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## **Consolidating Democracy in Kenya (1920-1963): Challenges and Prospects**

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### **Abstract**

Kenya became a Crown Colony of the British government on 23 July 1920. Before then, 1895 to 1919, it was a protectorate of the British Government. Between 1887 to 1895, Scot William Mackinnon (1823-1893), under the auspices of his chartered company, Imperial British East Africa (IBEA), was running Kenya on behalf of the British Government. This article sets out to trace the road to democracy in colonial Kenya, though with a bias to electoral contests, from 1920 to 1963. While democracy and/or democratic culture is broader than mere electioneering, the article considers electoral processes as critical steps in consolidating democratic gains, as societies now find an opportunity to replace bad leaders and eventually installs a crop of leadership that resonates well with their pains, dreams, fears and joys. With its own elected leaders, the article hypothesizes, a society has a critical foundation because elected people are ordinarily meant to address cutting-edge issues facing a given society. Such concerns may include: poverty, corruption, racism, marginalization of minority, ethnic bigotry, economic rejuvenation, gender justice, and health of the people among other disquiets. Methodologically, the article focusses more on the 1920 and the 1957 general elections. This is due to their unique positioning in the Kenyan historiography. In 1920, for instance, a semblance of democracy was witnessed in Kenya when the European-Settler-Farmers' inspired elections took place, after their earlier protests in 1911. They were protesting against the mere nomination of leaders to the Legislative Council (Parliament) since 1906 when the first Parliament was instituted in Kenya's history. Although Eliud Wambu Mathu became the first African to be nominated to the Legislative Council in 1944, this was seen as a mere drop in the big Ocean, as Africans had not been allowed to vote or usher in their own leaders through universal suffrage. The year 1957 provided that opportunity even though they (Africans) remained a tiny minority in the Legislative Council until the 1963 general elections which ushered in Kenya's independence. What other setbacks did the Kenyan democratic process encounter; and how were the democratic gains consolidated? While the article does not intend to focus on the voice of religious societies, or the lack of it, it is worthwhile to concede that a democratic process is an all-inclusive enterprise that invites all cadres to "come and build the barricading wall" for all of us.

**Key Words:** Kenya's democracy, colonial Kenya, Consolidating democracy in Kenya, African politics.

## Introduction

Although the making of the modern Kenya can be attributed to the Berlin Conference of 1884/85, which divided Africa into segments, forming the current 55 states, the role of Scot William Mackinnon (1823-1893) cannot be overlooked. After the partitioning of Africa, the British gave 'legal' rights to Mackinnon, a Scottish ship-owner and businessman, to run the present day Kenya and Uganda (British East Africa) under the auspices of his chartered company, the Imperial British East Africa Company (IBEAC), on her behalf. After running the British East Africa for 8 years (1887-1895), the IBEAC fell short of funds and eventually handed over to the British Government. Henceforth, it became a British Protectorate till 1920 it was made a British colony.<sup>1</sup>

As a Crown Colony, from 1920 to 1963, Kenya comprised of the current territory with the exception of a ten-mile wide coast strip (including Mombasa) which was known as the Protectorate of Kenya. This ten-mile coastal strip 'belonged' to the Sultan of Zanzibar, who used to receive for it an annuity of 16, 000 British Pounds, before 1963.<sup>2</sup> As a colony, Kenya had a foretaste of democratic process in 1954 when a multi-racial government was created by the Oliver Lyttleton Constitution. Sadly, the multiracial election that was held between 25 September and 2 October 1956 did not include the vast majority of Africans who lived in the then Kenya colony. They were however invited to participate in it as voters, despite restrictions, as only Indians and Europeans were allowed to contest as candidates. Previously, Eliud Wambu Mathu had been nominated as the first African in the Legislative Council (Parliament) in 1944.<sup>3</sup> Apart from Mathu who was nominated to the Legislative Council in 1944, others who were later nominated are: Walter Odede (1947), Benaiah Apollo Ohanga (1947), John Kipsugut arap Chemallan (1948), James Jeremiah (1948), John Moroiyan Ole Tamenio (1951), WWW Awori (1951), Francis Kiprotich Arap Chuma (1955), and Muchohi Gikonyo (1953).<sup>4</sup> All these developments were seen by Africans, who formed over 75% of the entire national population, as a mere drop in the big Ocean, and as an insult to the tenets of democracy. They wanted to elect their own; and the tendency to nominate some African leaders be stopped.

Interestingly, Lyttleton constitution of 1954 was revised in 1957 to produce the Lennox-Boyd Constitution. Under the latter, the Government was now administered by the Governor, assisted by a Council of 16 Ministers drawn from the Legislative Council (read Parliament). In turn, the Legislative Council consisted of a President (The Governor), a Vice-President and a Speaker; the 16 Ministers, 34 nominated members; 36 elected members (14 Africans, 14 Europeans, 6 Asians and 2 Arabs).<sup>5</sup> Undoubtedly, the two Arab legislators in the 1957 parliament were meant to represent the interests of the coastal region.

Due to the Lennox-Boyd constitutional amendments of 1957, Africans in Kenya were given paltry 8 parliamentary constituencies where they were allowed to contest.<sup>6</sup> Nevertheless, this was their first time to participate in electoral politics. As a result, the following African members were voted in as members of the Legislative Council (Parliament) during March 1957 general elections:

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<sup>1</sup> J. Gathogo, "Afro-Pentecostalism and the Kenyan political landscape," *Swedish Missiological Themes (SMT)*, vol. 2 (2013), 203 – 230.

<sup>2</sup> J. Gathogo and C. M. Njogu, *Chui wa Mararo: The Mau-Mau General who was Burnt into Ashes* (Nairobi: Kairos Publishers, 2019).

<sup>3</sup> Legco 1958b, "Results of the General Election in Kenya," *East Africa and Rhodesia*, 4 October 1958, pp.149-157.

<sup>4</sup> G. G. Kariuki, "Lancaster Constitutional negotiation process and its impact on foreign relations of post-colonial Kenya, 1960-1970," (Unpublished PhD thesis, Nairobi University, 2015), and Irungu Thatiah, *Jeremiah Nyagah: Sowing the Mustard Seed* (Nairobi: Rizzan, 2013).

