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Introduction

Little exists to document the widespread repression of opposition in Africa since independence. Current studies of the rise of capitalism and the post-colonial state largely ignore institutionalized authoritarianism, which characterizes the political side of this process.¹ The paper below discusses the repression of opposition in Kenya up to 1972. Its salience continues with Kenya having become a de jure one party state under President Daniel arap Moi and the increasingly repressive atmosphere since the abortive coup of 1982. It now appears that authoritarianism must be regarded as part of the ongoing political process and not simply as episodic.

Following a peaceful transition to power from former President Jomo Kenyatta to President Daniel arap Moi in 1978, the political atmosphere initially seemed more relaxed. Political detainees were released, former KPU opposition party president Odinga Oginga was given a parastatal appointment, the masses were placated with populist rhetoric and free school milk. However, the respite from repression was shortlived. The coffee boom was over and Kenya's economy paralleled the downward spiraling world economy. The poor man's dream of upward mobility had been partly realized during the Kenyatta era. A growing economy plus the land, jobs and houses left by departing colonialists had resulted in some redistribution, not only by race, but also by class. Now, it was no longer possible. Many of the urban fruits of uhuru (freedom) were already taken. Twenty years earlier, university graduates could almost be assured of a high-ranking government job, and a secondary school graduate would definitely find employment with promise of a middle class life to follow. In a depressed economy, unemployment among both groups was more likely than the previous dreams of either. Simultaneously, the lower middle class also saw its hopes dashed and its lifestyle eroded. White collar by virtue of its shirts and aspirations, this part of the middle class found itself increasingly proletarianized through inflation and successive devaluations, accounting in part for threatened strikes by groups such as bank workers. Poorer parts of the peasantry were no better off. With the parcellization of land, farm prices which did not keep pace with inflation, plus population pressures, poor peasants found it increasingly difficult to reproduce themselves off the land along, but a constricted economy yielded fewer job opportunities. The ruling class itself also began to show signs of strain. The Kikuyu bourgeoisie, within which both political and economic power had been consolidated during the Kenyatta presidency, began to feel marginalized. Its conglomerate (the Gikuyu Embu and Meru Association - GEMA) was forcibly deregistered while a number of key Kikuyus in government were displaced.

Whether because of mismanagement, corruption, or the reluctance of farmers to grow and sell food crops due to poor prices, there was a shortage of maize meal, the basic staple, in 1980. This led to long queues and massive imports from America, both of which contributed to a balance of payments crisis. Simultaneously, the World Bank pressured for structural adjustments while the U.S. consolidated its position at the port of Mombasa, investing over \$50 million to dredge and "develop" it.

The food crisis paved the way for criticism by the alienated or marginalized groups mentioned above. Unsigned documents attacking the government began to circulate. Within this context, the regime appeared more fragile and Moi's legitimacy less assured. Already stripped of his statutory board appointment, Odinga and another ex-detainee, former M.P. George Anyona, held press conferences criticizing the government and talked of forming another political party. Soon afterwards, a law was passed making Kenya a de jure one-party state.

The regime responded by attacking outside agitators to divert criticism away from itself. Asians were accused of taking funds outside the country and were warned that their citizenship was, at best, precarious. Students were greeted with tear gas, the police, and closure of the university on numerous occasions. Marxism and Marxist lecturers were routinely attacked; their houses were searched, and finally some were imprisoned or detained by 1982.

It was in this context that an attempted coup took place on August 1, 1982. It was greeted initially with some anticipation, plus widespread looting, perhaps indicative of the marginalization of various classes and groups discussed earlier. Following the abortive coup, lower-level air force personnel and students were arrested, Odinga was put under house arrest, and his son Raila was charged with treason and later detained.²

Looking back from 1983, it appears that many of the tools of repression which were articulated under colonialism and refined by a new ruling class following independence are still used to consolidate the state against its detractors. Hence, the continued relevance of this paper, which examines the historical roots of Kenya's authoritarianism as well as the state's success in eliminating its opponents. Its focus is the suppression of a Kenyan opposition party, the Kenya People's Union (KPU). Specifically, it examines why the party was so weak and so easily eliminated. It suggests that the weakness and suppression of opposition parties in Kenya has stemmed primarily from the KANU government's monopoly of key coercive sanctions and economic resources. The study argues that it was this inequitable distribution inherited from the colonial period and consolidated afterwards, rather than the KPU's ethnic base among the Luo that was critical in explaining the party's demise.³ The general point concerning the effect of statism⁴ on political competition supports the assertion that "The circumstances most favorable for competitive politics exist when access to violence and socioeconomic sanctions is either dispersed or denied to both oppositions and government. "The least favorable circumstances exist when violence and socio-economic sanctions are exclusively available to government and denied to oppositions."⁵ More particularly, the study maintains that the effect of statism in Kenya was to endow Kenya's new ruling class with an enormous degree of authority which it could effectively use to blunt opposition on a countrywide basis. The argument forces us to challenge one bit of conventional wisdom: that Africa's paucity of economic resources and its underdeveloped technology have limited the political authority of regimes in the periphery. Such a view fails to take account of the way in which a regime's monopoly of resources and sanctions, the small scale of most rural communities, and the consequent lack of anonymity all work to facilitate political control in the countryside as well as in the cities.⁶

The discussion below examines the historical origins of statism in Kenya and its legacies, describes the way in which the regime's monopoly of resources and sanctions was used to blunt the KPU from 1966 to 1969, and analyzes the effect of this monopoly on the composition or membership of the opposition party.

The Historical Origins of Statism and its Legacies

Sanctions

In Kenya, the inequitable distribution of sanctions and resources between government and opposition was insured with the inception of colonial rule. With the imposition of a "common authority,"⁷ the colonial government developed a highly authoritarian set of institutions, laws, and tactics designed to administer the country and to repress emerging African associations opposed to its rule. It was this "common authority" and this centralized authoritarian apparatus that was transferred from whites to blacks at independence. In Kenya and elsewhere in Africa, one of the most important legacies of the colonial period was the creation of "institutions of governance with a near monopoly of authority" and an "absence of countervailing institutions."⁸ The origin of "common authority," its total impact and the nature of its transfer all suggest that it is the "inherited colonial rather than traditional institutions"⁹ which are critical in understanding post-independent political patterns between government and opposition in Kenya.

The persistence of institutional legacies from the colonial period is acknowledged in most discussions of post-independence politics in Kenya. Few authors have failed to mention the importance of the inherited centralized administration which continues to act as the arm of the executive, of weak district-oriented faction-ridden political parties which were kept from organizing at the national level during the colonial period, and of a verbally vigorous, but politically impotent legislature.¹⁰

The most important aspect of these colonial legacies was not simply the institutional transfer itself, as is often argued, but the nature of the institutions which were transferred. African nationalists were bequeathed institutions and laws which were designed to provide the government with a monopoly of coercive sanctions and resources that could be used to maintain law and order, to repress opponents, and ultimately to discourage dissent or politics itself. It is the authoritarian nature of the institutions and laws (and the similar ends for which they are used) rather than the mere fact of institutional transfer which is of more than passing interest. As one author has noted, "it is useless for the pundits of the Western press to accuse Kenya, or for that matter, other African states of not practising Westminster democracy. It was not practised by the Westminster men themselves when they were in control."¹¹

The civil service which was created under colonialism was, for instance, never apolitical. The colonial administration was designed to insure stability and the continuation of British rule. As such, one of its main goals was to control and contain African politics within an administrative framework. To the extent that early African associations appeared threatening, civil servants had a vast array of laws and tactics which were used to stifle and in some cases to eliminate political groups. Among these laws were controls over the licensing of political meetings, the registration of political parties and

their branches, the issuance of permits to travel to "outlying districts," and requests to solicit funds on behalf of various political groups. Civil servants were also encouraged to inform the executive of any "bad hats" which should be detained or any subversive groups which should be banned. To the extent that the colonial government permitted African politics outside of the quasi-representative bodies known as Local Native Councils, the administration used its laws, manpower, and intelligence network to encourage what it perceived as the more conservative groups and to discourage radical groups which in their eyes threatened to undermine the stability of British rule. Not only was the administration successful, but its success was not top-heavy. The civil service network was hardly confined to Nairobi and a vast array of officials including provincial and district commissioners, district officers, and locational chiefs effectively penetrated the rural areas and finally forced organized political groups opposed to the colonial government underground in the 1940s and 1950s.

The idea that parties, pressure groups, and representative organs should become separate arms of government was never more than a myth. First and last they were adjuncts of the colonial system. When they acted to buttress the system, political groups were sometimes tolerated used by the administration as supportive devices. When they were threatened as challengers, they were stifled.

