Any action was to be decisive and was to indicate that the whites declined to be a pawn in the game of Indian politics. In internal politics they said that they refused to be over-ridden by home ignorance and indifference.

The Wood-Winterton proposal was an attempt to solve the Indian question. It proposed a common electoral roll for all British subjects possessing certain prescribed qualification, either property or education, which would result in the franchisement of approximately ten percent of the Indian population. This proposal provided for the official majority in the Legislative Council. Indians were to have one-half as many seats as the Europeans and were to have adequate representation. They were to be considered equally with the Europeans in deciding fitness for membership on the Executive Council. No changes were to be made in the Highlands and immigration regulations, but segregation was to be abolished.

The Indian government accepted the proposals, but the Europeans objected strongly, because the plan did not provide safeguards against ultimate Indian predominance over the Europeans. The proposal was a compromise, but the Europeans were determined not to compromise. They rejected the proposal, and a rebellion appeared inevitable. The settlers prepared a plan to seize control of the government by force.<sup>8</sup> The governor was to be kidnapped and taken to a lonely farm sixty

miles from Nairobi; there were to be surprise raids to take over the railway, post and telegraphic systems; and messages were to be broadcast stating the settlers case and appealing to the British Dominion republics for support. This plan of a unilateral declaration of independence in colonial Kenya and enforcement of minority rule by a few thousand Europeans could have succeeded, but the settlers hesitated due to loyalty to the crown and constitutional government.

The British government, alarmed by the threatened settler revolt, invited the disputing parties to London under the chairmanship of the Duke of Devonshire. The Africans, the third but so far neglected party to the dispute, were represented by the Reverend J. W. Arthur, a church of Scotland missionary, while Lord Dalmere headed the European delegation. It is interesting to note that the governor sided with the Europeans almost throughout the discussions. The Indians had to depend on the Government of India for their support.<sup>9</sup>

The conference lasted three months and resulted in the famous white paper of 1923. It was a compromise, and the British layed down a policy which was to be followed for the next thirty years. The report stated that:

"Primarily Kenya is an African territory and His Majesty's government thinks it is necessary definitely to record their considered opinion that the interests of the African natives must be paramount and that if and when, those interests and the interests of the immigrant races should conflict, the former should prevail. Obviously the interests of the other communities, European, Indian and Arab, must severally be safeguarded. Whatever the circumstances in which members of these communities have entered Kenya, there will be no drastic action or reversal of measures already introduced, such as may have been contemplated in some quarters, the result of which might be to destroy or impair the existing interests of those who have already settled in Kenya. But in the Administration of Kenya, his Majesty's government regards themselves as exercising a trust on behalf of the African population, and they are unable to delegate or share this trust, the object of which may be defined as the protection and advancement of the native races."<sup>10</sup>

The white paper dealt specifically with the controversy between the European and Asian communities. It decided that the official majority in the legislative council was to be maintained; there were to be eleven European, five Indians, one Arab members; and one nominated unofficial member was to represent African interest. The composition of the Governor's Executive Council was to be left unchanged except for the addition of a nominated unofficial member to represent African interests. Reservation of the Highlands was to be maintained for Europeans but outside the area racial segregation as between Indians and Europeans would be abolished. It was accepted that commercial segregation should be discontinued, and since medical authorities believed that residential segregation was not absolutely essential for healthful conditions, separation of races by legislative enactment was held to be unjustifiable. Segregation in townships was to be abolished as far as the Indians and Europeans were concerned, but was maintained for the natives.<sup>11</sup> On immigration the white paper stated that only in extreme circumstances could His Majesty's Government contemplate legislation designed to exclude from a British colony immigrants from any other part of the British Empire. Such racial discrimination in immigration was not in accord with the policy, and the government would not tolerate introduction of any such legislation in Kenya.

The first reactions of the settlers to the Devonshire white paper were hostile.<sup>12</sup> They criticized the settlement because it did not maintain residential segregation, because it ruled out self-government until such time as the natives should be ready for it, and because it did not secure the Highlands any more effectively. The European delegation, however, accepted the solution. They appreciated the fact

that the fundamental constitutional principles on which the Europeans had been standing were confirmed. They expressed regret, however, that segregation was not maintained and that Indian representation in the Legislative Council was porportionately large.

The Indians were dissatisfied with the settlement. They considered it a "gross betrayal".<sup>13</sup> The delegation from India rejected the settlement. They saw only one gain, that for the native. The Indian's delegation to the Imperial Conference of 1923 said that it believed that the discrimination was due to race and color. They suggested that the dominion representatives and the British government should agree to appoint a committee to give effect to the 1921 resolution.

The natives who were in a position to understand politics had watched the course of events in the Indian controversy and had received the white paper with delight. The white paper made the Europeans and Indians aware of the plight of the native community. Neither the Europeans nor the Indians had shown any real desire to protect the native. The principle of "paramountcy" was established as a measure of expediency and little attention to it was paid in practice. The white paper taken on its face value would mean that the interests of both European and Indians had been pushed to the background in the interests of the natives. What was important to the settlers was that the colony would continue to develop along the usual lines and that would give them the chance to continue to dominate without Indian interference. The statement was only the means to and end. The real objective was the establishment of some basis, other than racial prejudice, on which the Indian would be kept from equal participation in the development of a crown policy.

The settlers in 1923 statement of paramountcy to mean separate developments for the natives and non-natives, in what is known as the "dual policy". The "dual policy" came into use after the 1923 white paper. Its aim was the complementary development of the two communities, in which the native would develop both areas. The policy was adapted by the settlers as a solution for the difficulty created by the fact that, in their zeal to defeat the Indians, they had overreached themselves and secured the statement that native rights were paramount. This, if fulfilled, would have proven embarrassing to the settlers. As usual they tried to get their own way. The dual policy proved to be the means to avoid the effects of paramountcy. The doctrine of paramountcy was invented to secure the Europeans against the Indians, the doctrine of dual policy was to secure them against the native.<sup>14</sup>

The dual policy was accepted by the Parliamentary Commission of 1924 and was clearly stated by the government of Kenya before the imperial authorities issued the white paper of 1927. This paper was the result of the settlers seeking to change the 1923 white paper. They presented the colonial office with the following: The permanency of European settlement in Kenya was recognized and therefore altered the 1923 statement that Kenya was primarily an African Country; it provided for the association of the immigrant communities in trusteeship whereas the original paper had specifically denied them any part and had reserved the execution of the trust to agents of the imperial government. This contradicts the policy which the African was supposed to be paramount and changed it back to white supremacy as it had been.