<sup>5</sup> Legco 1958a, *Loyalists, Mau Mau, and Elections in Kenya: The First Triumph of the System, 1957–1958*, [http://muse.jhu.edu/journals/africa\\_today/v053/53.2branch.html](http://muse.jhu.edu/journals/africa_today/v053/53.2branch.html) (accessed 16 April 2020).

<sup>6</sup> J. Gathogo, "Mutira Mission (1907-2011): the birth of a Christian empire in East Africa," *Studia Historiae Ecclesiasticae*, 2011, Volume 37 Number 3, 171-194.

Bernard Mate (1922-94) who represented Central Kenya, Ronald Gideon Ngala (1923-72) who represented the Kenyan Coast, Tom Mboya (1930-69) who represented Nairobi constituency, Jaramogi Ajuma Oginga Odinga (1911-94) who represented Nyanza Central, Henry Pius Masinde Muliro (1922-92) who represented Nyanza North, Lawrence Oguda Sagini (1926-95) who represented Nyanza South, Daniel Toroitich Arap Moi (1924-2020) who represented the Rift Valley, and James Nzau Muimi (1926-2015) who represented the Southern/Ukambani Constituency.<sup>7</sup> As a demonstration of how Africans yearned for independence, the voter turn-out for Africans in the 1957 elections was 78.5%.<sup>8</sup> By this time, Jomo Kenyatta (1889-1978) who later became the first African president of Kenya, in 1963, was still serving his jail term, from 1952 to 1961.

The democratic process took another dimension when both the nominated and the elected African members of the Legislative Council began to protest against colonial injustices from within the parliamentary precincts. As Julius Gathogo has noted,

Soon after the inauguration of the Lennox-Boyd Constitution, difficulties arose when the African elected members led by Mr Tom Mboya refused to cooperate in taking up those ministerial offices envisaged for Africans in the Constitution. The tension went a notch higher when, early in 1959, all the African elected members and the three Asian elected members boycotted the Legislative Council proceedings, due to what they described as blatant inequality amongst all races living in Kenya. This inequality was evidenced by the fact that despite over 75% of the population being predominantly black Africans, the number of Europeans and Africans in the legislative Council was equal, 14 Africans and 14 Europeans.<sup>9</sup>

Godfrey Gitahi Kariuki has however clarified that, the

Refusal by the elected African Members to accept seats in the Council of Ministers under the Lyttelton proposals made the constitution unworkable. The resulting constitutional crisis prompted Lyttelton's successor, Alan Lennox Boyd, to hold consultations with the various interest groups, which resulted in more reform proposals. The proposals were issued as the Kenya Constitution Order-in-Council of 1958 in which the Executive Council was abolished and its functions taken over by the Council of Ministers whose composition was 2 Africans, 2 Asians and 4 Europeans.<sup>10</sup>

Kariuki went on to say that,

The number of Africans elected to the Legislative Council was also increased from 8 to 14 (the same number as Europeans) and there were 12 Special Members elected by the Legislative Council sitting as an electoral college. A Council of State was proposed to protect minority rights. However, the powers of the Governor remained largely unchanged. In the elections that were held in March 1958 for the six additional seats for the Africans' communal roll, the following were brought in: Julius Gikonyo Kiano (Central Province South), Francis Khamisi (Mombasa Island), David N. Mumo (Machakos), Jeremiah Nyagah [Central Province North, renamed Nyeri-Embu], Justus ole Tipis [Maasai] and Taita Towett (Southern Area).<sup>11</sup>

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<sup>7</sup> J. Gathogo and C. M. Njogu, *Chui wa Mararo*:

<sup>8</sup> *Kenyan Legislative Council Election* (Nairobi: Institute of Commonwealth Studies, 1957).

<sup>9</sup> Julius Gathogo, "Mutira Mission (1907-2011): the birth of a Christian empire in East Africa," *Studia Historiae Ecclesiasticae*, 2012, Volume 37(3), 172.

<sup>10</sup> G. G. Kariuki, "Lancaster Constitutional negotiation process and its impact on foreign relations of post-colonial Kenya, 1960-1970," (Unpublished PhD thesis, Nairobi University, 2015), 85.

<sup>11</sup> G. G. Kariuki, "Lancaster," 86.

Although the first parliament (then called, Legislative Council) in Kenya's territorial space was first constituted in 1906, little democratic activities were visible. Considering that its membership was constituted by the Executive, serious deliberations that would have established a democratic culture were not forthcoming. Further, being seen as a "European affair and exclusivism" did not help matters. As will be demonstrated in this article, there were complaints from European-Settler Farmers (ESF) and Indians who were economically active, the Arabs in the Kenyan coast, and the Africans who formed the majority.

### **East African Protectorate General elections of 1920**

Conversely, there were previous "democratic elections," though racist in composition of elected members, which were conducted in the colonial Kenya. While the 1920 general election was conducted as East Africa Protectorate general election, successive elections up to 1961 were conducted as Kenyan general elections. They included the 1924 general elections, the 1931 elections, the 1934 elections, the 1938 elections, the 1944 elections, the 1948 elections, the 1952 elections, the 1956-57 elections, and the 1961 Kenyan general elections.

During the March and April 1920 East African Protectorate General elections, a new council consisting of 11 members was ushered in. During the March-April 1920 general elections, which had a semblance of democracy, 11 European members were thus elected in single-member constituencies of Nairobi South (Thomas Wood), Nairobi North (William Moynagh), Coast (Sydney Charrington), Mombasa (Kenneth Hunter Rodwell), Kikuyu (Leonard Collings-Wells), Ukamba, Kenya (Reginald Berkeley Cole), Plateau South (Arthur Hoey), Plateau North (Herbert Kirk), Lake (Eustace Phelps), Ukamba (William Northrup McMillan), and the Rift Valley (Hugh Cholmondeley).<sup>12</sup> It also had an addition of two nominated members. The latter were meant to represent the economically active Indian constituency. An additional member of the Legislative Council, an Arab, was nominated to represent Arabs in the British protectorate. Further, the colonial Governor nominated a number of Europeans. The territory became the Kenya Colony on 23 July 1920.<sup>13</sup>

Ironically, the East African Protectorate general election of 1920 was a culmination of pressure that was exerted to the British Protectorate Government, by various players in the preceding years. In particular, the European Settler-Farmers' Community (ESFC) had, since 1911, sought the right to elect un-official members of the Legislative Council (Parliament).<sup>14</sup> This request was constantly rejected by the Colonial Office. To push their demand to a higher level, ESFC's nominated members of the Legislative Council resigned in protest, in mid-1917. They only returned to their parliamentary positions after they were promised that steps would be taken to introduce legislation after the First World War, which took place from 1914 to 1918.<sup>15</sup> Hence, the 1920's protectorate general elections were largely informed by such earlier activism towards a democratic exercise in Kenya.

