

POLITICAL TRENDS IN KENYA

Dr. GIKONYO KIANO, Ph.D.

Elected Member of the Kenya Legislative Council

ON Friday, June 27, 1958, two events which clearly reflect the current political moods in Kenya took place in Nairobi. One of these incidents was a meeting of delegates from various European political associations. The other was the publication of a document entitled "Our Pledge, Our Aims and Our Constitutional Proposals" by the African Elected Members of the Kenya Legislative Council. At the meeting of the European delegates, it was very evident that the White community is concerned about its future, its economic security and its political status in a rapidly changing Kenya. Already, Africans have gained substantial political influence in the territory. There is also talk of Africans occupying some portions of the Kenya Highlands, currently reserved for Europeans only. And there are signs that Kenya is producing its home-made class of poor whites. These three factors made the meeting into a convention of worried, insecure, and self-pitying Europeans, in search of some form of permanent reassurance.

The mood typified by the African document published on the same day was precisely the opposite, for it was one of calm and confidence. Kenya, geographically, historically and popularly, is an African country, the document stated. Consequently, it must be ruled by the majority of its inhabitants, namely, the Africans. Its authors (and this writer is one of them) appear to have been so confident of this that they could afford to be generous and make suggestions as to how they would provide for minority safeguards in the democratic self-government which, they declared, was their cherished goal.

What has led to this feeling of insecurity on the part of Kenya Europeans, and a great sense of certainty on the part of African leaders at the tumultuous heart of their political struggle?

The 1954 Constitution, popularly known as the Lyttelton Constitution, marked the first major break with traditional Kenyan politics. Prior to this period, Asians and Africans possessed representatives (Asian elected and African nominated) on the non-governmental side of the legislature. But the government front benches occupied by members responsible for various portfolios contained no African or Asian—only European Civil Servants and Europeans nominated from the

local White community. Such was the nature of the so-called 'Member-system', by which persons responsible for portfolios were known as Members for specific departments—Agriculture and Natural Resources, or Education, etc.

The Lyttelton Constitution introduced the Ministerial System which, among other things, introduced one Muslim and one non-Muslim Indian and one African in the newly created Council of Ministers. It was during the height of the Mau Mau Emergency, and the African community was not in a position to make its attitude toward this constitution too vigorously felt. Mr. Eliud Mathu, then the leader of African members of the Legislative Council, was very lukewarm to the Lyttelton Constitution. But an advance had been made, and for the first time, European politicians and government officials had to share with an African and two Asians the task of governing Kenya at the highest level.

When the first African elections were held in 1957, the successful candidates immediately declared the Lyttelton Constitution null and void, and campaigned so vigorously against it that, within a period of seven months, they precipitated a situation which ended in the imposition of the present Lennox-Boyd 'reforms'.

Africans, by this feat, set another landmark in Kenya's constitutional development. Until the downfall of the Lyttelton Constitution, a system known as 'parity' safeguarded European mastery in the legislature. By this system, Asians and Africans representing their separate racial groups were not to exceed the number of elected Europeans in the Council. This meant that the European elected politicians dominated the other groups in the Legislative Council. But with the advent of the new constitution, there are fourteen elected Europeans and fourteen elected Africans.† Thus the old 'parity', safeguarding European supremacy in the Legislative Council, has been broken.

African elected members have made it clear that they are out now to break the Lennox-Boyd Constitution, and will not ease their efforts until they dominate the legislature. They have asked for twelve more African seats in the legislature, without corresponding increases for the other racial groups. They

† These 14 elected African seats, an addition of six to the number under the Lyttelton Constitution, do not, of course, include the four 'specially' elected African seats—a constitutional change against which the leaders of the African community organized a boycott. See "The Lessons of Libel" by Alan Rake, in this issue.

want, at this stage, no less than fifty per cent. of the ministries to go to Africans. And, as a first step towards responsible government, they ask that all ministries, except those reserved for Colonial Office appointees (e.g., Finance and Defence), be filled by persons recommended by the elected members of the Legislative Council sitting together and thus responsible to them. This in practice could only mean that no one would take the ministries concerned without possessing a large measure of support from the African people. Such demands, of course, make the European community extremely uneasy. The Europeans fear that those who brought about the downfall of the Lyttelton Constitution might precipitate another political crisis and so cause the break-up of the Lennox-Boyd Constitution—a programme which, in their view, has already weakened the European position too far. Hence their demands for security now, before such eventualities occur. They believe that Africans in power might re-distribute the land, thus adversely affecting the present unduly extensive European holdings; might abolish protective economic policies designed to prevent the development of a poor white class in the country; and may even remove the Whites from the political arena altogether.

But, is the situation so very favourable for the African people in Kenya to-day? And the road to their realization so clear? On the credit side, there are a number of factors which lead one to believe that Kenya will, within the next ten years or so, come under primarily African rule. But, for such a situation to come about peacefully, fundamental changes in British colonial policy, in the economic organization within Kenya, and in the Government's attitude toward the Africans, will have to be effected. Let us, however, regard the factors on the credit side first.