The British government on the debates of the 1927 white paper

assured the members of both houses that responsibility remained, as before, with them. The association was explained as bringing the Europeans a clear understanding of administrative problems. Since the Europeans would eventually control the country, this was essential. This gave the settlers what they wanted, eventual self-government. The government did not want a repetition of the experience in South Africa, where determination to retain full imperial responsibility had created a feeling that the white had no responsibility for the black. Nothing in the statement would affect the rights of the British Indians in Kenya.<sup>15</sup>

Some mistrusted the shift in policy for it indicated that the imperial government accepted self-government as the ultimate aim and conceded that eventually they could not maintain control to protect the natives. They expected the natives to adapt themselves to machinery designed for the whites. The policy inaugurated according to the 1927 paper subordinated both native and Indian interest to those of the Europeans, regardless of trust obligations. This marked the deterioration of British conceptions of fair play to native populations and showed an interesting example of dominion influence in imperial policy.

A third and the last of the white papers was issued in 1930. This paper agreed with the 1923 paper on native policy and with the terms of the mandate for Tanganyika.

They fully accepted the principle that the relation of His Majesty's Government to the native populations of East Africa is one of trusteeship which cannot be developed, and from which they cannot be relieved. The ultimate responsibility for the exercise of this trusteeship must accordingly rest with them alone . . . that the interests of the African natives must be paramount and that if and when, those interests and the interest of the immigrant races should conflict, the former should prevail.

'Paramountcy' was interpreted to mean:

" . . . that the creation and preservation of a field for the full development of native life is a first charge on any territory and that the government having created this field in the establishment of an organized governmental administration of the modern type has the duty to devote its energies to assisting the natives to make the best possible use of the opportunities open to them".<sup>16</sup>

The European settlers opposed the 1930 white paper. They objected to the lack of regard for the white community in the memorandum on native policy and held that a constitution based on "paramountcy" would nullify their plans for a dominion of East Africa, "developing on characteristically and distinct British lines. They contended that the papers indicated a reversal of policy which was inimical to white settlement, and in disregarding the interest of a section of the population, they could not be permanent. They were to "insist that ultimately we are British citizens in this country, and because we are British citizens we accept the responsibilities and claim the privileges of British citizens, because we are on the spot, we mean ultimately to control the destiny of Africa."<sup>17</sup>

When the paper was tested in 1932 with the discovery of gold in the western part of the country, the policy was quickly changed by the governor in the interests of the immigrant minority. Margery Perham (the author of "Rice and Politics in Kenya") thought that the British Government was right in the 1930 policy and that it should be exercised firmly "no more surrenders, no more constitutional privileges for the settlers".<sup>18</sup> It is only fair to conclude that if the government had practiced the policy of helping the native and let him share in the responsibility of government, then the violent reaction by Africans, which will be examined next, probably would not have occurred.

## FOOTNOTES

- <sup>1</sup>MacPhee, p. 56.
- <sup>2</sup>Dilley, p. 38.
- <sup>3</sup>Ibid., p. 49.
- <sup>4</sup>Dilley, pp. 57-58.
- <sup>5</sup>Ibid., p. 61.
- <sup>6</sup>Ibid., p. 144.
- <sup>7</sup>Ibid., p. 149.
- <sup>8</sup>MacPhee, p. 73.
- <sup>9</sup>Dilley, p. 166..
- <sup>10</sup>MacPhee, pp. 73-74.
- <sup>11</sup>Dilley, p. 169.
- <sup>12</sup>MacPhee, p. 74.
- <sup>13</sup>MacPhee, p. 74.
- <sup>14</sup>Dilley, p. 187.
- <sup>15</sup>Ibid., p. 193.
- <sup>16</sup>Ibid., pp. 195-197.
- <sup>17</sup>Ibid., p. 202.
- <sup>18</sup>Huxley and Perham, p. 31.



## CHAPTER VI

### THE AFRICAN REACTION TO DISCRIMINATION

Colonel Meinertzhagen, a captain in the Kings African Rifles who arrived in Kenya in 1902, write in his diary the following note about Sir Charles Eliot:

He amazed me with his views on the future of East Africa. He envisaged a thriving colony of thousands of Europeans. He intends to confine the natives to reserves and use them as cheap labor on farms. I suggested that the country belonged to Africans, that their interests must prevail over the interests of strangers. He would not have it; he kept using the word 'paramount' with reference to the claims of Europeans. I said that some day the Africans would be educated and armed; that would lead to a clash. Eliot thought that day was so far distant as not to matter -- but I am convinced that in the end the Africans will win and that Eliot's policy can lead only to trouble and disappointment.<sup>1</sup>

What is surprising is not that Eliot, who was supposed to be a scholarly intellectual, could not see beyond the imperialistic urge, but that a young captain, twenty-four years old, could. At the end of his service in 1904 in Kenya, the young officer again could see further ahead than Eliot:

I am sorry to leave the Kikuyu -- they are the most intelligent of the African tribes I have met; therefore they will be the most progressive under European guidance and will be more susceptible to subversive activities. They will be one of the first tribes to demand freedom from European influence and in the end cause a lot of trouble.<sup>2</sup>

Before the end of the half-century the young captain had proven himself right. After the first clash with the British when imperial rule was being introduced, the Africans remained silent and watched the British rule. It was not until 1921 that the Africans began to organize

themselves in order to show their objections to racial discrimination. This African awakening was caused by the strict enforcement of the registration ordinance known as "Kipande law", the doubling of Hut and Poll Tax from five to ten rupees, and the decision of the convention to cut farm wages. Harry Thuku, a young missionary-trained African provided the spark which led to the Nairobi Riot. Harry Thuku had founded the young Kikuyu Association in 1921 as a union for the growing number of Kikuyu workers in Nairobi. He was Kenya's first militant trade union leader and his anti-government and anti-European speeches were used to increase membership of the association and also to advance his political ambitions. His main platform was the fact that the natives had helped in the British war effort only to get an increase of taxes, wage-cuts, and a pass law as a reward. He suggested that the natives hire lorries to collect all the Kipandes' certificates and dump them in the Governor's residence. This was too much for the government which did not expect the Africans to react. Thuku was arrested in 1922. There was a general strike the following day among the African workers in Nairobi. Picketing was well organized, and a large crowd followed Thuku's supporters to the police lines where the guards had been reinforced by a detachment of the King's African Rifles. There were inflammatory speeches but the crowd remained good tempered and the whole affair could have been resolved peacefully if a nervous African policeman had not fired at the crowd. Other shots were fired before the crowd dispersed. Twenty-five people were killed.<sup>3</sup> The organizers of the strike were arrested, and Thuku was exiled to a distant province. So ended the first organized attempt by the Kenyan Africans to express their views on government policies.