To understand the economic import of the European Settler-Farmers' Community (ESFC) in the colonial Kenya (1895-1963), Maria Fibaek and Erik Green (2019:72-110) have highlighted their economic profitability from 1920 to 1945.<sup>16</sup> Fibaek and Green says, thus:

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<sup>12</sup> Sobe, "The Status of British East Africa," *The Times*, Issue 42332, 12 February 1920, 1-13.

<sup>13</sup> Sobe, "The Status," 1-13.

<sup>14</sup> D. Sternberger, B. Vogel, D. Nohlen, & K. Landfried, *Die Wahl der Parlamente: Band II: Afrika, Erster Halbband*, (1978).

<sup>15</sup> D. Sternberger et al, *Die Wahl der Parlamente: Band II*:

<sup>16</sup> M. Fibaek, and E. Green, "Labour Control and the Establishment of Profitable Settler Agriculture in Colonial Kenya, c. 1920-45," *Journal of Economic History of Developing Regions*, 2019, Vol. 34 (1), 72-110.



The early works on Southern Rhodesia and South Africa influenced the historiography of colonial Kenya and scholars noted the many similarities between the colonies.<sup>5</sup> Just as in the southern African colonies, so too did land tenure policies and taxation facilitate the creation of a labour surplus in Kenya. To quote Palmer and Parsons (1977: 243): ‘Thus by the end of the 1930s, the agricultural economy of the Shona and the Ndebele, like that of the Kikuyu and most South African peoples, had been destroyed.’ Despite a general agreement that extra-economic measures played an important role in solving the labour problem there is controversy on the degree of coercion applied by the state to solve the labour problem.<sup>17</sup>

Fibaek and Green (2019:100) goes on to say:

From 1920 to 1930, the sector more than tripled its export earnings with an increase from £669,028 to £2,763,707 (Kenya Colony 1920–30, 1930). To better understand the effect of expansion in acreage and export on profitability, we estimate the gross annual earnings for the entire sector. We calculate the settler farm earnings by deducting depreciation expenses of agricultural machinery and annual labour, fertilizer, transport, and other transaction costs from the annual agricultural production values.<sup>18</sup>

Although the European Settler Farmers’ Community (ESFC) is not the major concern in this article, it is worthwhile to recall their economic influence that impacted on the politics of the day. The impact of their influence, as will be demonstrated covertly in this article, continues to be felt right into the twenty-first Kenya, as it is they who first called for a democratic process of voting however faulty and/or sham.

### **The post March-April 1920 Elections**

After the March and April 1920 elections, African nationalists also began to form political parties, otherwise called Associations. Such included, East African Association, Young Kikuyu Association, Young Kavirondo Association, and Kikuyu Central Association among others. The formation of the Kikuyu Association is associated with Senior Chief Koinange, in late 1920. In February 1921, the East African Association held a meeting at Ndaguriti (Dagoretti, which means ‘the great corner’). According to Waruhiu Itote (also called General China), that was the day when “Harry Thuku [a leading African nationalist] was given the address of a senior British Government Minister and he sent a telegram to London telling of the difficulties” that Africans were undergoing including land expropriation and forced labour.<sup>19</sup>

On hearing this, the colonial government was most annoyed, as its undemocratic intolerance was getting exposed back home.<sup>20</sup> Subsequently, the pioneer African Chief (as there were *Athamaki*, leading elders in central Kenya prior to colonialism), Kinyanjui wa Gathirimu was ordered to call a meeting of all the people of Central Kenya, with the sole agenda of censuring Harry Thuku, the leading African nationalist, comparable to Albert Luthuli (1898-1967) of South Africa. The meeting was set to be held in Thika, as the idea was that “Harry Thuku and his group should be thrown in the rapids (*ndia*) of the mighty Chania river.”<sup>21</sup> As the huge crowd gathered to listen to Chief Kinyanjui, as he explained why Thuku, the rabble-rouser, and his team, should be drowned via river Chania, Chief Njega wa Gioko, of the present day Kirinyaga County shot up, in his usual commanding voice, “*Nie Njega wa Gioko, nindarega Thuku akue niundu wa kuga woni*

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<sup>17</sup> M. Fibaek, and E. Green, “Labour Control,” 88.

<sup>18</sup> M. Fibaek, and E. Green, “Labour Control,” 100.

<sup>19</sup> W. Itote, *Mau Mau in Action* (Nairobi: Transafrica, 1979), 2.

<sup>20</sup> W. Itote, *Mau Mau in Action*, 2.

<sup>21</sup> W. Itote, *Mau Mau in Action*, 3.

wake,” that is, ‘I Njega, son of Gioko, I refuse to surrender Thuku to death, for speaking his mind.’<sup>22</sup> After which, the crowd got worked up in support of this, a phenomenon that precipitated the meeting to die prematurely.

After Njega’s successful revolt against the killing of Harry Thuku, Itote explains that “committees were ordered to go all over the country declaring that Harry Thuku was bad.”<sup>23</sup> Conversely, Thuku and his East African association were not afraid. They were ready to meet the full cost of craving for democracy in a dictatorial society where giving an alternative view was criminalized. Hence, they went on and held a meeting at Gakindu, in Nyeri County and another one at Kiguoya near Gathumbi in Fort Hall (now Murang’a County). Consequently, the government accused Thuku of political activities and disturbances, and took great exception with the letter that he had written to London in February 1921. On 14 March 1922, he was deported to Kismayu, Somalia where he remained as a prisoner till 1931. Equally, his associates were also arrested. In particular, Waiganjo Ndotono was deported in Lamu Island and George Mugekenyi was banished in the present day Kwale County. This did not however stop the democratic extravaganza as the association continued raising African concerns.<sup>24</sup> In 1924, the East African Association changed its name to Kikuyu Central Association under Joseph Kang’ethe (President), Jesse Kariuki, Henry Gichuru (Secretary), Henry Mwangi, Job Muchunu (Treasurer), Henry Kiiru, John Mbuthia, Hezekiel Munithia (Nyeri), James Beuttah (Secretary General), and John Kunjiha (Nyeri). They put their Headquarters at Kahuhia, Murang’a.<sup>25</sup> Kenya African Union (KAU) was the first National Political Party, and as was noted by Lazarus Ngare,<sup>26</sup> it “does not fall under associations of early 1920s.” Certainly, the post-World War 1 and the post East African Protectorate general election of 1920 saw increased activities to consolidate the fledgling democracy in Kenya, a trend that continued till 1963 when the country got independence.