To start with, the stage of constitutional development already reached in Kenya makes self-government under a White minority completely out of the question. White supremacy, politically speaking, can only be revived by a deliberately planned retrogressive step on the part of Her Majesty's Government. While this is not impossible to visualize, the fact that a large number of Kenya Europeans are crying for minority safeguards and the security of their property rights indicates that they have, at least implicitly, given up the will to fight for White supremacy. A few Europeans still believe it is their right to dominate Kenya perpetually, but a very large number recognize that this would

be a losing battle for them to fight. For Europeans to be concerned about minority safeguards is to admit, albeit implicitly, their recognition of the possibilities of majority (African) rule in Kenya. Indeed when this writer said so in the Kenya Legislative Council, not one European rose to contradict him. What was even more telling was that, throughout that particular debate, on a motion calling for a constitutional conference with a constitutional expert to recommend a new constitution for Kenya, not one European elected member of the legislature chose to speak at all. This is hardly fitting for a community that used to say it should 'lead' the other races in Kenya.

The second factor is the talk there has been of introducing a form of common roll electoral system in Kenya. Now, no form of common roll, regardless of how high the voting qualifications, can have results in Kenya similar to those in Southern Rhodesia. If the qualifications include university education, a large portion of the Whites would be disenfranchised, while many Africans and Asians would qualify. If completion of high school education becomes one of the qualifications, Africans and Asians would form the largest group of voters. High income or property qualifications would favour the Asian more than the European community. And it would be only a matter of time before there were enough Africans voting to make the African vote effective. African leaders are opposed to all forms of qualitative franchise, but even if a qualitative common roll is imposed upon Kenya, it will constitute no more than a temporary set-back in their campaign for true parliamentary democracy.

Even if the common roll is not introduced in Kenya, and representation in the Legislative Council remains on a communal (racial) basis, the chances are that African members will exceed European members in the very near future. The African community, which forms some 96 per cent. of the total population, is so aroused on this issue of representation that the Kenya Government, together with its British prop, would only be risking serious trouble, albeit non-violent trouble, in rejecting demands for more African members in the Council.

On the question of leadership, the fourteen elected members have succeeded in maintaining a united front, while the Europeans form a disunited group. There is, for example, Group Captain Briggs, representing the old school which continues to struggle for European leadership. Then there are those who tend to

follow the thoughts of Mr. Blundell, an advocate of some form of multi-racial government and some degree of African farming in the Kenya Highlands. And Shirley V. Cooke often crosses swords with his European colleagues on major political issues. Being a relatively small community, the Kenya Whites make their opposition to African nationalism weak and increasingly ineffective by subscribing to so many conflicting aims.

While the African advances and the European retreats in the struggle for political power between these two communities, the context within which this struggle is taking place favours the European and seriously hinders the Africans. Restrictions laid down during the Mau Mau crisis have not, as yet, been lifted. African leaders are forbidden to form national political unions which would aid them in their political struggle, and the small district associations permitted them have, so far, proved weak and insufficiently active. One of the reasons for this weakness, of course, is the Emergency Administration under which they carry on their political activities. Speeches by African elected members or other leaders in these associations are tape-recorded by the police. Meetings have to be held indoors, and often the halls available are too small for a good mass meeting. Guest speakers are discouraged, and an African elected member is not, as a rule, allowed to address meetings in constituencies other than his own. The collection of funds is restricted, and permits must be obtained from the District Commissioners before such collections may be made.

In the face of growing political consciousness throughout the country and the acceleration of nationalist activities by the African elected members, the Kenya Government does not seem inclined to relax the rules. Indeed, the fear exists that some of these rules, though designed to control the activities of the Africans during the Emergency, may now be made permanent as weapons against the rise of African nationalist movements.

An equally strong fear is that these restrictions, with those that apply to the members of the Kikuyu tribe alone, can very easily result in the development of subversive organizations—which would then provide the Kenya Government with an additional reason for not ending the current Emergency Administration. I do not suggest that the Government would deliberately create situations fertile of subversion in order to find new excuses for continuing its highly restrictive methods of African administration. The point, however, is that extreme restriction

of a people's speech, movements, activities, and organizations, cannot but lead to the formation of subversive or secret societies. The situation in the Kikuyu areas is a case in point. To combat Mau Mau activities, the Government hedged about the lives of the Kikuyu with numberless restrictions. Curfew regulations force every Kikuyu to be in his village before 8 p.m., and no Kikuyu may move from district to district without possessing a 'pass'. Only those with 'loyalty certificates' (a small minority) may attend political meetings. A Kikuyu may not go to Nairobi, the major employment area, to look for work, and only when a job is found for him by someone else already in Nairobi may he enter the city to take it. Many of these people were financially ruined by the Emergency; others are unemployed and cannot make an adequate living on the land, since the Kikuyu area is one of the most over-crowded in Kenya; and nearly all of them, like any other people anywhere, have political grievances which they would like to air. So long as violence existed in the area, restrictions were reasonable. But the Mau Mau movement was crushed in 1955, and to-day only some 120 active Mau Maus are suspected of being still at large—in the forests of the Aberdare mountains. The restrictions, however, remain. Consequently, signs of subversion and secret organization have recently been evident among the Kikuyu, and a group called 'Kiama kia Muingi' (K.K.M.) has been detected in some districts.