By 1920 the reaction to the European rule by Africans was heightened by two factors. For one thing, by this time the Africans who had been educated by missionaries and who had accepted Western culture suddenly became aware of the afflictions of their brothers. They became the greatest critics of the colonial government and of Western values. The other factor was the aftermath of World War I. Most of the Africans who had served as carriers or regular military men had discovered that the white men were human and that they were very brave when force was intact and learned the importance of organized resistance. Between 1920 and 1930, organized associations led by men who had served in the war appeared.<sup>4</sup>

From the time of the White Paper of 1923 to the outbreak of the Mau Mau Revolution in 1952, Kenya was strictly developed on racial lines. Land problems were the major cause for the rebellion. Besides the land problem was the color-bar, suppression of black Kenyans physically, educationally, politically, socially, and economically. Suppression led to frustration and finally to the outbreak of violence, which helped to rouse the white man from his long dream.

By 1926 land in the Kikuyu area, which had the largest population of any tribe in Kenya, was crowded. The population density in Kiambu, for example, was about 400 to a square mile, in central Nyanza about 165, and in Bunyore it had already gone over 1,000. On the other hand, the average white settler enjoyed more than 500 acres of land in 1925, and in the white highlands only 9 percent of the occupied land was under cultivation. The crisis over land policy was further heightened by the discovery of gold in western Kenya which was in the African reserves. The Native Land Trust Ordinance of 1930 was hurriedly amended in 1932

to exclude from the reserves the land containing minerals. This aroused a sense of insecurity among the Africans, and it also showed them the futility of placing faith in legislation which could easily be altered by a body which they were not represented. In 1933 the Kenyan land commission was set up under the chairmanship of Sir Morris Carter to inquire into rights of natives and to define the African and European settled areas. The Africans did not accept the report although the British government accepted it.<sup>5</sup>

On the question of color-bar and suppression of Africans in various ways, the years from the 1930s through 1952 saw greater effort by the Africans to change things. Apart from the schools established by missionaries, the Africans did not get any direct help from the government to educate their children. The government's aim in 1938 was to provide good general education for the European children between the ages of six and sixteen who attended private schools. The aim of Indian education was to provide an eight years' course of primary education for children of six and over. The aim of the African education was to raise the standard alike of character and efficiency of the bulk of the people. It produced clerks and junior officials for the administration. By 1938 it is estimated that only about 12 percent of the African children of school age were receiving any education at all. There was no African in senior high school or college. The funds to pay for education in the case of Africans again was met by the people themselves. The African Local Native Councils levied special education rates to run the elementary schools. Statistics show that the government was spending sixty-four cents per head for the African children in 1932 and forty-four cents in 1936. On the other hand, they were spending

852 shillings on the European child in 1929 and 800 shillings in 1932. It is interesting to note that much of the money spent by the government came from the African Hut and Poll Tax, while the rest came from customs import duties. In towns and cities discrimination was the order of the day. Residential areas, hotels, and restaurants were all segregated. Liquor laws made it illegal to sell or serve an African European liquor.

In industry Africans were paid low wages based on the basic minimum necessities for one individual. The civil service reflected the social structure of the country in its three racial categories of employment with different rates of pay for each race, even if they were doing the same job.<sup>6</sup> Economically, the African could not compete with a European or Asian because in agriculture he was barred from growing cash crops such as tea, coffee, sisal, and pyrethrum. In towns he could not afford to go into business for the banks would not loan him money. Politically, the African, between 1922 when the first African political parties appeared and 1952, was restricted to tribal or local politics. The white settlers feared that if Africans joined together, there would be no place for them as a minority race. The Local Native Councils were conducted on tribal lines in a policy of divide and rule.

At the outbreak of the Mau Mau rebellion, in 1952 the European settlers in Kenya were thinking of asking the British for self-government. It seems as if they were unaware of what was going on in the African side. In 1949-1950 most settlers did not think that Africans would think of independence.<sup>7</sup> However, the European civil servants' association which had worked closely with the African civil servants' had noticed restlessness. They had tried to inform the government to

make some changes but then, was met with the reply to the Africans that the European civil service association was only trying to prevent Africans from getting higher jobs.<sup>8</sup>

In politics the Africans were becoming more conscious of a potential revolution. The Associations of the 1920s did not survive but were soon replaced by Kikuyu Central Association founded in 1924. The main aim was to obtain redress for specific grievances.<sup>9</sup> By the 1940s these associations had grown in strength because more educated Africans joined them.<sup>10</sup> In 1944 the Kenya African Union was founded by Africans all over Kenya who could not be confined to local politics any longer. This was to show to the world that national politics had arrived. The leadership of KAU was taken over by Jomo Kenyatta who had just returned from England. KAU published a Swahili paper called Sauti ya Mwafrica (the African voice). The paper, together with numerous vernacular papers, pleaded the cause of Kenya Africans. They pleaded for changed in the land policy. They also wanted fair wages, increased political representation, an end to discrimination. Independent schools and churches also flourished during this period. That trend demonstrated that the African was not only becoming politically aware of the evils of Europeans rule but was doing something to overcome some of the handicap that faced him.

While the KAU was trying to recruit members throughout the country and to negotiate with government authorities, KCA was moving more towards radicalism. They employed a highly selective and secret system of recruiting members. They began an underground movement. They began with the dominant Kikuyu tribe and hoped to expand to the other tribes. Their aim was to use revolutionary means if the constitutional

one represented by KAU failed. It was in one of the secret recruitment that the famous Navaisha arrest and trial resulted. Nineteen Africans were tried in 1950 accused of secret oath taking.<sup>11</sup> KCA was banned, but the secret oath taking went on; finally many Africans became so frustrated that the Mau Mau rebellion broke out in 1952.