### **Nomination of a European Missionary**

After the 1924 Kenyan general election, which was boycotted by the members of the Indian community, the Rev. Dr. John William Arthur (1881-1952) was nominated as unofficial member of the Legislative Council. Dr. Arthur was a medical missionary and an ordained clergyman who was serving in the British East Africa (Kenya) from 1907 to 1937.<sup>27</sup> Dr. Arthur who is famous for opening up schools and dispensaries in Central Kenya and its environs is also remembered for conducting a surgery on Jomo Kenyatta (first African president) when he was a student with the Scottish Mission Schools. By then, he was simply called Johnstone Kamau.<sup>28</sup> His appointment to represent the African interests in the legislative body (Parliament) in 1924 was greeted with both joy and sadness by the African populace. Why?

On one hand, he was largely seen as a friend of the Africans living in Kenya. This was due to the way in which he treated black Africans while in his mission schools and dispensaries. Second, his appointment was largely seen as the first official recognition of Kenya-Africans as people worth being taken care of, in the colonial Kenya.<sup>29</sup> And even if Arthur could not successfully handle deep

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<sup>22</sup> J. Gathogo and M. N. Nthukah, *A Fallow Goldmine: One Hundred Years of Mbeere Mission in Kenya (1919-2019)* (Nairobi: Kairos, 2019), 134.

<sup>23</sup> W. Itote, *Mau Mau in Action*, 3.

<sup>24</sup> N. Karume, *Beyond Expectations: From charcoal to Gold* (Nairobi: East African Educational Publishers Ltd, 2009).

<sup>25</sup> Irungu Thatiah, *Jeremiah Nyagah.*

<sup>26</sup> L. Ngare, Interview with Dr. Lazarus Ngare, Kenyatta University historian, 23 April 2020.

<sup>27</sup> W. B. Anderson, *The Church in East Africa 1840-1974* (Dodoma: Central Tanganyika Press, 1977).

<sup>28</sup> W. B. Anderson, *The Church in East Africa*.

<sup>29</sup> R. MacPherson, *The Presbyterian Church in Kenya* (Nairobi: PCEA, 1970).

ritual-cultural issues facing the Africans (such as female education, female circumcision, inheritance rights, wife-inheritance, African religious discourses, and polygamy among others), a critical step towards a democratic process, where the majority were given some attention, began with his nomination.<sup>30</sup> Third, his nomination came at a time when Indians boycotted the entire electoral process, and who saw it as sham.<sup>31</sup> Was Arthur a genuine democrat and a Christian apologist with no racial-ethnic bias? The Indians boycotted the 1924 elections upon realising that they were placed on a separate roll to the European voters. Like the Europeans, Indians were not showing concern with the African plight; for apart from fighting exclusivism in electoral places, they were protesting against the small number of seats that were given to them in comparison to their European counterparts. At no time did they turn around to include the plight of Africans in their 'politics of inclusivism.' Despite such setbacks, a democratic process in Kenya had begun in earnest.

### **Unique happenings during the 1957 elections**

Democratic process in Kenya will always learn from case studying the then central Kenya constituency, comprising four major ethnic groups, namely Embu, Meru, Kikuyu, and Mbeere people. Central Kenya parliamentary constituency also comprised of the current 8 counties, out of the forty-seven counties that the twenty-first century Kenya is comprised of. That is, Meru, Thakani, Embu, Kirinyaga, Nyeri, Murang'a, Nyandarwa, and Laikipia county. During the parliamentary elections of 1957, when Africans contested for the first time, the unexpected electoral victory went to Hon Bernard Mate (1922-1994). As noted earlier, the Rev. Dr. J. W. Arthur (1881-1952), the European head of Scottish Missions or Presbyterians, was the African representative in the Legislative Council (Parliament) since 1924; though Eliud Wambu Mathu was in 1944 nominated as the first black African Member of the Legislative Council (MLC).<sup>32</sup>

The 9 March 1957 elections had some undemocratic practices, as it was not purely universal suffrage, where 'one person one vote principle' was strictly adhered to. Rather, voters had to have prescribed qualifications as the 'law' demanded. As noted in Irungu Thatiah's book, *Jeremiah Nyagah: Sowing the Mustard Seed*, "the Coutts' qualified franchise permitted only a limited number of Africans to vote and it was based on the level of education, income, public service, loyalty certificate, etc."<sup>33</sup> To this end, Lazarus Ngare explains: "During 1957 elections, rich and employed individuals had more votes. My dad had 5 as he was employed. Therefore, your total number of African voters may be misleading."<sup>34</sup> It is no wonder that after the conclusion of the entire electoral process and 8 elected Africans made it as MLCs, protests among them began, as they demanded 15 additional seats for the Africans, and replacement of the "Coutts' qualified franchise."<sup>35</sup> Subsequently, they formed the African Elected Members Organization (AEMO). As noted above, the charismatic Tom Mboya led in these fruitful protests that largely consolidated the democratic process in Kenya.

During the 1957 elections, central Kenya had two formidable candidates in the name of Jeremiah Nyagah who was renowned Educationist, and Hon Eliud Mathu who had been a nominated member for 13 years. In other words, Mathu was the most experienced black African parliamentarian, a person who was well versed with the standing orders, parliamentary language, and etiquette. He also appeared the wealthiest. Likewise, Nyagah the educationist, supervisor of

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<sup>30</sup> J. Murray, "The Church Missionary Society and the 'Female Circumcision' Issue in Kenya 1929-1932," *Journal of Religion in Africa*, Vol. 8, Fasc. 2 (1976), pp. 92-104.

<sup>31</sup> *Kenyan Legislative Council Election* (Nairobi: Institute of Commonwealth Studies, 1957).

<sup>32</sup> *Kenyan Legislative Council Election*.

<sup>33</sup> Irungu Thatiah, *Jeremiah Nyagah*, 105.

<sup>34</sup> L. Ngare, Interview with Dr. Lazarus Ngare, Kenyatta University historian, 23 April 2020.