It is sometimes argued that "Mau Mau" was the catalyst which ensured the creation of a more political, more authoritarian civil service which could effectively control opposition politics on a countrywide basis. The enlarged civil service known as "closer administration" and the vast battery of laws including those which first prohibited parties from forming at all and later confined them to the district level were surely means to this end. However, one of the reasons that several political groups were forced underground prior to "Mau Mau" was that the colonial administration was already an effective and highly authoritarian instrument of control. The period after 1952 simply elaborated methods which had been used earlier to blunt political opposition. Following the banning of the East African Association in the 1920s, political organizations were allowed to form providing that they limit their membership to a single tribe. Only in 1944, after the first African representative to the Legislative Council had been appointed was a countrywide political group allowed to organize. Even then, it was initially forced to parade as an advisory group to Mathu and call itself the Kenya African Study Union, before the colonial government would legitimate it.

Not only did a provision surrounding the formation of countrywide political groups predate the Emergency period from 1952-60, but many of the laws and techniques devised to manipulate and stifle politics at the national and the local level had already been well-developed. The legalistic tools to control political opposition were in effect prior to "Mau Mau." The "outlying districts ordinance" commenced in 1902 and effectively made it impossible for groups to organize across district lines unless individuals were granted permits to move from one district to another by the colonial administration. Provisions to disallow or control political meetings were contained early on in both the Native Authorities and Police Ordinances. Consequently, the colonial administration had in these and other laws the ammunition to control African politics on a countrywide basis down to the most local level.

Initially, the colonial administration had hoped that African political associations would channel their grievances through the Local Native Councils and would not become independent foci for opposition themselves. A letter in 1930, to the district commissioner of Kikuyu from the provincial commissioner voiced a common sentiment when he said, "the Local Native Council ... is a representative body which now makes Associations unnecessary and if the Kikuyu Association can be allowed to die by agreement the sooner the better I say...."¹² Of course, these early political associations did not "die by agreement." As they continued to circumvent "proper channels" and to raise issues that were viewed as subversive of good order, they came to feel the heavy hand of the administration, which initially used its common legal authority to exert political control and finally to ban some of them.

The "representative" bodies which were established during the colonial period in Kenya were perversions of their British counterparts. At best they were sometimes forums of discussion; at worst mere extensions of the executive. At no time were they designed to act as independent legislative bodies or genuine pressure groups. Representation was controlled by the colonial administration at the local level and nonexistent at the national level until very late. The Local Native Councils (which were established in 1924) had some elected posts, but were generally dominated by chiefs and headmen appointed by the governor and were presided over by the district commissioner. The first African was appointed to the Legislative Council in 1944, but direct representation began only in 1957. Even then their number was limited to eight and the franchise was exceedingly limited. Aside from the matter of representation, Africans found that the Local Native Councils could not be used to air a certain class of issues. The colonial authorities attempted to limit the scope and subject matter of what was discussed even when Africans were prepared to direct their grievances through the "proper channels."¹³ When differences were aired, Africans had no means of ensuring that their preferences would be followed. Consequently, the Local Native Councils provided only the most minimal avenues of expression. At the national level, Africans used the Legislative Council as a forum of lively debate, however, as B.E. Kipkorir notes, "the government was bound to the resolutions of the house."¹⁴

At independence, African nationalists inherited a centralized administration, district-oriented parties, and a relatively impotent legislature. The reasons why new institutions were not created at independence are not surprising. Over sixty years of admittedly authoritarian rule had nevertheless created a certain familiarity with its institutions and a lack of experience with alternative forms of common authority to put in its place. The resources needed to devise new statewide institutions were meager and in any case there seemed to be more pressing problems which demanded immediate attention, after independence. A complete overhaul of existing institutions might also have been viewed as unpragmatic, given Kenya's dependence on British aid. Finally, the anti-colonial struggle was for many a struggle against a racially dominated system and not against the system itself. Consequently, certain groups found that colonial laws and institutions were admirably suited to the retention of political power. When this power appeared to be threatened, many of these preindependence laws and institutions were used to the same ends as they had been during the colonial period.

Both the question of why the inherited authoritarian apparatus was kept and used so effectively to blunt political opposition and why it was so important to retain political power, also have to do with the legacy of a statist economy. In both the pre- and post-independence periods, patronage as well as coercion was monopolized by the state.

Resources

During the pre-independence period, the colonial government attempted to create a moderate middle class, both to stabilize its rule and to guarantee continuity after 1963. That this class grew without an independent entrepreneurial base was no accident. It was tied to the state by virtue of the latter's monopoly over the means of production, jobs, and other economic rewards. Political moderation and economic mobility were thus wed, with politics providing access to wealth rather than the reverse. Consequently losing power or the state's favor had economic consequences which highlighted the essential poverty and fragility of the middle class. Early on Harry Thuku was told to "choose between his job and politics,"¹⁵ and government headmen at the local level were warned that "adverse criticisms of government actions or politics cannot be permitted and will endanger their position."¹⁶

After independence, the economic reasons for the retention of political power and the suppression of opposition became extremely important. As one author has noted,

political power at independence devolved not to an indigenous propertied class, but to a social stratum of property hunters.... Although this class appears wealthy and is renowned for conspicuous consumption, it is in reality a poor class: its wealth in houses, land, etc., is mortgaged and dependent on state protection for the loans it has acquired. This further strengthens the rigidity (since) relinquished political power would leave a member of this class saddled with debts.¹⁷

With political and economic mobility wedded to the rise of an "indebted" middle class, Kenya developed into what Kim has called a "high risk system ... where both the rewards of victory and the costs of defeat are great,"¹⁸ and where the typical response of office holders is to repress its opposition.¹⁹ Consequently, there were good economic reasons to retain the coercive apparatus inherited from the colonial era. One of many examples was a decision made in 1963 to keep a colonial ordinance requiring the licensing of public meetings. Although some MPs argued that the continuation of such provisions was "a confirmation of imperialists' techniques by the government,"²⁰ the chief commissioner advised Kenyatta's office as to what he thought the intentions and purposes of the licensing provisions were:

1. I fully support the Inspector General's view that this law will be required in the future.

2. Not all public meetings will be called by political parties supporting the government; and the government of the day must continue to have powers to prevent meetings if they are likely to cause breaches of the peace or physical opposition to the government's policies.²¹

A day later, the Cabinet met and agreed that the licensing of public meetings should continue.²²

A further legacy of statism in Kenya after 1963 was that dependence on the state by one means or another was virtually the sole avenue available for economic mobility - whether for an individual, a group, or a district. Coleman and Rosberg have suggested that "the selective use of patronage to assimilate or control political opposition or to enlist the support of potentially dissident elements ... has extraordinary importance in the new African states because of the strongly statist character of their societies."²³ Since the colonial government had not allowed the formation of a middle class with an independent entrepreneurial base, Kenya's economy was irrevocably tied to the metropole after 1968. What this meant in terms of legacies was that although there was a private sector in independent Kenya, that sector was predominantly foreign. Since it was foreign owned, it was dependent on the state for licenses to operate. Consequently, it could not act as an independent source of power for political dissidents in search of employment or other economic goods, or for areas in search of development funds.

The upshot was that in Kenya, the government effectively monopolized the control of key socio-economic resources: it became a major employer of salaried labor, the chief and sometimes sole disperser of development funds, trade licenses and other amenities, and it influenced the circulation of information through its control of the communications media. With few economic alternatives to the state, political opposition continued to be costly. And potentially, the costs of recalcitrance could be felt at every level of society by every class because of the state's countrywide monopoly over sanctions and resources. The nature of the costs differed, but they were not confined to Nairobi or to the middle class elite. For a civil servant or a teacher the cost might be the loss of a job, for a small shopkeeper, the refusal to grant a trade license, for a local farmer, the inability to obtain a small loan, for a peasant, the refusal to grant famine relief, and so on.

The Carrot and the Stick: The Government's Response to the KPU, 1966-1969.

In March 1966, a group known as the Odinga faction broke with the Kenya African National Union (KANU), Kenya's party of independence. The formation of an opposition party was the culmination of ideological differences, leadership struggles, and the repression of dissent within KANU. Ideologically, the new party was to the left of the government on key issues concerning nationalization, the distribution of scarce resources including land, health and educational services, and Kenya's foreign policy. The climax of disillusionment came at KANU's famous Limuru Conference - a long overdue, but hastily contrived party meeting which used constitutional engineering and electoral fraud to maneuver the dissidents out of their offices. In the wake of the conference, twenty-nine MPs, led by the former Vice-President Oginga Odinga, "crossed the floor" and formed the Kenya People's Union (KPU). The government responded by concocting and passing a constitutional amendment which forced all MPs who had left KANU to contest their seats that summer, in what became known as the "little general election." Having come to the election twenty-eight strong, only nine KPU MPs were returned. Six of the winners including Odinga were Luos from Kenya's second largest tribe; of the remaining three non-Luos, two returned to KANU before the KPU was banned in 1969.

Beginning with the constitutional amendment, the government's response to the KPU was to use its countrywide monopoly of sanctions and resources inherited from the colonial period to suppress the party. The effects of the response were to restrict the KPU's freedom to organize, to make it especially costly for non-Luo individuals or areas to support the opposition, and to bolster KANU's relative strength as a party.