When the Mau Mau Rebellion broke out a state of emergency was declared on October 20, 1952. The rebellion shocked the white settlers who did not dream of an independent Kenya in their life times or even that of their children. The government immediately reacted against the leaders of KAU and imprisoned them. Jomo Kenyatta was thought to be the leader of the Mau Mau.<sup>12</sup> Despite his repeated denials of knowing anything about Mau Mau, most settlers and Europeans thought otherwise.<sup>13</sup> Jomo Kenyatta and KAU being linked with Mau Mau served to show the attitude and prejudice of different writers -- Majdalaney and MacPhee on the European side and Mboya, Kenyatta, Barnett, and Njama who wrote from the African point of view.<sup>14</sup>

Another controversial move by the government followed the declaration of the state of emergency and the arrest of the African leaders. White leaders decided to bring Jomo Kenyatta and a few others to trial at Kapenguria. The intention of the government was to use the trial as propaganda to discredit the Kikuyu leaders and reduce them to the level of criminals. The government had a hard time in proving anything against Kenyatta since he had done nothing wrong.<sup>15</sup>

When the state of emergency was declared in Kenya, Western reporters rushed to the scene and reported things which they little understood. Time reported<sup>16</sup> that, in recent years, the black 96 percent of Kenya's population had banded together in a dozen fanatic, anti-white

secret societies run by witch doctors and pledged to the slogan "Africa for the Africans". One called itself the "Men of God" another was the "Spirits of the Dead", led by a soccer player named Elijah, who used his soccer medals to persuade the tribesmen that he was divine. The Mau Mau was the most feared and successful of them all. From their jungle headquarters, Mau Mau raiders burned the huts of tribesmen who went to work for the white farmers at 7 cents a day, murdered white farmers with knobkerries and assagais and sniped at British officials. In spite of the effort by the British to control Mau Mau, the society grew at a pace which suggests professional organization and funds from abroad. The paper also accuses Kenyatta of being leader of Mau Mau. The time of emergency shows that the Westerner could not believe an African had the capacity to organize anything. Some writers looked at Mau Mau as a growing band of Africans who aimed by terrorism to drive the British from Kenya's fertile white highlands. Some Westerners<sup>17</sup> looked at Mau Mau more differently. They saw the land problem, the political and educational suppression, and the danger of the white dream in Kenya. The monopolization of the best land and cheap labor in Kenya were the economic pillars on which white supremacy rested and white supremacists tried to block any advance or independent development of the Africans. The government reacted to the revolution by taking several emergency measures to enforce law and order but had no conception of the necessity for instituting reforms which would ease the discontent of the Africans.<sup>18</sup>

White Europeans pictured Kenyatta as a communist and a leader of Mau Mau,<sup>19</sup> but an American visiting Kenya in 1952 observed things differently from the British.<sup>20</sup> He thought that Kenyatta was doing a good



job in providing African education and that the peoples' sacrifices in contributing to the cost and their hunger for education was not false. The British believed he was a false prophet who exploited the people.

The declaration of the state of emergency caused more problems than it solved. Some people viewed the declaration as the right step taken by the government to suppress Mau Mau, but others believed that there was no emergency and that the declaration itself was the immediate cause of the Mau Mau revolt. The government had declared a state of emergency and had made all the necessary preparations. Officials ordered a battalion of Lancashire Fusiliers airlifted from the Suez Canal to Nairobi to maintain law and order, but they had no enemy to fight. One year passed before anything of significance occurred. The settlers reacted to the emergency by evacuating the Kikuyu squatters and sent them back to the already overcrowded reserve. The unemployed from Nairobi were also sent back. The men found themselves idle and soon began to drift to the forests of Kenya and Abendares. They organized themselves and then began their attack on the white settlers and loyal Africans whom they saw as traitors.

The way the Mau Mau chose to fight made it difficult for the British to suppress the rebellions. It was hard to tell who was a Mau Mau and who was not, and the British were worried about what measures to take for fear of turning moderates into Mau Mau. They were afraid of turning the situation into a black-white struggle.<sup>22</sup> After three years of fighting the Mau Mau, the British could not contain the rebellion and decided to change commanders. Commander Sir George Erskine, who believed that bullets alone could not contain the Kikuyu, took over from Major General Gerald Wilathbury.<sup>23</sup> Meanwhile, the gov-

ernment arrested most of the Kikuyus and anyone suspected of being or of helping the Mau Mau. The idea behind this was not to cut off the source of food and recruitment for the Mau Mau. The new commander decided on an offensive rather than defensive approach to end the Mau Mau War.<sup>24</sup>

While the Mau Mau War was going on in the forests, farms and around Nairobi, African leaders who were not detained were pressing for constitutional changes. After the KAU had been banned in 1953, the Kenya Federation of Labor took its place. It was the only body which could speak for the Africans. The federation under the leadership of Tom Mboya became a political movement instead of a labor movement which it was meant to be. The government in 1956 threatened to proscribe the K.F.L. if it did not stop its political activities.<sup>25</sup>

The Mau Mau shock had played an important part in creating the right atmosphere in that now the Imperial Power was willing to talk with the African leaders. In the course of these dialogues, power shifted from the Europeans to the Africans. The first African minister, B. A. Ohanga, was appointed in 1954. And in the 1960 Constitution, the majority of ministers were Africans. It is not to be taken for granted, however, that after 1952 everything became easy for the African. After 1952 many Africans started to fight for their rights either in the Mau Mau or peacefully with constitutional means. With the political leaders of the African detained and with the emergency continuing, the Africans had to find a way of continuing the struggle. Bitter constitutional battles were fought in Kenya and London. And the fact that by 1960 the Africans were victorious spoke for the dedication and tactics of their leaders during those eight difficult years.