<sup>35</sup> Irungu Thatiah, *Jeremiah Nyagah*, 105.

educational institutions in a largely illiterate society, was certainly seen as a strong candidate. On the other hand, the third candidate, Bernard Mate (1922-1994) was relatively unknown in comparison to the other two. Although Hon Mate was a fine scholar, whom H.E Jaramogi Oginga Odinga (a colleague turned first African Vice President) used to call a 'philosopher of high caliber,' and an ex-Alliance High School and Makerere University alumnae, he surprised everyone with a landslide victory. To this end, Jeremiah Nyagah (1920-2008) got 12% of the votes, Eliud Mathu (1910-1993) who had been in parliament since 1944, as the African representative, got only 30%, and the victor Hon Bernard Mate got more than 51% of all the votes cast.<sup>36</sup>

In other words, the present day Meru, Tharaka-Nithi, Embu, Kirinyaga, Nyeri, Laikipia, Kiambu, and Murang'a Counties voted in Hon Bernard Mate from Meruland with over 51% against an educationist in the name of Hon Jeremiah Nyagah.<sup>37</sup> Today, the Ena-Ishiara-Ciakariga-Meru road is named after this "little" son of Kenya turned "giant," hence Bernard Mate Road. The beauty in a democratic process is in the majority will prevailing over the minority. The danger again can be seen when the Marxist collectivism of the majority amounts to mass dictatorship and/or the dictatorship of the proletariat; and apparently fails to appreciate individual rights, as it seeks to pursue the African Ubuntu (humane) philosophy of "joy to all" in a skewed way. Ignoring the "little" voices out there is another shelved disaster that cannot be ignored by any civilised society. The Kenyan democracy in the twenty-first century has huge lessons from Hon. Mate's win in 1957.

In another surprising democratic progress, the 1957 also saw the defeat of other prominent leaders by the then little-known candidates. In the case of Nyanza North, Hon. Masinde Muliro beat a former nominated Member of Parliament, and one of the first Africans to be Appointed a Cabinet Minister in Kenya, Hon. Wycliffe Works Wasya Awori (1925-1978), in 1950s. Awori scored partly 28% of the votes cast while Muliro scooped 31%. Described as a pioneer trade unionist and freedom fighter, Awori became an African representative in the Legislative Council in 1951, at barely 26. In his book, *Fan into Flame: Autobiography*, John G. Gatu shows the great prominence of Hon. Awori, who however lost to Hon Muliro in the 1957 elections. Gatu says, thus:

Wycliffe Works Wasya Awori, son of a pioneer Christian convert in Western Kenya, Canon Jeremiah Awori, was a prominent trade unionist and politician who was actively involved in the agitation for Kenya's independence. He was a committee member of the Kenya African Union [political party] and later became a member of the Legislative Council [Parliament]. He was at one point the editor of *Sauti ya Mwafrica* [the African Voice] newspaper.<sup>38</sup>

Arthur Moody Awori, his younger brother and a former Kenyan Vice President (2003-2007), describes WWW Awori's prominence in the political and social arena, thus:

[W. W. W. Awori] was a great dreamer and extremely self-confident. He made friends in many parts of the world and made significant contributions to the fight for Kenya's independence. WWW was certainly ahead of his time. After high school, he joined Mulago School of Public Health near Makerere [University, Uganda] in Kampala [city] and became a Public Health Officer. He later worked for Nairobi Municipal Council from 1943 to 1944. He was a political animal. He had hardly settled at Nairobi Municipal Council before politics gripped him. He met people like Chege Kibachia and Makhan Singh (both trade unionists) and others like James Gichuru with whom they formed the Kenya African Study Union [KASU] and later Kenya African Union (KAU), the forerunner to the [later ruling party, 1963-2002] Kenya African National Union (KANU).<sup>39</sup>

<sup>36</sup> Legco 1958a, Loyalists, Mau Mau, and Elections in Kenya: The First Triumph of the System, 1957-1958, [http://muse.jhu.edu/journals/africa\\_today/v053/53.2branch.html](http://muse.jhu.edu/journals/africa_today/v053/53.2branch.html) (accessed 16 April 2020).

<sup>37</sup> Kna, Kenya National Archive 1955-1961b (accessed 16 April 2020).

<sup>38</sup> J. G. Gatu, *Fan into Flame: An Autobiography* (Nairobi: Moran Publishers and Worldreader, 2016), 50.

<sup>39</sup> A. M. Awori, *Moody Awori: Riding on a Tiger* (Nairobi: Moran Publishers and Worldreader, 2017), 109.



The prominence of W. W. W. Awori is further described by Wanjiru Waithaka and Evans Majeni. In their book, *A Profile of Kenyan entrepreneurs*, they describe Awori as “an aggressive businessman who made his first million in his early twenties.”<sup>40</sup> The democratic process in Kenya did not however spare Awori despite his prominence and his enviable background. Equally, Jaramogi Oginga Odinga beat B. A. Ohanga, the first African in Kenya to hold a Cabinet post when he rose to the position of Minister for Community Development and Rehabilitation in 1954. While Odinga scooped 64% of the votes, Ohanga got partly 23%.<sup>41</sup>

Another critical pointer in the 1957 elections in Kenya is that despite the democratic gains since 1944 when Hon Mathu was nominated as the first African MLC, the ghost of racism did not die immediately. Schools for Africans, Asians, and Europeans remained.<sup>42</sup> Further, separate development was the order of the day, as parliamentary seats for Africans, Asians, and Africans unproportionally set. The only additional thing is the 6 electoral seats for Africans.