From 1966-1969, the KANU government restricted the KPU's freedom to organize and compete with the dominant party by refusing to register many of its branches and sub-branches, by prohibiting it from holding public meetings, and by passing a number of laws having to do with elections and detention that worked to the disadvantage of the opposition party.

Party Registration

The retention of the Societies Ordinance of 1952 after independence meant that all political parties and each of their branches and sub-branches were still required to obtain certificates of registration before they would be considered lawful and hence be allowed to organize. The registrar of societies, who was appointed by the attorney general, had an enormous range of legal reasons he could use to either refuse to register a society and its branches or to cancel their registration at any point in time.²⁴

Registration at the national level was vital since unregistered societies were "unlawful" and officebearers, members, and sympathizers who engaged in activities on their behalf could be punished. Before 1968, it was important for the KPU to have registered branches and sub-branches to recruit members, to establish a minimal presence in an area, and to begin to organize a countrywide network of supporters. Furthermore, individuals could not apply to collect funds or to hold meetings in the name of a party branch or sub-branch unless it was registered. Local political organizations in Kenya took on an even greater significance after 1968, following the passage of a law which (a) required all candidates for local and national elections to be supported by a political party and (b) set down a detailed procedure of nomination for all political parties that made the participation of branches and sub-branches mandatory. Prior to 1963, candidates could run as independents and there were no prescribed rules for nomination. Following the 1968 amendment to the elections' legislation, political parties could no longer run candidates either at the national or local levels if they did not have registered branches and sub-branches in the area concerned. Consequently, from 1968 onwards, it was not only important but critical for the KPU to obtain certificates of registration at the local level, since its ability to contest elections depended on it.

In 1966, the government's lengthy delay in registering the KPU kept the party from establishing branches and organizing for the "little general election" until shortly prior to the contest. Soon afterwards, the government announced that "the country would still be ruled as a one-party state" and on numerous occasions President Kenyatta threatened to "trample ... (the KPU) like mud" or to "crush them like snakes."²⁵

At the local level, it was extremely difficult for KPU branches and sub-branches to obtain certificates of registration from the registrar of societies. From 1966 until 1969 the government refused to register an average of 42.7 percent of the KPU's applications for branches and sub-branches.

Table I

Total Number of KPU Branches and Sub-Branche
Registered and Refused Registration: 1966-69

	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>Total</u>
Registered	3	32	50	36	121
Refused Registration	<u>0</u>	<u>8</u>	<u>33</u>	<u>50</u>	<u>91</u>
TOTAL	3	40	83	86	212
% Refused Registration	0	20	41.2	57.9	42.7

Total Number of KANU Branches and Sub-Branche
Registered and Refused Registration: 1966-69

	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>Total</u>
Registered	6	34	379	13	432
Refused Registration	<u>2</u>	<u>0</u>	<u>2</u>	<u>5</u>	<u>8</u>
TOTAL	7	34	381	18	440
% Refused Registration	16.6	0	.5	38.4	1.8

Source: This information and that which follows was obtained from The Kenya Gazette, Vol. LXVIII, No. 26, 31 May 1966 - Vol. LXXI, No. 48, October 1969. Under the Societies Ordinance all registrations and refusals of registrations are required to be published in the Gazette. Only the name of the particular branch and sub-branch is listed, however. In most cases, it was possible to locate the place according to district and province by using maps, gazeteers, or obtaining the help of Kenyan friends. The location of several places is still unknown and they are listed that way when it is pertinent.

During 1969, the refusal rate reached a high of 57.9 percent. During the same three and one-half year period, the average refusal rate for KANU was only 1.8 percent.²⁶

Even then, the figures actually underrate the magnitude of the bias against the opposition. At its inception, in mid-1966, the KPU had no branches or sub-branches whereas at that time, KANU had been in operation since 1960 and had at least a vestige of organization at the local level throughout the country. Furthermore, the figures do not measure how many local KPU groups did not make formal applications for registration out of fear of reprisals, because they felt that the difficulties were too overwhelming, or because the chances of refusal seemed too obvious. Finally, it is doubtful that by 1969 the KPU still had 121 registered branches and sub-branches, but it is impossible to know how many folded because of intimidation and governmental pressure. It is this kind of a bias emanating through the registrar of societies that gave KANU an advantage over the KPU and demonstrated the dominant party's marginal strength in comparison with its opposition.

The government's effectiveness in limiting local opposition party branches was not confined to Nairobi. In other words it was not simply a matter of the registrar general saying 'no' to an application received at the "center." The government used the "Outlying Districts Ordinance" and the "Special Districts Ordinance" which had been retained from the colonial period to keep the KPU's national officials from entering "closed districts" and helping local officials fill out the lengthy and difficult forms that were required for an application for registration.²⁷ Although KANU did not meet any difficulties from the government when it attempted to establish branches and sub-branches in these areas, the opposition complained bitterly that these ordinances were used to keep the KPU from organizing. As one KPU official noted,

The government's designation of some areas as "closed districts" is used by them to intimidate the opposition. Intimidation is especially against the KPU. (For instance), people can go in and out of Meru freely in spite of the law, however, if a KPU organizer tries to go in, the government will insist that he doesn't. Generally if you want to enter a closed district you get permission from the nearest District Commissioner. Thus if you live in Nairobi you get a permit from the Nairobi DC. If, however, a KPU person asks for a permit, the Nairobi DC claims that he must telegram the DC in the district that the KPU wants to visit. Furthermore, he makes the KPU person give him the money for the telegram to the district and for the reply back. This whole process takes several days and sometimes weeks. Sometimes he gets the permit and sometimes he is refused entry....²⁸

Furthermore, individuals who attempted to organize for the opposition at the local level were intimidated by government and KANU officials. Once a person's name appeared on an application for registration as a local KPU official or as the landlord of a KPU office, he was often confronted by a government or party agent and threatened. A landlord, small businessman, or shopowner was particularly vulnerable to the economic sanctions of the state, as were individuals who needed the cooperation of local officials to find school places for their children and to obtain other sorts of state assist-

ance. Violence was also used against the KPU, particularly in Central Province, where the KANU government was determined to keep the Kikuyu from splitting along economic and party lines. Confronted with the above threats, individuals would often deny that they had let space to the KPU or that they were party officials. Registration of branches and sub-branches would then be refused on the grounds that the applications had listed fictitious office-holders or locations.²⁹

The regime was particularly effective in keeping the KPU from registering its branches and sub-branches outside of Nairobi, in the so-called "periphery" and less so the "center." Twenty-nine out of the total ninety-five subbranches which were registered from 1966-69 were in Nairobi.³⁰ In part this had to do with the difficulties the KPU had in obtaining permission to go to the "closed districts" to help local officials organize. In part it also had to do with the greater ease KANU and government officials had in making their threats felt in the small scale societies in the rural areas. One official explained the problems of registration in the following terms:

Organization in Nairobi was easy. It could be done in a short time and we could submit applications before the government had made up its mind to refuse registration. Outside in (the rural areas) it was not easy. We had to contact people and collect them. Before a district has an office, you have to do all this from Nairobi.... At first, before the intimidation, it was easy to get people to come forward and then with intimidation they would not like their names to appear on the application forms, although they were willing to do the donkey work for the party. In the countryside the administration is so close to the people. The people therefore feel the pressures straight away. In the towns the PC is very remote. Pressures and government regimentation gets to the people right away in the rural areas. This happens. In Nairobi people could do things without fear for some time, but outside people were so closely watched that organizing was very difficult. In Nairobi people could meet in offices. In ----- every little thing that happens in my home people know.³¹

Public Meeting

Even when branches were registered, the party's freedom to organize was curtailed because the administration refused to issue the KPU with licenses to hold public meetings. The retention of the many vague laws which dealt with the holding of meetings during the colonial period provided the government with the tools it needed not only to restrict the KPU's ability to hold political meetings and gatherings, but also to keep the party from holding annual delegates conferences and to prevent its branch officials from assembling informally.³² A party which could barely organize its branches and could hardly hold any public meetings was severely hampered from competing with the dominant party.

Shortly prior to the registration of the KPU, the Office of the President sent telegrams to all provincial commissioners stating the following:

Licenses to hold public meetings to be issued to KANU members only stop. Seven days notice required stop. All other applications to be referred to President's Office stop. Permits issued to non KANU members to be cancelled with immediate affect stop....

Although some meetings were held by opposition MPs during the campaign for the "little general election," the government effectively curtailed the KPU's ability to hold meetings afterwards. Sketchy data from mid-July 1966 to mid-June 1967 reveals that KANU was issued with 505 licenses to hold public meetings while the KPU received none.³³ In addition, KANU ministers and assistant ministers were allowed to tour the country and hold meetings as a part of their governmental business without having to apply for licenses. This trend continued through 1969 and it appears that the government's centralization of control over public meetings was quite effective. Although certain factions that were out of favor with the government in some of KANU's branches also had difficulties holding public meetings from time to time, the government's policy was clearly directed against the entire KPU. This policy kept the KPU from holding meetings of all sorts and sizes, diminished the opposition's visibility, and made it extraordinarily difficult for the KPU to recruit members, advertise its program, criticize the government, or actively participate in the local by-elections held between 1966 and 1969. The government's control over public meetings during this period demonstrated its ability to inhibit political participation by the opposition and thereby enhanced the strength of KANU relative to that of the KPU.