The African political parties which had been prohibited since 1953 were again allowed in mid-1955 all but in the Central Province. These parties could only be formed on a district level, with a view of joining such district organizations to form bigger organizations later. This policy was challenged by Argwings-Kodhek, the first African lawyer in Kenya. He formed a body called the Keny African National Congress which declared that the government's policy of limiting political parties to districts would encourage tribal development. Because districts were based on tribes, the government's action would also prevent the development of any national sense.<sup>26</sup>

Some of the European settlers in Kenya, such as Michael Blundell, realized that the Mau Mau War could not be won by bullets. Blundell started to work towards a multi-racial government. To the other 40,000 whites, this amounted to appeasement of the "coolies" (Asians) and "monkeys" (Africans), and they blamed the nigger loving annex of the London School of Economics, on which the colonial office depended for advice.<sup>27</sup> Blundell in seeking votes for his multi-racial policy, won because he was respected by the other farmers and because the settlers understood in private that the only alternative to multi-racial policy of Blundell was a perpetual race war. Blundell was progressive. He expected the white minority to continue running the government but with a concern for and an assistance from the Africans and Asians. The settlers were united politically behind Blundell before the Mau Mau. They wanted to get Kenya from the British as a self-governing dominion.<sup>28</sup> The Mau Mau revolution ended that talk. The white settlers' politics divided into those who favored multi-racial government and those who favored a policy close to apartheid of South Africa. This

arose because the settlers had not accepted the fact that Kenya was going to be an African country.

The British government, in developing a workable constitution in Kenya, tended to follow Blundell's multi-racial policy. The Lyttelton Constitution of 1954 brought the first six African members into the Legislative Council and under the Lennox-Boyd Constitution plan the first African election was held on a limited franchise. The election gave the African a second ministry. The Africans accepted the increased seats but rejected the ministerial posts. Multi-racialism was totally unacceptable to the Africans because accepting it meant accepting the injustices of the past. They wanted the government to give a decent life for their people. This meant land redistribution, expansion of African education, and making available job opportunities for Africans. In short, the African leaders demanded that their people be given a chance to attain equality. To achieve this, non-racial rather than multi-racial policies were necessary.

Blundell tried to sell his multi-racial policy again in 1959 and he was supported by the Kenya government. He resigned as minister for agriculture to lead a new multi-racial pressure group -- the New Kenya Group. His aim was to end all racial barriers, including land barriers. He was supported at first by specially elected Africans and Asians but soon gained adherents from the moderates of the African elected members. Blundell encouraged by this success formed a multi-racial party called the Kenya National Party. It appeared that the multi-racial was at last succeeding, but some far-sighted Africans refused to go along with it. They formed the Kenya Independence Movement.<sup>29</sup> They declared that the membership of their movement would

consist only of Africans. The battle between African nationalism and the settlers' demands had begun. The Africans, however, scored their first victory in 1960 when the MacLeod Constitution granted them a majority of ministers, with the Europeans second and the Asians third.<sup>30</sup> The settlers were up in arms. They condemned Blundell and other Europeans with similar views as traitors. They regarded this settlement as a major betrayal.

The election of 1961 brought an African majority to the legislature for the first time. There were thirty-three Africans, ten Europeans, eight Asians, and two Arabs. The white settlers believed they had been betrayed. They feared that Africans might seize their property after independence.<sup>34</sup> The fear of the blacks taking over the settlers' land for free and the Kikuyu whom they mistrusted becoming the possible rulers generated rumors that the Mau Mau were back.<sup>32</sup>

The MacLeod Constitution did not put an end to the conflict between the Africans and settlers. The settlers gathered under their old leaders of the 30s and 40s. They formed the Kenya Coalition in what proved to be a last-ditch, rearguard action. The settlers also tried to interfere with the African parties. The African elected members formed the Uhuru Party but later changed it to Kenya African National Union. The whites pointed out that the party would be dominated by the Kikuyu and that the minority tribes would suffer after independence. The split led to the formation of the Kenya African Democratic Union. It was found that Blundell and his Kenya Party were behind KADU's argument and later joined to form the minority government between April, 1961 and April, 1962.<sup>33</sup> The coalition between KADU and the Kenya Party in forming the cabinet was seen as a victory for the British pragmatism and Sir Patrick's desire to curb Mboya's influence and to

rule the country through stooges.<sup>34</sup> With the parties divided and KANU agitating for release of Kenyatta, it seemed that civil war was eminent.<sup>35</sup> In August, 1962 Kenyatta was released and became the leader of KANU. Conflict of the two parties was resolved in the last Lancaster House Constitutional Conference of 1962. Mr. Maulding, the Colonial Secretary, imposed a compromise. There was to be a strong central government but with federal provisions for regional governments. With the most complicated constitution in the world, Kenya became independent in December of 1963.

There is no doubt that the achievement of independence in Kenya was a real struggle. From the formation of the colony to the day of independence, the African was faced with racial obstruction. The acquiring of land by the white settler began the struggle. The white man chose to ignore native rights from the outset. In the development of the country, too, the white man chose to be the supreme ruler and made sure that the African or Asian was nowhere close to challenge him. The introduction of color-bar, different educational programs, restrictions on cash crops, and political suppression all were done to perpetuate the dream of white supremacy. This in turn led to the Mau Mau rebellion which magnified by frightened white settlers. The outbreak of the revolution was in itself a shock to the settlers who believed that they had been kind to their workers. They did not understand the love of the African of the same land which they owned. Other Europeans outside Kenya were quick to realize that the revolution would be ended by making constitutional changes. The brutality of the British in dealing with the emergency was another way of showing that they cared to protect the settlers and not the Africans.

The revolution was a turning point in the African struggle for independence. It made it possible for the Africans to talk with the British government, and this led to reform in the land problem and other areas of grievances. The constitutional battle after the outbreak of the revolution was severe.

The Africans had to see beyond the offers which were meant to trap them in their struggle to be their own masters. This goes to prove to those who thought that the Africans were not ready for independence were wrong. African leaders were able men who did not want to see injustice done to their people and who also wanted equality with all the races. The government that was established by Africans was a government by all not on a racial basis.