In this regard, European constituencies after the 1956-57 elections were: Aberdare where Humphrey Slade won, Coast where Shirley Victor Cooke won, Kiambu where Wilfrid Havelock won, Mau where William Croskill won, Mombasa where Cyril Usher won, Mount Kenya where Liewellyn Briggs won, Nairobi North where Stanley Ghersie won, Nairobi South where Norman Harris won, Nairobi West where Reginald Alexander won, Nyanza where Agnes Shaw won, Rift Valley where Michael Blundell won, Trans Nzoia where James Maxwell won, Uasin Gishu where Eugenie Dorothy Hughes won, and Ukamba constituency where Charles Markham won unopposed.<sup>43</sup>

In regard to the Indian constituencies, the 1957 Kenyan general elections had the Eastern (non-Muslim) parliamentary seat where Pandya Anantprasad Jagannath won, Eastern (Muslim) where Sayed Ghula Hassan Sayed Ali Mohamed Shah was re-elected, Central (non-Muslim) where Nahar Singh Mangat was elected and Chunilal Madan was re-elected, Western (Muslim) where Ibrahim Nathoo was elected, and Western (non-Muslim) where John Nazareth was elected.<sup>44</sup>

While the 1957 provides a major turning point in Kenya's democratic process, as noted above, it also had other underlying issues. First, it remained a flawed process where the majority (African) voice remained largely suppressed. Looking at the actual figures that voted in shows that Indian voters were as little as 52, 896 total voters, the European voters were 12, 659, the Arab voters were 2, 552 (and voted for two men, Mahfood Saleh Mackawi the winner and Ali Abdalla), while the total comprehensive number of the African voters was 158, 134. In other words, while 70% of the voters (Africans) were allotted 8 electoral seats, the rest of the 30% of voters got 25 electoral seats. With the then constitution allowing the Governor to nominate more members, the African voice remained remote and largely suppressed.<sup>45</sup>

Second, the 1957 Kenyan general election has vital implications for the gender question. In the case of Arabs, Indians, and Africans, women leadership was by then a remote idea, hence the elected ones were all men. Were patriarchal cultures too strong then, hence Africans, Indians, and Arabs relegated the girl child to the periphery? Or was it the creation of the colonial system? Was it a systemic injustice, an injustice that could only be handled by the colonial government? In the Nyanza region of western Kenya, a European lady by name Agnes Shaw was re-elected with about

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<sup>40</sup> Waithaka, W. & Majeni, E., *A profile of Kenyan entrepreneurs* (Nairobi: East African Educational Publishers, 2014), 312.

<sup>41</sup> Irungu Thatiah, *Jeremiah Nyagah*.

<sup>42</sup> Irungu Thatiah, *Jeremiah Nyagah*, G. G. Kariuki, “Lancaster Constitutional negotiation process.”

<sup>43</sup> Legco 1958a, Loyalists, Mau Mau, and Elections in Kenya: The First Triumph of the System, 1957–1958, [http://muse.jhu.edu/journals/africa\\_today/v053/53.2branch.html](http://muse.jhu.edu/journals/africa_today/v053/53.2branch.html) (accessed 16 April 2020).

<sup>44</sup> Legco 1958a, Loyalists, Mau Mau, and Elections in Kenya:

<sup>45</sup> Legco 1958a, Loyalists, Mau Mau, and Elections in Kenya:

60% of the votes cast. In Uasin Gishu constituency, Eugenie Dorothy Hughes, an architect, a lady social reformer, and a disability activist won by 55% after defeating the incumbent, Laurence Maconochie-Welwood (1903-1978). Such sampling also shows the gendered nature of consolidating democracy, though at the darkest hours in Kenya's history.<sup>46</sup>

Third, the 1957 Kenyan general election remains a historical landmark in as far as consolidating democratic gains is concerned. With women becoming serious contenders, and with Africans entering parliament through the ballot box, and with the growing political consciousness where 78.5% of the Africans, and 100% of registered Arab voters participated in the voting exercise, a clear message was being sounded: that the democratic process is the way to go. As we focus on the 1961 Kenyan general elections, we realize that the 1957 one had prepared it, as the actual number of Black African voters had increased from 158, 134 to 1, 356, 434 voters. While the registered voters for Kenyan Africans stood at 96% (of the total 1, 411, 117 registered voters), and the Indian voters at 29, 879 (2.18%), the Europeans at 19, 332 voters (1.37%), and the Arab voters at 5, 472 (0.38%), the low African representation as MLCs remained a major concern.<sup>47</sup>

### **The Road to Independence**

The uniqueness of the 1961 Kenyan general elections is not only seen in the overall voter turn-out which shot up from 78.5 to 84%, and where 1, 057, 866 voted out of the total 1, 411, 117, but more significantly, the emergency of political parties. With two main political parties emerging as the most dominant, ethnic balkanizations and ethnic bigotry among the black Africans was minimal. The racial concern however remained. The Kenya African National Union (KANU) emerged the winner after it scooped 19 Parliamentary Seats; while the Kenya African Democratic Union (KADU) scooped 11 Parliamentary Seats. The final outcome of the 1961 Kenyan general elections went as follows<sup>48</sup>:

	<b>Political Party</b>	<b>Votes</b>	<b>Percentage</b>	<b>Parliamentary Seats</b>
1	Kenya African National Union (KANU)	590, 661	67.5	19
2	Kenya African Democratic Union (KADU)	143, 079	16.3	11
3	New Kenya Party	28, 284	3.2	4
4	Kenya Indian Congress	10, 488	1.2	3
5	Kenya Coalition	8, 891	1.0	3
6	European Independents	12, 768	1.4	3
7	Asian Muslim Independents	11, 880	1.3	3
6	Kenya Freedom Party	5, 263	0.6	2
7	Arab Independents	5, 712	0.6	2
8	Baluhya Political Union	28, 817	3.3	1
9	African Independents	13, 917	1.6	1
10	Shungwaya Freedom Party	3, 748	0.4	1
11	Nominated MPs	-	-	12
	<b>TOTAL</b>	<b>884, 787</b>	<b>100</b>	<b>65</b>

<sup>46</sup> Legco 1958a, Loyalists, Mau Mau, and Elections in Kenya:

<sup>47</sup> D. Sternberger, et al.

<sup>48</sup> Irungu Thatiah, *Jeremiah Nyagah*, 170.