The KPU complained through letters and in Parliament about the bias of the administration in the granting of licenses for public meetings and attempted to remain politically neutral. However, civil servants appear to have been used as political agents of the executive much as they had been during the colonial days and the following rather typical and exasperated letter from a local KPU secretary to his district commissioner was clearly to no avail:

Dear Sir:

We have written to you numerous letters accompanied by the necessary applications for public rally.

It is absurd you have turned deaf ears to these requests. You have even ignored the rudimentary office routine of replying to letters in time. You will recall that the few letters you have replied you did when the date for intended meetings had expired.....

We would like to know if it is your deliberate intentions Mr. ----- to refuse only KPU permission to hold public meetings without any specific reason....³⁴

It was in the so-called "periphery" rather than at the "center" that the government's decision to keep the KPU from holding meetings had its greatest impact. Peasants in the rural areas were more susceptible to government propaganda about the KPU than city dwellers, because the regime's monopoly over information was more complete here than in the urban areas. With KANU officials touring the countryside, the KPU was at a severe disadvantage since

it had no effective means of countering their statements that the KPU was only a Luo party and that upon accession to power these leftist dissidents would communalize individual landholdings, labor, and even wives. Because they couldn't hold meetings, KPU officials were forced to rely on less effective means of organizing the party. Some attempted to speak to people in the markets, others at funeral orations, and still others attempted to do a kind of "door to door campaigning."³⁵ However, the greater lack of anonymity in the rural areas made it more difficult to engage in these "unlicensed gatherings" than in the cities where it was harder to detect them. As one participant observed, "in Nairobi people could meet in offices.... When there was a meeting in my house (in the rural areas) they would send a detachment of police straightaway and arrest people."³⁶ Another KPU official noted,

you must realize that we didn't have the publicity and the machinery of the press to influence our people. Therefore throughout we dealt by contacting individuals. This is what we called our door to door policy.... In the rural areas we encountered very much the KANU onslaught against the KPU that the KPU is a Luo led party.... Administrative harassment was more in the rural areas because the DCs and DOs are more powerful there than in the urban areas.... Of course, the harassment of primitive communities is an easier process than the harassment of urban communities who are aware of their rights. In rural areas, the administration can do practically anything they like....³⁷

The door to door campaigning also had its drawbacks, because it necessitated relying on a larger body of capable individuals than meetings or more open organization by the party branches would have. Mentioning the difficulties of the door to door approach, an opposition member said,

you can only do it after the education of the people and they agree to sacrifice all they have to do it. Of course, we had some youth who were doing it, but very crudely. Sometimes they offended people by collecting money. So you fear to send them unless they are people of integrity. Even if we had people like that going around, anyone who was found working for KPU was locked up....³⁸

Whereas individuals who organized for the dominant party at least perceived themselves as potential recipients of state patronage in return for their activity, KPU activists constantly had to make a reverse calculus and count the costs. The costs varied by their nature and their degrees, but individuals in the rural areas were no more immune to them than in Nairobi.³⁹

Laws and Constitutional Amendments

A further hindrance on the KPU's organizational activities stemmed from the passage of a number of laws and constitutional amendments which either made it more difficult for the opposition to attract supporters and to compete with the dominant party or specifically increased the executive authority of the government. Among others, laws were passed which postponed local County Council elections for one year and the general elections for two, which forced MPs and local councillors who had changed parties to recontest their seats in an election, which abolished the Senate, which originally passed an act

requesting an Electoral Commission to increase the number of constituencies and then repealed it when the recommended locations appeared that they might favor the KPU, which revised the electoral laws making it impossible for independents or individuals who were not nominated by local party organs to run, and which amended the Preservation of Public Security Act to include preventive detention and empowered the president to bring it into effect for a wide variety of reasons. Several of these laws made it particularly costly to be in opposition both in the cities and in the rural areas.

MPs and local councillors who were thinking of joining the KPU were forced to choose between the security and benefits of retaining their offices and the insecurity and costs of running on an opposition ticket. The insecurity and costs were made particularly vivid prior to the Local Government Elections of 1968, when allegedly on instructions from the president, district commissioners (who were the local returning officers) disqualified all of KPU's 1800 candidates from nomination on the grounds that their papers were incorrectly filled out. The opposition noted that it was "a sad reflection on the character of those who now man the government administrative machinery that not a single DC was prepared to lose his job in the interests of the law of the land."⁴⁰ The consequences of the "election" were not only that KANU won "unopposed" on a countrywide basis. Individuals who had switched parties and taken the risk of running on the KPU ticket, had now lost their positions. Others who had declared themselves KPU, by virtue of the revised electoral law which prohibited independents from running, were now open targets for government sanctions. Furthermore, the opposition had now lost its chances for representation on the local county councils.⁴¹ This was particularly important since the county councils controlled numerous development services at the district level, including "schools, health services, secondary roads, markets (and) a variety of licenses."⁴² KANU's electoral sweep of local government bodies thereby also worked to strengthen the dominant party's monopoly over economic resources and patronage. And so the repercussions of electoral laws which were passed in Nairobi were felt far away from Nairobi on a countrywide basis, and not simply at the so-called "center."

If there was ever any question as to the government's intent in either passing or invoking the Preservation of Public Security Act it was removed one month later when nine KPU MPs were arrested and detained without trial. From August 1966 until October 1969 when the opposition was banned at least seventeen of the nineteen individuals who were detained under the Act were members of the KPU.⁴³ Within the country at large, it is likely that the impact of the detentions was to up the costs of joining the opposition and thereby reduce the KPU's support. Furthermore, the detentions made it more difficult for the KPU to find individuals who would openly organize for the party at the local level. Finally, the detentions undoubtedly contributed to the climate of fear that was evident throughout the countryside by mid-1968. At that time a survey was published in which 66 percent of those interviewed claimed that on at least one occasion they had been afraid to express their opinions or to criticize the government because the secret police and informers would report them and they would suffer. On a follow-up question in which the interviewees were asked if they thought "those fears of informers, secret police and so on (were) serious, imagination or absolute nonsense," 70 percent said they were "imagination" or "absolute nonsense."⁴⁴

The electoral laws that were passed between 1966 and 1969 demonstrated the regime's ability to use the country's legislative machinery to increase

its marginal strength at the expense of the KPU. As important, however, it also indicated something about the style of the regime's response to the opposition. During the colonial days, the government had attempted in part to control its enemies through numerous legislative acts and constitutional machinations.⁴⁵ From 1966-1969, the KANU government amended the constitution several times and introduced new electoral laws in part to reduce the opposition's opportunities to increase its strength. These changes paralleled the colonial government's tendency to control political opposition through legalistic innovations and reflected the "general cynicism about constitutionalism" that had emerged from colonial days.⁴⁶

The government's monopoly of economic resources and the impact of economic statism on the viability of opposition in Kenya explain in part (a) why Kenya's civil service was not politically neutral when it came to registering KPU branches and sub-branches, licensing its public meetings, or assuring it of fair elections, and (b) why a Parliament which was sometimes vocally opposed to legislation that was clearly repressive and designed for the KPU, nevertheless voted for it.

Economic Statism

The tendency for the state to be the chief dispenser of economic patronage from employment on down, developed under colonialism and was reinforced in the post-colonial period. The attractions of employment within the public sector as compared with the private sector contributed to the KANU government's hold over its employees, particularly those within the civil service. As of 1968, the public sector accounted for 36.6 percent of all salaried employment in Kenya. The local and central government together were responsible for supplying 71.1 percent of the jobs in this sector. Although employment in the private sector accounted for 63.3 percent of all salaried employment in Kenya, the public sector was nevertheless a more "critical sector for absorbing the rising would-be employed and in particular the well educated would-be employed."⁴⁷ During the period from 1965-68, the public sector became increasingly critical. While employment in the public sector grew, employment in the private sector contracted. In one year, from 1967-68, employment within the public sector rose by 4.6 percent, an increase which was largely absorbed by central and local government authorities. In absolute numbers, the private sector still supplied more jobs than the public sector in 1968.⁴⁸ Nevertheless, working within the public sector, in particular for the government, was more attractive for Africans than the private sector. Within the public sector, Africans were likely to obtain better earnings, better positions, and more amenities than they would in the private sector.