The movement is really nothing to worry about at this stage. The point, however, is that its growth is a result of frustrations brought about by the closely ordered life that the Kikuyu people are made to lead. The way to discourage such organizations is to attract the Kikuyu away from subversion by showing that good citizenship pays. The Emergency regulations must go. Collective punishment in the form of movement restrictions and curfews only make Kenya more vulnerable to secret societies, and the Emergency Administration is itself largely responsible for the difficulties encountered in fighting against the poverty now widespread among the Kikuyu. It is not sufficient to denounce the K.K.M. For until restrictions are removed to allow for a genuine and open nationalism, subversive nationalism is likely to develop, not only among the Kikuyu but in other parts of Kenya. If, as is suspected, these restrictions are being used to curb so-called 'extremism', the Kenya Government will have to realize, and realize soon, that it may be preparing the way for worse extremism in the form of rabid secret societies.

The African leaders have pledged themselves to peaceful political activities; they have denounced violence and all forms of subversion. But how are they to wage an open political struggle in the face of what resembles martial law?

What, then, is the right road for Kenya to follow? First, the Kenya Government must accept the consequences of introducing elections in Kenya. Having conceded to the Africans the right to elect their own representatives to the Legislative Council, it must learn to treat those elected as the genuine spokesmen of their people, instead of viewing them as irresponsible agitators to be persecuted by the Special Branch and hurled into court for uttering unwelcome words. The Asian and the European representatives speak anywhere in Kenya without restrictions. They can form national political unions. The same treatment should be accorded the African leaders.

The present policy of multi-racialism, with its government by group representation, will have to be abandoned. What is required is a definite statement of the goal towards which Kenya's constitutional development is leading. The current concern with the question of minority safeguards will be sensibly settled only when the context of majority rule is clearly defined. As the Africans form the majority in Kenya, the road to democratic self-government must, therefore, be the road that leads to a Kenya ruled by the African people. This is the harsh truth that Her Majesty's Government refrains from telling the European community in Kenya. It is surely time now that the truth were told. For only when it is, will those European politicians who now talk of permanent European leadership lose their influence, and those politicians who show their people how to live advantageously under African rule be strengthened.

Certain immediate constitutional steps are necessary to break the deadlock precipitated by the uncompromising opposition of the African elected members to the Lennox-Boyd Constitution. The first thing to clear is the anomaly created by the introduction in Kenya of a ministerial system of government without responsibility to the elected members of the legislature. While the ministries of Finance, Defence, Justice, and Economic Affairs (to be created) remain reserved for Colonial Office appointees, non-civil service ministers should be made responsible to the elected members of the Legislative Council as a collective body. This in practice would mean that all elected members together would hold a caucus to recommend to the

Governor the list of ministers, and that, if the racially-mixed caucus could not agree, then those who obtained majority support in the caucus would be selected. This would be the first step in establishing responsible government in Kenya. With fewer Europeans than non-Europeans among the elected members of the Council, the country would be assured against White domination in government and the Africans would get no less than 50 per cent. of the relevant ministries.

The next essential is the elimination of discrepancies in representation and elections. Mr. Tom Mboya represents the whole of the Nairobi African population, while the European population in the same city has three representatives in the Legislative Council. My own constituency has a population of 628,000 people, while some European representatives have 2,000 or 3,000 constituency members. This is grossly unfair. African representation in the Council must be immediately increased if Her Majesty's Government does not wish to admit that it is playing racial favouritism for the benefit of the Europeans. And this must go hand in hand with immediate abolition of the qualitative franchise applying only to Africans. Universal adult franchise for African communal elections, as is already the case for non-African communal elections, must be introduced.

To settle the other issues, such as the workability of a common roll in Kenya, constitutional safeguards for minority groups, and a Bill of Rights for individual citizens, an impartial constitutional expert should be sent to Kenya to study the situation and make recommendations. His recommendations would then be the subject of a round-table conference of Kenya leaders, government officials, and select advisers. By this method, a plan for developing Kenya into a self-governing country, with a parliamentary system of government, could be chartered in the shortest possible time. If the conference fails to agree upon anything substantial, at least ideas will have been expressed, and nobody will be the worse because of it. What is more, there would be a thorough airing of the fears and suspicions which are at present sensed, but not clearly voiced or understood.

Whatever may happen this year or next year in Kenya, however, the trends indicate that within the next ten years Kenya will probably be governed predominantly by Africans. Only ruthless suppression of African political activities or the eruption of grave international conflicts could change that.