Other Parties that contested the 1961 Kenyan general elections but did not secure any parliamentary seat were: The Kenya National Congress, Coast People's Party, Tana River Pokomo Union, and the Asian Hindu Independents.<sup>49</sup> While we had Hindu Independents and Muslim Independents, one wonders why this nurturing of democratic culture through electioneering did not have other religion based political parties such as Christian democrats, African religion-based parties or something like that. Or did the Baluhya Union and Shungwaya political parties represent Africa's rich religio-culture during the 1961 Kenyan elections? With the leadership of the African Instituted Churches throwing their full weight behind the main political parties, especially the African National Union (KANU), the overt and covert role in nurturing a democratic process was visible. Bildad Mwaganu Kaggia (1921-2005), for instance, was one of the founders of African Instituted Churches, where he was the leading pastor in what is now called Voice of Salvation popularly called *Dini ya Kaggia* (Kaggia's religion). His new religious outfit embraced Africa's religio-culture, and remained as a protest movement against western Christianity, as was propounded by the European missionaries. Since 1946 when he formed his church, Kaggia and his followers in central Kenya were constantly arrested and imprisoned for holding illegal meetings.<sup>50</sup>

Nevertheless, "Kaggia's doctrine" spread to other regions of Kenya, and especially Nyanza where one of the offspring churches is currently referred to as the *Voice of Salvation and Healing Church* (VOSHC). Kaggia's religio-cultural ideologies spread in western Kenya after Blasio Oking' Mbara from Miwani of Kisumu County and Kefa Usenge from Bondo, Siaya County, both of whom were working in central Kenya, heard from Kaggia and returned to Luo-Nyanza by 1948 to preach his attractive religio-cultural ideologies. Their association was eventually registered on 16 May 1956 as one of the first few indigenous Pentecostal church movements in the colonial Kenya under the name *Voice of the World Wide Salvation and Healing Revival*. Nevertheless, a new name for the church was arrived at in 1964. That is, the *Voice of Salvation and Healing Church* (VOSHC) with Silas Owiti as the overall head of the church.<sup>51</sup> Hence, as Kaggia joined active Kenya African Union (KAU) politics in 1946, and later KANU party at the national levels, his religious role, which was certainly the platform through which he joined politics, could be felt right from his early 1940s religio-political activism against colonial hegemony in all domains of life.

In a nutshell, the 1961 elections, which was the first Kenyan general election that had a majority of African seats, culminated into a 65-Member Parliament. It also had 12 nominees, 33 general seats, and 20 reserved seats for minority groups (Hartmann, 1999). In addressing the plight of the minority groups, the 20 reserved seats, 10 were for Europeans, 8 for Indians, and two for Arabs. This democratic progression saw the 1962 Lancaster Constitution stipulate that the Legislative Council was to be a Bicameral Parliament. In turn, a Bicameral Parliament had members from both the Senate (Upper House) and the House of Representatives.<sup>52</sup> Thus a Bicameral Parliament can be distinguished from Unicameral Parliament in that all members of Parliament vote as a single group. In Kenya, the Bicameral Parliament was abolished and subsequently merged with the House of Representatives in 1966 to form a unicameral legislature, the National Assembly.

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<sup>49</sup> D. Sternberger et al.

<sup>50</sup> Wilson Okonjo Adongo, "The History, beliefs and practices of the Voice of Salvation and Healing Church, 1954-2011," Kenyatta University: Unpublished MA Thesis, 2015.

<sup>51</sup> Wilson Okonjo Adongo, "Owiti, Silas Javan Aggrey, 1924-2018," *Dictionary of African Christian Biography*, <https://dacb.org/stories/kenya/owiti-silas/> (accessed 8 August 2020).

<sup>52</sup> A. C. Nunley, "Elections in Kenya," in *African Elections Database*, 2006, <http://africanelections.tripod.com/ke.html> (accessed 16 April 2020).

Nevertheless, the 18 and 26 May 1963 Kenyan general elections, which were held under the 1962 Lancaster Constitutional arrangements, saw the second victory of Kenya African National Union (KANU). KANU won with 83 (54%) out of the 124 Seats in the House of Representatives.<sup>53</sup> It also won with 18 Seats out of the 38 Seats in the Senate. In turn, the Kenya African Democratic Union (KADU) came second with 33 Seats (26%), as African Peoples Party got 8 Seats (7%), in a Parliament that had a total of 129 Seats.<sup>54</sup> Considering that the Northern Frontier Districts of Kenya (occupied by Somali ethnic group) were pushing the agenda of secession from Kenya, five Seats in the House of Representative remained uncontested. The secessionist conflict on the border with Somalia also made three Senate Seats to remain uncontested.<sup>55</sup>

As the 18 May and 26 May 1963 Kenyan general elections were being awaited and campaigns were ongoing, there were fears that Kenya's emerging democracy was going to collapse. The fear was that none of the leading parties, KADU or KANU, would accept defeat. Considering that neighbouring Uganda was experiencing "an uneasy alliance between leaders whose views were as diametrically opposed as those of a rigid monarchist and a Fabian Socialist," the Kenyan situation did not appear any better.<sup>56</sup> In Tanzania, "there were personalities with differing ideas as to the approach required for Africa as a whole to unite. Yet they all respected Mwalimu Julius Nyerere."<sup>57</sup> Only in Kenya "was the situation rapidly developing to a scenario where the winners might as well open the detention camps and lock up the losers."<sup>58</sup> Rather than nature a democratic culture, KANU and KADU's antagonism saw natural rivalry getting replaced by intense bitterness.

Tom Mboya was particularly notorious in mocking his competitors, a development that would evoke bitterness and thwart the idea of promoting a democratic culture. As Jeremiah Nyagah (Mboya's colleague in the first government of 1963) noted, Mboya was notorious in stoking political fires. As Hon. Nyagah and Hon. Dr. Gikonyo Kiano were busy delivering reconciliation speeches in January 1963, Mboya, the KANU Secretary-General, was at "Pumwani supervising political games against KADU. Mboya was holding charged political meetings boasting that one KADU office after the other, from Pumwani to Mbotela were voluntarily becoming offshoots of KANU."<sup>59</sup> To this end, the leading Kenyan Newspaper, *Sunday Nation*, in its first edition of January 1963, splashed the names of 21 men (no women trouble makers!) who held the key to the Kenyan prosperity or bloodshed. The editor went on to invite them to put an end to the tension that was mounting in the country. The 21 leaders, who belonged to the two parties, were: Jomo Kenyatta (KANU President), Joseph Murumbi, Tom Mboya, Jeremiah Nyagah, Oginga Odinga, Kariuki Njiiri, Mwai Kibaki, Dickson Makasembo, Dr. Julius Gikonyo Kiano, James Gichuru, Ronald Ngala (KADU President), Masinde Muliro, Daniel arap Moi, Edward Khasakhala, Musa Amalemba, Taita Toweett, Justus Ole Tipis, Jean Marie Seroney, Wafula Wabuge, Paul Ngei, and Walter Odede.<sup>60</sup>

Even within the KANU party alone, hardliners had pushed Paul Ngei to move out and form his African People's Party (APP) which Mboya, the charismatic KANU politician used to call derogatorily as *Akamba Pole Pole* (or the slow Kamba community).<sup>61</sup> Such would constantly pollute the already troubled waters further. Ngei came from Kamba ethnic group, hence the reason

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<sup>53</sup> Irungu Thatiah, *Jeremiah Nyagah*, 170.