In 1968, as a follow-up to this statement, the government passed a Trade Licensing Act, "which imposed some restrictions on non-citizen commercial activity."⁵² However, the public sector continued to be more attractive for high level manpower, since the Act was essentially directed against small Asian commerce rather than the large-scale activities of non-citizen Europeans and Asians. As of 1968, only four of the top fifty directors of private companies in Kenya were Africans and the heavy dependence of the 1966-70 Development Plan on foreign investment made it unlikely that the government would put the same kind of pressure on these companies to Africanize as it had on small-scale Asian commerce.⁵³ It did not wish to diminish foreign confidence in Kenya and therefore "preferred to delay Africanization objectives where these clashed head on with business efficiency."⁵⁴

Having a position in the civil service meant not only a good job, but a particularly coveted one because of the status, power, and amenities that went along with it. Members of the provincial administration were in charge of law and order in their areas and controlled the distribution of a wide range of government resources including land loans and other sorts of patronage.⁵⁵ Furthermore, the civil service offered its employees security of tenure, pensions, loans for cars, housing provisions or allowances, traveling, family separation and entertainment allowances, medical and dental treatment, and other fringe benefits.⁵⁶

The threat of being dismissed from the civil service if one displayed any sympathies toward the opposition party created pressures for civil servants to steer clear of the KPU as well as to actively aid the government in restricting the opposition's ability to participate in politics. Since the government defined working with government as working for KANU, civil servants could hardly afford to be genuinely neutral and still keep their jobs. Furthermore, one KPU official believed that civil servants "play(ed) up to the party in power in the hope that if they act(ed) correctly they (would) be rewarded with a promotion."⁵⁷ The fear of dismissal was not imaginary and was confirmed in April 1968, when the government admitted that "the civil servants so far discharged from the Service for participating in politics have been discharged as a result of their collusion with the KPU...."⁵⁸ Some local KANU officials requested the dismissal of chiefs they regarded as pro-Odinga⁵⁹ and there were allegations that KANU youthwingers threatened to report civil servants they saw talking with members of the KPU.⁶⁰ One KPU MP noted that "a subchief in my location ... could not accept a lift from me when very sick ... without fear of losing his job,"⁶¹ and another claimed "God help him or her if the fathers or friends are KPU supporters or are remotely related to KPU men."⁶²

The threat of losing a coveted job was a major factor in explaining why civil servants refused to allow the KPU to organize and freely compete with KANU. The added difficulty was that one also faced the prospect of unemployment upon dismissal, since a known "dissident" could not hope to get a job in the private sector. As one KPU supporter noted, "no company wanted to be known for aiding the opposition. Therefore they would not give you a job."⁶³ Indigenous businessmen were dependent on the state for loans, non-citizen Asians for trade licenses, and expatriate companies for the continued right to operate or expand their operations in a foreign country. Consequently,

people who were known to be supporters of the KPU lost their jobs both in the government and in private employment. What used to happen was that managers and executives of private companies were approached and were threatened that if you employ KPU supporters it will be known that you are against the government and that you would either lose your trade licenses or be deported. Therefore these people had to comply. This was very effective because with the present unemployment for a man to lose his job because of politics--well he would rather keep his mouth shut and keep his job than come out in the open in favor of the KPU.⁶⁴

This dependence of the private sector on the state not only increased the likelihood that civil servants would remain loyal to KANU, but also made it extremely costly for any individual to be a KPU supporter whether he or she was working within either sector of the economy or was unemployed. Remembering his own tribulations, a KPU official recollected,

I was under constant surveillance and was being harassed in my job and given warnings that I should behave. The police were following me everywhere now and again and were sleeping at my gate. When I came back from -----, I was working at the ----- Company. I was sacked, somebody probably spoke to my boss and told him 'that chap who is working for you is this and that.' My boss' wife invited me to a bar for drinks to tell me my boss was not happy with these things. I told her to go to hell and that her husband was my boss and could call me himself to his office. My boss finally told me "you have to decide when you are leaving." ... So I said, 'if my being here is going to kill ---- be plain and say so.... Then I started an advertising firm. I got my company going and wanted to retain fees for the people I was working for. The government would ring people up and tell them to forget it and they would call me up and say forget it. The government gave me the roughest time possible.... They really harassed me honestly.⁶⁵

MPs, like civil servants, were dependent on and indebted to the state for a variety of economic rewards. Once it was clear that KPU MPs would lose these rewards, it became extremely costly either to "cross the floor" and join the opposition or to vote with it in the National Assembly. By mid-1966, one-third of all MPs had ministerial appointments, and another one-third had statutory board appointments, leaving only one-third who were not vulnerable to dismissal as a consequence of losing state favor.⁶⁶ Among the remaining one-third there were clearly MPs who aspired to these positions and therefore also preferred to stay in the state's good graces. The desire to retain or obtain these appointments was understandable since they were important sources of salaries, fringe benefits, influence, and patronage. Most of the investments undertaken in the public sector were controlled by quasi-governmental statutory boards, which distributed a wide variety of loans and agricultural credit. From the standpoint of a constituent or an MP it was advantageous for the latter to be on one of these boards or to hold a ministerial appointment.⁶⁷

As the table on the next page demonstrates, all members of the opposition party who held positions on statutory boards lost their positions soon after the Limuru Conference and the formation of the KPU.⁶⁸

Conversely, KPU politicians and MPs who returned to KANU were often rewarded with statutory appointments or were given the KANU nomination in the by-elections that followed their return. As one recipient noted, "they don't give you this for nothing, but give it so that you will keep locked up, talk no more, and feel that you belong."⁶⁹

An MP's economic security stemmed not simply from the salaries and perks that he received from his various appointments, but also from the loans that he could obtain to purchase cars, houses, farms, or businesses, by virtue of

Table II

Positions on Statutory Boards Lost by the KPU, 1965-69

Z.M. Anyiene	Maize and Produce Board, 3/25/66
Okuta Bala	Industrial Commerce and Development Corporation, 4/66
	Sugar Advisory Council and Development Finance Corporation (uncertain and date unknown)
Chillo	Kenya Tourist Development Corporation, 1966
Choge	Kenya Meat Commission, 7/12/66
E.D. Godana	Chairman, Marsabit Joint Trade Development Board, 12/16/65
J.D. Kali	Kenya National Trading Corporation, 1966
	Chairman, Export Promotion Council (date unknown) 1966
Khalif	Central Selection Board (Government Bursaries), 1966
Makokha	Cotton Lint and Seed Marketing Board, 5/66
	Chairman, Busia Joint Trade Development Board, 7/22/66
	Film Censorship Board (date unknown)
Obok	Loan Defaulters Sifting Committee, 2/15/66
Oduya	Cotton Lint and Seed Marketing Board, 5/66
Rotich	Loan Defaulters Sifting Committee, 2/15/66
Tanui	West Kenya Marketing Board, 12/21/65
	Central Housing Board (date unknown)

Source: The Kenya Gazette, January 1965 - October 1969, and information obtained from Jay Hakes.

his position. Once he was defeated, joined the KPU, or lost favor with the state he could be forced to repay these loans. Consequently, since most MPs (like other members of the "salaried" middle class) had no independent entrepreneurial base and were indebted to the state, they could become poor overnight. This threat was not idle and almost immediately after the formation of the KPU, opposition MPs were forced to pay up their car loans or face withdrawal of their vehicles.⁷⁰ Furthermore, KPU MPs who had initially crossed the floor and lost in the "little general election" were in a real bind. They were simultaneously in the position of having to repay their loans and of being unable to find any employment in either the public or private sectors because they had been tagged as dissidents. This situation forced some individuals to return to KANU and reminded potential sympathizers in the National Assembly of the costs of joining or voting with the KPU.⁷¹ Given the opposition's lack of control over existing resources and the general lack of alternatives for those who wanted to keep what they had or for those who were upwardly mobile, the KPU simply could not compete with the inducements of the regime.

The effects of economic statism were not simply confined to employment, the urban areas, or to the middle class. Individuals in the rural areas were warned by local party and administrative officials that anyone who voted for the KPU would not get famine relief maize being distributed by the government, shopowners were threatened that if opposition supporters were found on their premises the shop would be closed, individuals who had plots in settlement schemes were told that they would lose their farms if they voted with or supported the KPU, and chiefs were sometimes instructed by district commissioners to "write down the names of all KPU supporters in the area so that the government would take action against them." Furthermore, KANU officials and MPs threatened that individuals or areas who supported the KPU would be cutting themselves off from government loans and development funds. As two such appeals bluntly noted,

If you vote for KANU, schools will be built, roads graded and brought to the border. If you don't, you are lost....

If you don't unite with the government, all secondary schools we are now trying to build will disappear. Kenyatta has sugar. Let's go lick his hands. I'm not lying.⁷²

The government's monopoly of economic rewards and the threat that they would be withdrawn decreased the opposition party's appeal at all levels of society on a countrywide basis. Since there were no economic alternatives to the regime's rewards and since the KPU was too poor to help minimize individual losses that stemmed from the state's economic sanctions, it became extremely costly to support the KPU. The small scale nature of rural societies made it difficult to support the KPU anonymously or to be invulnerable to the regime's economic sanctions and rewards. There was no shortage of manpower working on the regime's behalf in the rural areas. Local KANU officials, civil servants, policemen, agents for the Central Intelligence Division and the Special Branch all had a vested interest in identifying KPU supporters to keep their areas from becoming opposition strongholds. If additional manpower were needed to watch a suspicious person or to vandalize a supporter's shop, unemployed youthwingers could usually be found who were willing to work on the regime's behalf for a few shillings.