## FOOTNOTES

- <sup>1</sup> Majdalaney, p. 14.
- <sup>2</sup> Ibid., p. 15.
- <sup>3</sup> MacPhee, p. 71.
- <sup>4</sup> Ogot, pp. 267-268.
- <sup>5</sup> MacPhee, p. 89.
- <sup>6</sup> Tom Mboya, Freedom and After (Boston, 1963), pp. 21-22.
- <sup>7</sup> N. S. Carley Jones, The Anatomy of Uhuru (Manchester, 1966), pp. 21-22.
- <sup>8</sup> Ibid., p. 85.
- <sup>9</sup> Donald L. Barnett and Karari Njuma, Mau Mau From Within (New York and London, 1966), pp. 37, 39.
- <sup>10</sup> Ibid., p. 39. Ogot, p. 282.
- <sup>11</sup> Barnett, p. 51.
- <sup>12</sup> Fred Majdalaney, State of Emergency (London, 1962), pp. 95, 104.
- <sup>13</sup> Ibid., pp. 79, 93.
- <sup>14</sup> Ibid., p. 93. MacPhee, pp. 108-109. Mboya, p. 48. Kenyatta, pp. 49-53. Barnett and Karari, pp. 41-42.
- <sup>15</sup> Kenyatta, pp. 56-66.
- <sup>16</sup> "Black and Red Magic," Time (Sept. 1, 1952), p. 25.
- <sup>17</sup> "Mau Mau Terror," Newsweek (Oct. 20, 1952), p. 49.
- <sup>18</sup> "Trouble in Kenya Takes Serious Turn," Christian Century (Nov. 5, 1952), p. 1276.
- <sup>19</sup> George W. Shepherd, Jr., "Kenya: African Storm Signal," Nation (Nov. 1, 1952), pp. 407-408.



- <sup>20</sup>"Panga War," Time (Nov. 10, 1952), pp. 38-40.
- <sup>21</sup>Elizabeth E. Hoyt, "Dark Road in Kenya," Nation (Dec. 13, 1952), pp. 550-553.
- <sup>22</sup>Majdalaney, pp. 94-96.
- <sup>23</sup>Burnett and Karari, pp. 71-72. Majdalaney, pp. 103, 115.
- <sup>24</sup>Ibid., 65:28, January 24, 1955.
- <sup>25</sup>Mjdalaney, p. 156.
- <sup>26</sup>Mboya, pp. 28-30.
- <sup>27</sup>Irvine Keith, "The Racial Conflict," Current History (May, 1956), pp. 285-299.
- <sup>28</sup>George Shepherd, "The End of the Mau Mau Rebellion," New Republic (July 9, 1956), pp. 8-9.
- <sup>29</sup>Mboya, p. 78.
- <sup>30</sup>MacPhee, p. 158.
- <sup>31</sup>"Uhuru is the Word," Newsweek (Feb. 27, 1961), pp. 44-46.
- <sup>32</sup>"Terror in Kenya - The Mau Mau Are Back," U. S. News of World Report (July 24, 1961), pp. 66-68.
- <sup>33</sup>Mboya, p. 82.
- <sup>34</sup>"Transition in Kenya," New Republic (May 29, 1961), pp. 6-7.
- <sup>35</sup>"Another Congo in Kenya," New Republic (Nov. 27, 1961), p. 6.

## CHAPTER VII

### SUMMARY AND CONCLUSION

The introduction of white settlement in Kenya was the introduction of racial discrimination. White settlement was the factor which made the Kenya colony different from the other colonies in colonial empire. Without European settlement Kenya's history would have been more like that of Uganda or Nigeria. The difference between Kenya and Nigeria, Uganda, and Tanganyika which had little racial discrimination is that there were no white settlers or Indians to complicate matters. Nigeria was developed as an African country by the British government. Sir Donald Cammeron built a successful system of local native government in Tangayika. He made the fullest use of the tribal institutions that had survived the war. To replace the authoritarianism of his predecessors, both British and German, he restored democratic constitutions which made the tribal opinion supreme over the chiefs. He was transferred to Nigeria where he helped with the same kind of development. In these countries the native was being prepared by British officials for eventual self-government. In Rhodesia, however, the story was as that of Kenya in that white settlement existed. In both Rhodesia and Kenya racial discrimination was present. The 1923 Constitution in Rhodesia allowed Africans to own land anywhere, but this was soon changed. It was made illegal for the African to own land in well-watered areas and in mining country. The parts left for African occu-

pation were arid, rocky, and almost devoid of roads. Kenya's policy of native "paramountcy" was replaced early in the colonial period by that of the white paramountcy. By inviting South Africa farmers and by molding their policies after those of South Africa, the Kenya settlers managed to maintain racial discrimination for more than fifty years. The Kenya settlers came from the influential and ruling class of England. They were not from the lower classes, and they were settled in Kenya and endowed with privileges. British policy in Kenya was not always adhered to because it was blinded by the settlers' own policy interests. South African policy was similar to that of Kenya and white settlers they asked for South African support and intervention more than once.

The acuteness of racial discrimination lay in the existence of a settled British population in the midst of a larger native population. These settlers were a land owning aristocracy, supported by the British government in their position of ascendancy and superiority. Thus race and empire prompted the imperial government, regardless of attempts to secure justice between all races within Kenya, consistently to favor British residents.. The Indians and Africans were citizens of British Empire, but they were not British. Since the white settlers were a minority and since they could only maintain their position with government support, their artificial position was bound to fall -- as it did eventually -- because the native refused to let them continue that way.

The imperial policy did not work in Kenya because the settlers were always opposed to it, and the settlers were aided by the governor and by other government officials who were supposed to be protecting the rights of the natives. Committees and proposals of individuals,

as well as of the government of India, pointed to the need for the establishment of the Royal Commission to study the operation of East Africa but such action did not result in any changes. The policy of "paramountcy" was adopted in 1923, but as far as practice was concerned, no change had taken place. "Paramountcy" was a compromise between Indian and European conflicts just as the "dual policy" was a compromise between African and European in order that white supremacists could continue to dominate the country.

The "paramountcy" of 1923 safeguarded African interests. Without the Indian question and its solution, Kenya might have followed Southern Rhodesian and became a self-governing colony ruled by a white minority or might have become another South Africa. The Africans later used the policy to gain political concessions which the Europeans never intended to give.

Churchill in his visit to Kenya in 1907 had seen the future clearly, that there was room for the "white race, the brown race, and the dark race". Kenya today is exactly that. It is the conclusion of this paper that while the British proclaimed an imperial trusteeship, she also helped institute racial discrimination in the name of protecting British citizens. Britain did carry out the full duty of supervising her proclaimed policy. The settler policy was short-sighted, and it caused a battle between the races in Kenya. The result of the struggle was inevitable; the Africans fought for and won equal rights.