The Effects of the Regime's Monopoly on the Composition of the KPU

The regime's monopoly of sanctions and economic rewards meant that the KPU could not openly compete with the dominant party or openly recruit supporters. The KPU had its greatest difficulties in gaining electoral and other sorts of support in areas outside the Luo stronghold of central Nyanza. This appears to have stemmed primarily from the KANU government's decision to, in effect, concede this area to the KPU and to make it extraordinarily difficult for the opposition to organize in other areas. Such an argument rejects the alternative explanation that the KPU could not compete with KANU outside of central Nyanza because it was a tribal party that did not have the catholic appeal of its competitor.

The twenty-nine MPs who initially "crossed the floor" in March 1966 were not even an accurate indication of the support the KPU might have mustered in the House and the Senate under more normal circumstances. Although twenty to thirty more MPs apparently had promised to cross with the original twenty-nine, they changed their minds after it became known that the government was planning to amend the constitution and force MPs who had changed parties to recontest their seats.

The fact that six out of the nine KPU MPs who won the "little general election" were Luos from central Nyanza was more of a reflection of the regime's decision about where it would bring its coercive apparatus to bear and where it wouldn't than a true test of the opposition party's strength. There were clearly KPU MPs who would have lost by virtue of their own weakness in any case. However, after the KPU had been banned, six ex-KPU MPs from non-Luo areas who had lost the 1966 election and returned to KANU, contested the general election of 1969 and won. Since these MPs had won in 1963 and in 1969, there is some reason to believe that their losses in 1966, and probably some others, were due to electoral fraud or intimidation.⁷⁴

It was advantageous for the government to keep the KPU from winning outside of central Nyanza, since this confirmed its propaganda that the KPU was a Luo party. Of the five by-elections which were held between 1966 and 1969, the KPU defeated KANU only in 1969 in the Luo constituency of Gem in the heartland of central Nyanza. In contrast to the other four constituencies where all the machinations described in the earlier sections of the paper were used against the opposition, the KPU in Gem was allowed to hold meetings and to openly engage its branches and sub-branches in electoral activity. Furthermore, unlike some earlier contests, the administration imposed "strict discipline at the counting of the ballots" and was complimented on its fairness.⁷⁵ The argument that this freedom stemmed from the government's decision that it would be too costly to repress the KPU in its home area does not appear to be true (a) since less than one year earlier it had disqualified all KPU nomination papers for the 1968 elections and (b) because it banned the party and imprisoned all central Nyanza's KPU MPs less than one year afterwards. Rather KANU's loss in Gem could be explained away by the government as an "isolated case"⁷⁶ and used to show that Kenya was democratic and the KPU a tribal party. As one participant noted, "they left our area here, but they were so careful to disqualify all other tribes."⁷⁷

The fact that the KPU had the majority of MPs in central Nyanza and that the administration allowed some minimal party organization gave the opposition a certain viability which it was difficult to match elsewhere. Whatever other

economic costs they were forced to pay, KPU MPs in central Nyanza still had their salaries because they were MPs. Some of this money clearly filtered down to supporters who were being penalized by the regime. In other parts of the country KPU's leaders suffered severely as a consequence of openly organizing for the KPU. Many could not sustain the costs and either returned to KANU with the promise of a job, or left politics entirely. In these areas, there was more fluidity among the leaders of the KPU than in central Nyanza and the reward structure for organizers or supporters virtually nonexistent. Over time it was more difficult to sustain KPU support because as one observer noted "some people can only take so much and then they break down.... There comes a time when things look very dark and people feel they have reached a dead end."⁷⁸ Furthermore, because the KPU had MPs in central Nyanza and because Odinga was the "boss" of the area, the party's inability to hold public meetings was of little consequence here in contrast to other parts of the country where they were necessary to counteract KANU's propaganda about the KPU.

It was more costly for a Kikuyu to join the KPU than any other ethnic group, because of the threat that a tribal split posed to the governing class. There were many reports of physical violence against Kikuyus who supported the KPU and as one official noted in this regard, "people thought it was only jobs or business (that were at stake), but soon it became clear that it could be your life."⁷⁹ Although Kenyatta was virulent in his attacks against the opposition, he traveled to only two constituencies to speak against the KPU during the "little general election" and both were Kikuyu areas in central province.

Non-Luo support for the KPU existed in the trade union movement, in the universities, in professional groups, among the urban unemployed, and the rural discontented. Some supported the opposition because of its leftist policies on various issues including land, others because they perceived that the government was pursuing a policy of "Kikuyuization" in its distribution of development funds and employment, others as a general protest against KANU's inability to "deliver the goods" since independence, others out of a belief that it was time for change, and still others out of simple opportunism. The KPU as a party was as catholic in its appeal as KANU; however, the regime's monopoly over the key socio-economic resources and sanctions in the society had its toll on opposition party support and over time, both Kikuyu and other non-Luo support for the KPU either diminished or became less visible.

The KPU clearly had its own problems and was not always a striking contrast to KANU. Like all parties it had a variety of internal difficulties including a lack of direction at headquarters, factionalism there and in its branches, personality squabbles, leadership struggles, misappropriation of funds, and allegations of a "cult of Odingaism." Furthermore, as the government intensified its surveillance of KPU activities and it became more difficult to know whom to trust and whom not to trust, ethnic splits developed between the Luo and the Kikuyu in the Nairobi branch. However, since the KANU government never allowed the KPU to freely compete with the dominant party in a general countrywide election or to openly engage in organizational activities, it is difficult to gauge the extent to which these difficulties or the policies of the opposition party limited its support. It seems reasonable to conclude that the KPU's fundamental problem was not that it was too narrowly based to compete with KANU, but rather that the regime's monopoly of sanctions and economic resources enabled it to buttress the dominant party and to blunt opposition party activity on a countrywide basis.

Conclusion

The legacies of countrywide authoritarian rule and economic statism as well as the reasons why inherited institutions and relationships were maintained after independence, may be useful in explaining why opposition parties have largely disappeared across the continent of Africa. There seems to be some agreement among scholars both that the structure of political competition in tropical Africa "appears unrelated to such variables as type of colonial experience,"⁸⁰ and that "(m)odern colonialism in Africa everywhere tended toward bureaucratic authoritarianism."⁸¹ Furthermore, the tendency of colonial systems to stifle the development of an independent entrepreneurial class of Africans, to tie them to the state, and to create dependent economies was not unique to Kenya.⁸² More specifically, the analysis concludes that:

- (1) The "center-periphery" argument cannot be maintained. The conventional wisdom that Africa's paucity of economic resources and an underdeveloped technology limits the authority of regimes in the so-called "periphery" appears to be incorrect. The argument fails to take account of the way in which a regime's monopoly of resources and sanctions and the small scale of most African communities facilitates political control in the rural areas as well as in the cities.
- (2) The strengths and weaknesses of African regimes are "task specific" rather than geospecific. It seems clear that with respect to certain tasks - namely the elimination of opposition parties - African regimes cannot be described as having a "limited authority" that is confined to the narrow geographic domain of the urban areas.
- (3) Opposition parties may be as catholic in their appeal as dominant parties, but unable to muster widespread open support. In Kenya, the regime's monopoly of resources and sanctions and its consequent ability to reward its friends, to coopt or punish dissidents, and to bring its authority to bear both between and during elections made it extremely costly to be a member of the KPU. Furthermore, this was especially true in non-Luo areas.
- (4) The tendency of scholars to see African parties and governments as extremely powerful or weak is ill-conceived. Behind the contorted arguments that the parties of independence were democratic and reflected "mass mobilization" was a "liberal desire not to see Africa fail." Africanists "wanted ... to accentuate the positive aspects of change in Africa, hitherto known as the Dark Continent."⁸³ Behind the more recent argument that African regimes have only a "limited authority" in the urban areas, there lurks the view which is not so different from that of colonial administrators and early anthropologists. There is a misguided predisposition to see large parts of Africa as traditional and untouched in spite of a near century of centralized rule.

Notes

KNA refers to Kenya National Archives. Official Report refers to the Official Report of the parliamentary debates in the House of Representatives prior to mid-1966 and to the Official Reports of National Assembly after that date. The "Confidential Interviews" were conducted in Kenya in 1971 and 1972.

¹Some recent studies of political economy have focused more on debates concerning the development of capitalism and class formation than on the maturation of the post-colonial state and the political side of this process. These include Colin Leys, Underdevelopment in Kenya: The Political Economy of Neo-Colonialism, 1964-1971 (Berkeley, 1974); Nicola Swainson, Corporate Capitalism in Kenya, 1918-1961 (Berkeley, 1980); Gavin Kitching, Class and Economic Change in Kenya: The Making of an African Bourgeoisie (New Haven, 1980); Sharon Stichter, Migrant Labor in Kenya: Capitalism and African Responses, 1895-1975 (London, 1981); "Kenya: The Agrarian Question," Review of African Political Economy No. 20 (1981); "Debate on Dependency in Kenya," No. 17 (1980); Judith Heyer, et al, Rural Development in Tropical Africa (London, 1981).

²For a discussion of the attempted coup and events leading to it see "Kenya: The Politics of Repression," Race and Class, vol. XXIV, No. 3 (1983); Africa Now, September 1982; Frank Furedi has a political analysis of the coup forthcoming in the Journal of Commonwealth Political and Comparative Studies; Patricia Stamp, "Kenya's Year of Discontent," Current History, March 1983, pp. 102-127.

For some current discussions on what is happening to the Kenya peasantry, see Per Kongstad and Nette Monsted, Family, Labour and Trade in Western Kenya (Uppsala, 1980); Torben Bager, Marketing Cooperatives and Peasants in Kenya (Uppsala, 1980); John Carlsen, Economic and Social Transformation in Rural Kenya (Uppsala, 1980); Mogens Buch-Hansen and Henrik Secher Marcussen, "Contract Farming and the Peasantry: Cases from Western Kenya," Review of African Political Economy, No. 23 (1982), pp. 9-36; Michael Cowen, "Change in State Power, International Conditions and Peasant Producers," unpublished paper, May 1983.

³Some might argue that the KPU was a "radical" populist party articulating many of the same demands put forth in the Arusha Declaration and spelled out later by the Tanzanian ruling class. Seen from this perspective, the KPU might best be regarded as a struggle between an emerging bourgeoisie (largely Kikuyu) attempting to consolidate its hold over the state and the economy and its petit-bourgeois opponents (led by Luos), from parts of the country where capitalism was less developed (i.e., Central Province versus Nyanza). For an article which attempts to compare the type of ruling class which developed in Kenya and Tanzania, see Susanne D. Mueller "The Historical Development of Tanzania's Ruling Class," Canadian Journal of African Studies, Vol. 15, No. 3, 1981.

⁴State controlled or state owned.

⁵Robert A. Dahl, Polyarchy: Participation and Opposition (New Haven and London, 1971), p. 51.

⁶The terms "center" and "residual sector" or "periphery" were coined by Zolberg to suggest that although dominant party regimes might have a certain institutional presence in the geographic capital of a country, these party states simply did not have the resources to make themselves felt in or to penetrate the "periphery." See Aristide R. Zolberg, "The Structure of Political Conflict in the New States of Tropical Africa," The American Political Science Review, Vol. LXII, No. 1, March 1968, pp. 70-87 and Aristide Zolberg, Creating Political Order (Chicago, 1966), pp. 128-34. The argument failed to distinguish between the kind of resources and shifts that were needed in the distribution of resources for economic development and the rather more limited set of resources that were needed to control political opposition both in the towns and the countryside. This paper suggests that precisely because of the statist nature of most African economies and the highly inequitable distribution of the fundamental resources of sanctions and patronage, it is impossible to argue that the institutions of party and state have been confined to a narrow geographic domain within these societies. It maintains, rather, that the regime in effect "penetrates" the entire countryside irrespective of geographic considerations precisely because districts and individuals are dependent on the regime for so very much: for development funds, jobs, trade licenses, loans, famine relief, the ability to register political party branches, to hold public meetings, and so on. This sort of penetration counts no matter how rural, backward and distant from the capital it is. It counts because of the regime's monopoly over these fundamental resources and because there are no alternative institutions to those of the state which individuals, geographic areas or opposition parties can use to survive economically, to accrue the resources they would need to effectively compete with the regime or to ignore it.

⁷Immanuel Wallerstein, ed., Social Change: The Colonial Situation (New York: John Wiley and Sons, Inc., 1966), p. 2.

⁸Fred G. Burke, "Public Administration in Africa: The Legacy of Inherited Colonial Institutions," Journal of Comparative Administration, Vol. 1, No. 3, November 1969, p. 356.

⁹Burke, "Public Administration," p. 375.

¹⁰There is some dispute as to the nature of the legislative legacy. Some have emphasized its verbal vigor. See especially Cherry Gertzel, The Politics of Independent Kenya 1963-68 (Nairobi: East African Publishing House, 1969). Others have dwelled on its impotence. See B.E. Kipkorir, "Kenya's Colonial Legacies," East Africa Journal, December 1971, pp. 10-14. Also see the review of Gertzel in The Journal of Modern African Studies, Vol. 10, No. 3, October 1972, pp. 481-84.

¹¹Kipkorir, "Kenya's Colonial Legacies," p. 11.

¹²KNA, PC/CP8/5/1, Kikuyu Association, letter, May 16, 1930, p. 16. District Commissioners were advised that "... the proper media of discussion with natives are ... the Local Native Council meetings and locational barazas." KNA, PC/NZA2/565, KTWA, 1936-47, letter 17 October, 1936, p. 9. When colonial administrators were petitioned directly by associations which were attempting to bypass the "proper channels" of the councils, it was suggested that "the reply should be addressed to the signatory by name and the association should not be mentioned." KNA, PC/CP8/5/1, Kikuyu Association,

letter, May 16, 1930, p. 16. If he accepted an invitation to attend a meeting of the Kavirondo Taxpayers Welfare Association (KTWA), a DC was advised "... that he should make a few remarks and go rather than that he should stay during the debate...." KNA, PC/NZA2/565, KTWA, 1936-47, letter, 17 October 1936, p. 9. And the same DC wrote to the KTWA that he had been unwilling to receive their deputation because they bypassed "your proper and constitutional method of bringing these matters to my notice (which) is through the Local Native Council."

¹³Thus, it was not unusual for a provincial commissioner to respond as one did to the secretary general of the KTWA: "I have read your minutes with interest and I have no objection to your approaching any member of the Local Native Council to ask that these matters set down on the agenda for discussion at one of its meetings, provided that the point you wish to discuss is clear. No good purpose will be served by discussion of so general a subject as 'the working of the Lands Trust Ordinance' but if there is any particular point in connection with the workings of the Ordinance it will be open for any member of the Local Native Council to ask that the matter be discussed." KNA, PC/NZA2/565, KTWA, 1936-47, letter, 30 December 1937, p. 27.

¹⁴Kipkorir, "Kenya's Colonial Legacies," p. 10.

¹⁵Carl Rosberg, Jr., and John Nottingham, The Myth of "Mau Mau": Nationalism in Kenya (New York: Frederick A. Praeger, 1966), p. 46.

¹⁶KNA, PC/CP3/5/1, Kikuyu Association, 1921-31, letter from Senior Commissioner to Hon. Chief Native Commissioner, January 20, 1928, p. 10.

¹⁷Apollo L. Njonjo, "Kenya: The Crisis of Succession and the Armed Forces," unpublished paper, January 1971, p. 14.

¹⁸He notes that in part "the high costs of status loss may be attributed to the fact that political positions traditionally confer high prestige and control access to wealth." Cheng Lim Kim, "Toward a Theory of Individual and Systemic Effects of Political Status Loss," The Journal of Developing Areas, Vol. 5, January 1971, p. 194.

¹⁹Ibid., p. 205.

²⁰Official Report, 18 July 1963, col. 1086.

²¹Letter from R.E. Wainwright to the Permanent Secretary, Ministry of Internal Security and Defense, Prime Minister's Office, Police Headquarters, 9 July 1963.

²²Similar decisions were taken in the years that followed to retain the Societies Ordinance which governed the registration of political parties and their branches, the Public Order Ordinance, which governed the holding of public meetings and gatherings, laws having to do with sedition, detention and many others.

²³Coleman and Rosberg, op. cit., p. 665.

²⁴Under the Societies Ordinance all political parties and their branches are required to apply individually to the Registrar within twenty-eight days of their formation. The application for registration must include the names and objects of the society, the class or classes of persons to whom membership is restricted, the number of members, the titles, names, occupations and addresses of the society's officers, fifteen matters concerning the organizational makeup of the society which are to be set forth in its rules or constitution, and a separate notification as to the location and postal address of the society. Numerous very general clauses give the Registrar the right of refusal on the grounds that the society would be prejudicial to "good order" or otherwise repugnant or inconsistent with "any law for the time being in force in Kenya." Furthermore, once registered, the Registrar may call on a society to demonstrate proof of its existence or to furnish him with its rules, a true list of its officebearers, a list of the meetings held by the society in the preceding six months and "such accounts, returns and other information as may be prescribed." A failure to respond to these requests is an offense under the Ordinance and is punishable by a fine or the cancellation of a society's ordinance. See The Societies Ordinance, Chapter 108, Laws of Kenya Revised Edition, 1962, and The Societies Rules, Cap. 108, Subsidiary Legislation, The Laws of Kenya Revised Edition, 1962.