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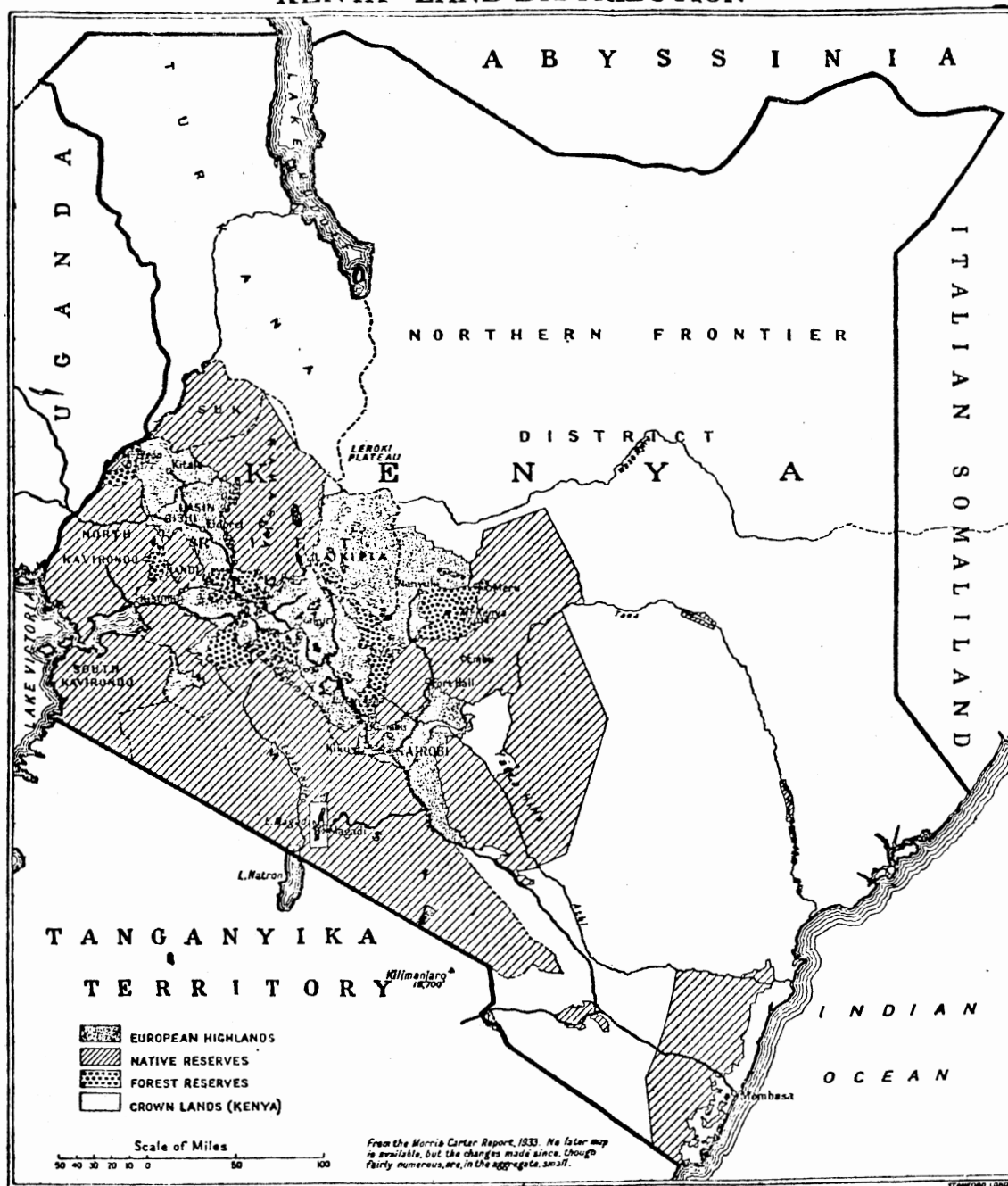
## APPENDIXES



APPENDIX A

ALIENATED AREAS VS AFRICAN RESERVES

## KENYA - LAND DISTRIBUTION

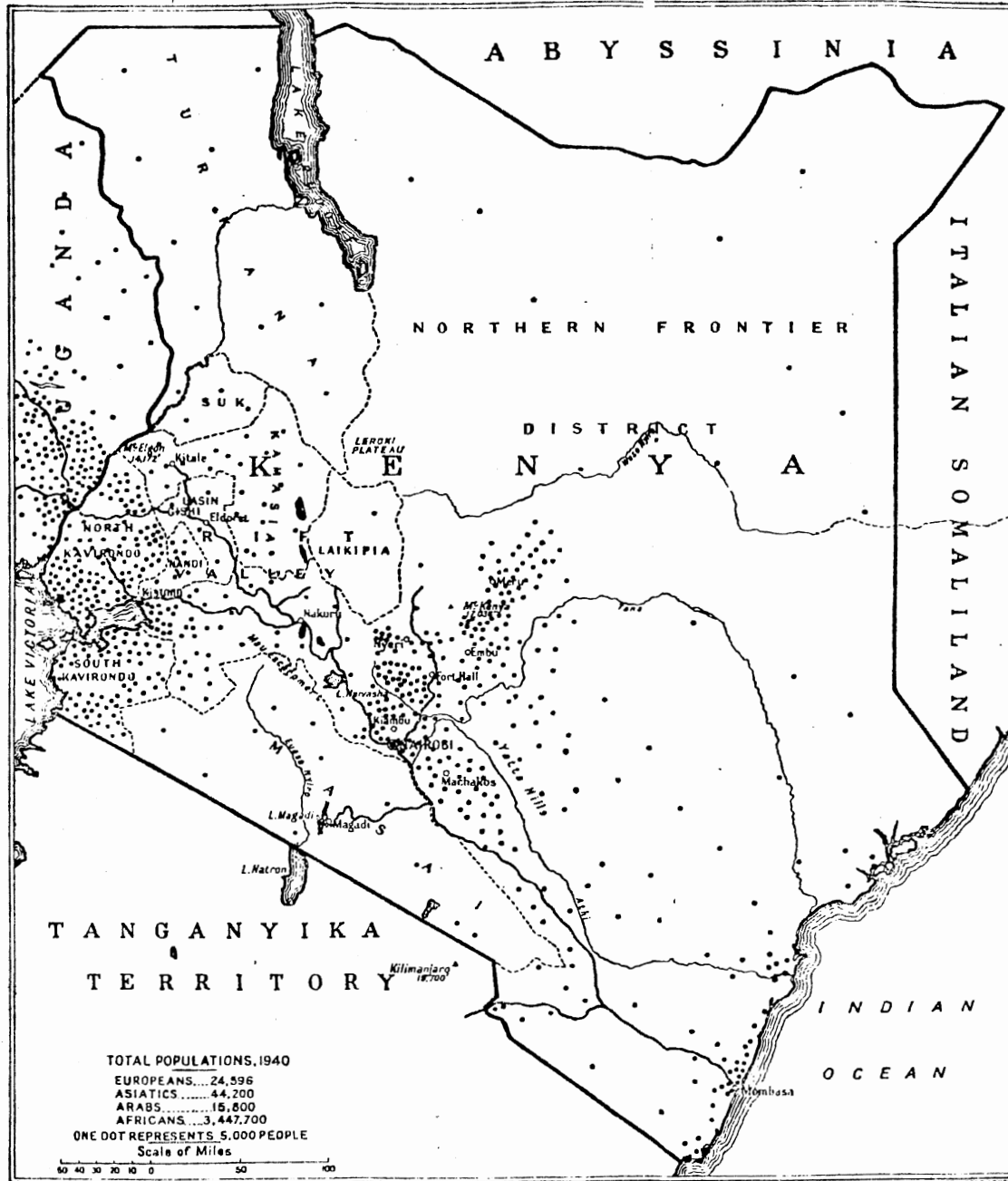


## ALIENATED AREAS VS AFRICAN RESERVES

APPENDIX B

POPULATION MAP, 1940

## KENYA - NATIVE POPULATION



## TOTAL POPULATIONS 1954

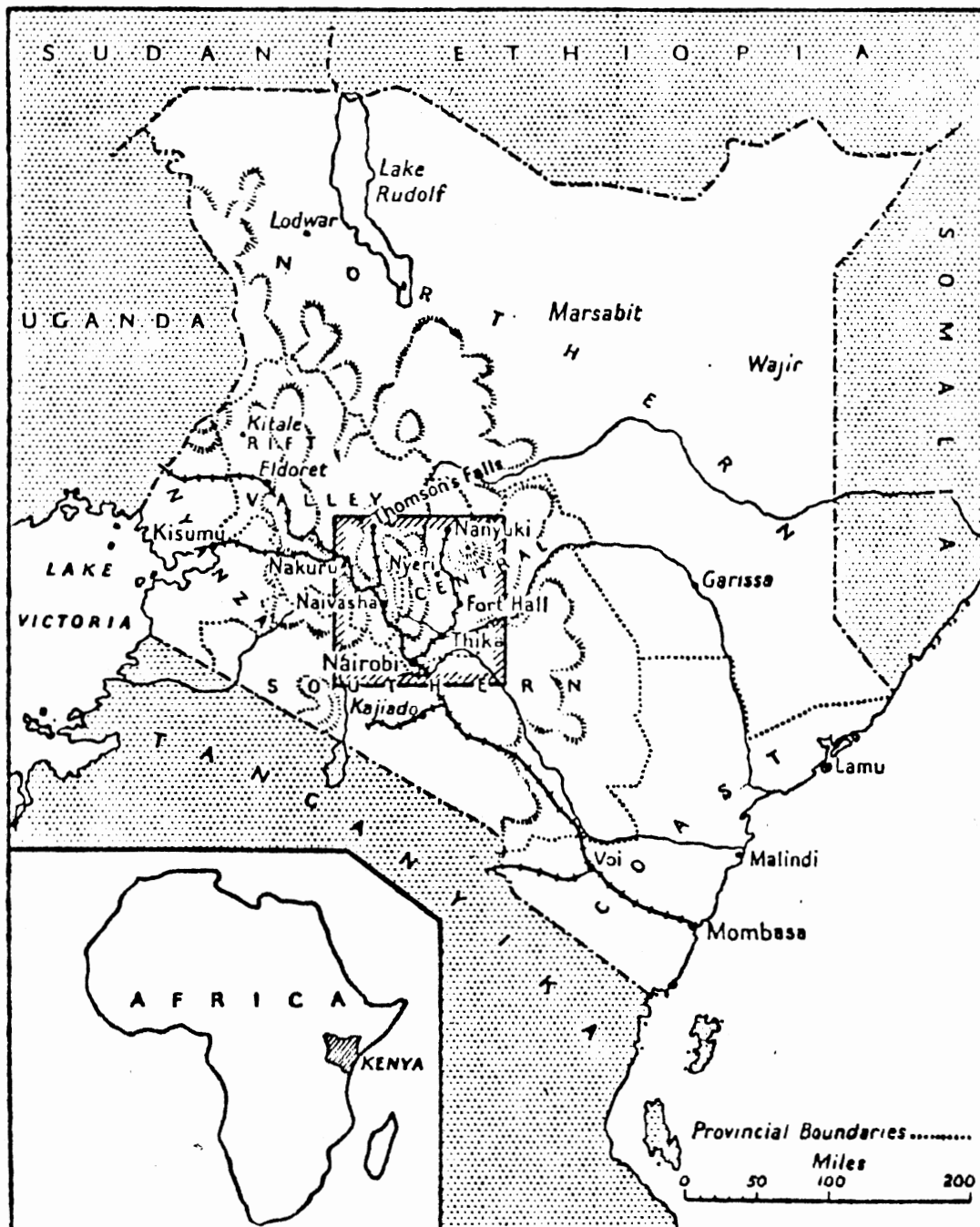
The following population figures are taken from the East African Quarterly Economic and Statistical Bulletin for December, 1954:

EUROPEANS	46,500	OTHERS	4,700
INDIANS AND GOANS	136,000	AFRICANS	5,729,000
ARABS	30,000		

POPULATION MAP, 1940

## APPENDIX C

### MAU MAU AFFECTED AREAS



*Kenya showing Mau Mau-affected area*

MAU MAU AFFECTED AREAS

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