²⁵East African Standard (EAS), June 24, 1966, p. 3; May 2, p. 1; Jomo Kenyatta, Suffering Without Bitterness (Nairobi: East African Publishing House, 1968), p. 344. The question of why the KPU was registered at all is of some interest. The government may have believed that it would be easier to control the opposition once it was out in the open, or that it would stigmatize and thereby neutralize its effect by confining it to a one tribe party, or even that it would be useful for "outside consumption" to convey an "image of democracy" (Confidential Interviews). In any case, it was immediately clear that the registration of the KPU as a national party was at best what La Palombara and Weiner have called an invitation of "limited admission." Joseph La Palombara and Myron Weiner, eds., Political Parties and Political Development (Princeton, New Jersey: Princeton University Press, 1966), p. 404.

²⁶See Source for Table I, at the bottom of the Table.

²⁷When the opposition emerged, non-residents still had to obtain permits to enter all districts within the north-east province, large parts of the Eastern and Rift Valley provinces and many parts of Central Province.

²⁸Confidential Interview.

²⁹Applications were also rejected on the grounds that "the interests of peace, welfare and good order would be likely to suffer prejudice" if the particular organization were registered. KPU Files.

³⁰The Kenya Gazette, op. cit.

³¹Confidential Interview.

³²The administration could control the holding or conduct of political meetings of almost any conceivable size. Meetings of fifty or more persons required licenses which could be withheld, cancelled after they were issued, or be revoked if the meeting in question contradicted the terms of the license. Meetings between ten and fifty persons were governed by certain

provisions of the Public Order Ordinance which gave the administration power to control the conduct of such gatherings and even to call for the prevention or cessation of public gatherings if they were likely to cause a "breach of the peace," a term that was never defined in the ordinance. The penal code specified a series of vaguely defined circumstances under which an assemblage of three or more persons could be considered an "unlawful assembly." Finally, the parts of the Societies Ordinance dealing with meetings of unlawful societies were so vague as to make it possible to define a meeting as any gathering of two or more people. See Republic of Kenya, the Societies Act, 1968, No. 4 of 1968, 16 February 1968, The Public Ordinance, Chapter 56 and The Penal Code, Chapter 63, Laws of Kenya, Revised Edition, 1962.

³³The data comes from files of licenses that were issued and refused. The files may not have been complete; however, they do reflect the general bias. If anything, the bias is underrated, since only meetings which were clearly designated party meetings were counted and not those at which KANU members were going to speak, according to the agenda presented in the license.

³⁴Letter from KPU Secretary to DC, 22 April 1967.

³⁵Confidential Interview.

³⁶Confidential Interview.

³⁷Confidential Interview.

³⁸Confidential Interview.

³⁹Many of the KPU officials who were detained from 1966-69 were not well-known big men. This may have served as a warning to local organizers that no one was too little to go to jail.

⁴⁰"Bogus Kenya Elections (by A. Oginga Odinga) President KPU," p. 2.

⁴¹In some cases areas didn't wait for the law to be passed. In June 1966, the Rift Valley Provincial Advisory Council "expelled three of its members for being supporters of the KPU" EAS, June 7, 1966, p. 3.

⁴²Cherry Gertzel, "Local-Central Relations in Kenya," Collected Seminar Papers on Autonomy and Dependence in Parochial Politics, No. 7 (London: University of London: Institute of Commonwealth Studies, October 1968-March 1969), p. 96.

⁴³Kenya Gazette, vol. LXVIII, 9 August 1966 - 7 November 1969.

⁴⁴Kenya Constitutional Changes, Succession to President, Public Opinion Poll, 18, Nairobi: Kenya Research Services, June 1968, p. 14.

⁴⁵See Y.P. Ghai, "The Government and the Kenya Constitution," East Africa Journal, Vol. IV, No. 8, December 1967, pp. 9-14 and J.F. Scotton, "Judicial Independence and Political Expression in East Africa - Two Colonial Legacies," East African Law Journal, Vol. VI, No. 1, March 1970, pp. 1-19.

⁴⁶J.P.W.B. McAuslan, "Constitutional Changes in Kenya," Collected Seminar Papers on Post-Independence Constitutional Changes, No. 5 (University of London, Institute of Commonwealth Studies, October 1967 - March 1968), p. 84.

⁴⁷See Republic of Kenya, Economic Survey 1969 (Nairobi: Government Printer, June 1979), p. 120; and Henry Bienen, "The Economic Environment," in Goran Hyden, Robert Jackson and John Okumu, eds., Development Administration: The Kenyan Experience (Nairobi: Oxford University Press, 1970), p. 49.

⁴⁸386,800 versus 221,900, Economic Survey, *op. cit.*, pp. 120-21.

⁴⁹See Ibid., and Republic of Kenya, Statistical Abstract (Nairobi: Government Printer), pp. 168-69.

⁵⁰Ibid., p. 171; Colin Leys, "Recruitment, Promotion, and Training," in Hyden and others, eds., Development Administration, p. 133; Republic of Kenya, Development Plan 1970-74 (Nairobi: Government Printer, 1969), pp. 116-117.

⁵¹Republic of Kenya, Kenyanization of Personnel in the Private Sector (Nairobi: Government Printer, 1967); Donald Rothchild, "Kenya's Africanization Program: Priorities of Development and Equity," The American Political Science Review, vol. LXIV, No. 3, September 1970, p. 738.

⁵²Ibid., pp. 749-59.

⁵³Ibid., pp. 738-49; Development Plan, pp. 116-117; Report of a Working Party, National Christian Council of Kenya, Who Controls Industry in Kenya? (Nairobi: East African Publishing House, 1968), pp. 257-61; Republic of Kenya, High Level Manpower Requirements and Resources in Kenya, 1964-70 (Nairobi: Ministry of Economic Planning and Development, May 1965).

⁵⁴Rothchild, *op. cit.*, p. 750; as of June 1968, "85% of all foreign aid received by" Kenya had come from Great Britain. Most of the foreign-owned companies in Kenya were British and many of them were subsidiaries of the UK's largest firms. Who Controls Industry in Kenya, p. 194.

⁵⁵Gertzel, Politics of Independent Kenya, p. 167.

⁵⁶Republic of Kenya, Code of Regulations.

⁵⁷Confidential Interview.

⁵⁸Official Report, 19 April 1968, col. 2178.

⁵⁹Letter from KANU politician to T.J. Mboya.

⁶⁰Official Report, 30 September 1966, col. 260.

⁶¹Official Report, 16 June 1967, cols. 1055-56.

⁶²Ibid.

⁶³Confidential Interview.

⁶⁴Confidential Interview.

⁶⁵Confidential Interview.

⁶⁶These figures come from Jay Hakes, "Patronage and Politics in Kenya: A Study of Backbencher Membership on Statutory Boards," unpublished paper, 1969, p. 10. Kenyatta increased the number of Cabinet members to fifty shortly after the formation of the KPU.

⁶⁷Republic of Kenya, Report of the Maize Commission of Inquiry (Nairobi, June 1966), pp. 150-53.

⁶⁸Some MPs who had been especially vocal dissidents actually lost their positions prior to the formation of the KPU.

⁶⁹Confidential Interview.

⁷⁰For a discussion of this see Official Report, 16 December 1966, col. 2882.

⁷¹Confidential Interviews.

⁷²Field notes from Malcolm Valentine.

⁷³These were Anyieni, Bonaya, Choge, Gichoya, Jilo and Khalif. Kioko won in 1966 and 1969, Oduya in 1966 but not in 1969, while Godana, Kaggia, and Lorema all lost both in 1966 and 1969.

⁷⁴The KPU's ability to win two seats in the Kamba areas of Machakos in 1966, may have stemmed from an incorrect calculation by the government about what would happen there or from a conscious decision that it was less costly to allow a genuine electoral contest than to repress popular candidates in an area that was heavily represented in the army.

⁷⁵John Okumu, "The By-Election in Gem: An Assessment," East Africa Journal, vol. VI, No. 6, June 1979, p. 16.

⁷⁶Tom Mboya in EAS, May 20, 1969, p. 7.

⁷⁷Confidential Interview.

⁷⁸Confidential Interview.

⁷⁹Confidential Interview.

⁸⁰Zolberg, "Structure of Political Conflict," pp. 70-71.

⁸¹Coleman and Rosberg, op. cit., p. 659. Coleman and Rosberg also argue that "in most instances the really determinative factor in the orientation of the present party elites to the political order has been their exposure to bureaucratic centralism during the colonial period," Ibid.

⁸²For example, see James S. Coleman, Nigeria: Background to Nationalism (Berkeley and Los Angeles: University of California Press, 1965), pp. 79-90.

⁸³Guy C.Z. Mhone, "The Case Against Africanists," Issue, vol. II, No. 2 Summer 1972, p. 9.