<sup>54</sup> D. Sternberger, et al.

<sup>55</sup> A. C. Nunley, "Elections in Kenya,"

<sup>56</sup> Irungu Thatiah, *Jeremiah Nyagah*, 167.

<sup>57</sup> Irungu Thatiah, *Jeremiah Nyagah*, 168.

<sup>58</sup> Irungu Thatiah, *Jeremiah Nyagah*, 168.

<sup>59</sup> Irungu Thatiah, *Jeremiah Nyagah*, 167.

<sup>60</sup> Irungu Thatiah, *Jeremiah Nyagah*..

<sup>61</sup> Irungu Thatiah, *Jeremiah Nyagah*.



Mboya wanted to reduce it to a small tribal party with no national appeal. In a sense, this also promoted ethnic profiling, as it was a measure of dissuading other ethnic groupings from joining APP. Although such competitiveness was part of a democratic process, the May 1963 general elections threatened further consolidation of democratic gains, as it is the Africans themselves who were threatening their post-election Kenya with violence, detentions among themselves, threats of not recognising the winners and so on. Was it the case of George Orwell's *Animal Farm*, where irreconcilable differences threatened the entire life of a nation? Certainly, Orwell's book is a mere satire and/or an allegorical novella on totalitarianism, a phenomenon where animals in a farm succeeded in overthrowing their human owner. Subsequently, the animals set up their own government which was chaotic, and functionally more dictatorial than what was initially envisaged.<sup>62</sup>

## **Independence and After**

Between 1960 and 1962, a new Lancaster house constitution was negotiated as Kenya leaned towards an attainment of constitutional independence that ultimately happened on 1<sup>st</sup> June 1963, when Kenya got internal self-government (Madaraka), with Jomo Kenyatta as the first Prime Minister. On 12<sup>th</sup> December 1964, Kenya became a republic with Jomo Kenyatta (1890-1978) as the first President of the independent Kenya. On 27<sup>th</sup> August 2010, Mwai Kibaki, the third President of Kenya after Daniel Moi (1978-2001) and Jomo Kenyatta (1963-1978), promulgated the new constitution after Kenyans voted in a referendum for a new constitutional dispensation. The new constitution recognises and/or addresses the Bill of Rights, community rights, Civil Rights, land ownership, dual citizenship, wealth acquisition, and gender justice among other progressive clauses, and offers a legal route. It was hailed as one of the best constitutions in Africa.

Following the August 4, 2010 national referendum and subsequent promulgation of the new constitution (on 27 August 2010), Kenya, which was previously made of eight provinces (Central, Eastern, Western, Nyanza, North Eastern, Coast, Rift Valley and Nairobi), was now sub-divided into 47 counties.<sup>63</sup> The 47 counties are: Baringo, Bomet, Bungoma, Busia, Elgeyo Marakwet, Embu, Garissa, Homa Bay, Isiolo, Kajiado, Kakamega, Kericho, Kiambu, Kilifi, Kirinyaga, Kisii, Kisumu, Kitui, Kwale, Laikipia, Lamu, Machakos, Makueni, Mandera, Marsabit, Meru, Migori, Mombasa, Murang'a, Nairobi, Nakuru, Nandi, Narok, Nyamira, Nyandarwa, Nyeri, Samburu, Siaya, Taita Taveta, Tana River, Tharaka-Nithi, Trans Nzoia, Turkana, Uasin Gishu, Vihiga, Wajir, and West Pokot. The 2010 referendum was approved by 67% of Kenyan voters.<sup>64</sup>

Before the coronavirus upsurge in the world (December 2019), a phenomenon which made the Kenyan President Uhuru Kenyatta to issue a nationwide curfew from 7 pm to 5 am, starting from 27 March 2020, there was a Building Bridges Initiative (BBI) that was vouching for a change of constitution.<sup>65</sup> Led by the opposition leader (Hon. Raila Odinga, but with manifest support of President Kenyatta), the 2019 campaigns to review the constitution, in my view, was another step towards consolidating the Kenyan democracy, a process that began in 1920. The burning of public gatherings due to the coronavirus pandemic however dealt a big blow to the entire process of constitutional review. The process will however resume once the pandemic is contained.

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<sup>62</sup> George Orwell, *Animal Farm* (London: Secker and Warburg, 1946).

<sup>63</sup> J. Gathogo, "Afro-Pentecostalism and the Kenyan political landscape," *Swedish Missiological Themes* (SMT), vol. 2 (2013), 203 – 230.

<sup>64</sup> Irungu Thatiah, *Jeremiah Nyagah*:

<sup>65</sup> V. Achuka, "Uhuru declares curfew in war on coronavirus," *Sunday Nation*, 26 March 2020, <https://www.nation.co.ke/news/Uhuru-declares-curfew-in-war-on-coronavirus/1056-5504410-xey7xo/index.html> (accessed 17 April 2020).

### Some Setbacks

Attempts at consolidating a democratic process, from 1920 to 1963, was not a smooth sailing exercise as the oppressive and racist environment in the colonial Kenya compounded the matter all the more. As early as 1902, the arriving European settlers expropriated African ancestral lands with abandon, in total disregard of communal arrangements therein.<sup>66</sup> This went on even after the Crown Land Ordinance of 1915 acknowledged the right of indigenous peoples' in land matters. Hence, even the Land Ordinance of 1915 was ignored throughout the colonial era (1920-63). Additionally, the creation of 'African reserves' in 1926 versus the so-called White Highlands for Europeans further complicated the land problem. This led to expropriation of large tracts of land in Murang'a, Nyeri, Nanyuki, Kiambu, and in parts of the larger Rift Valley region.<sup>67</sup> Hut Tax and Poll Tax further complicated the situation for the black majority, as they were forced to go out and look for the low paying jobs in cities and in European Settler's Farms. This practically converted them to perpetual agitators who saw themselves as merely 'working for the government,' as wages were too little to run their abandoned families.

The ripple-effect, the aftermath of the Second World War (1939-45) saw the returnees turned societal elites inciting the disenfranchised masses to take oath of freedom, the Mau-Mau oath. In other words, Mau-Mau oath was compulsorily administered by the leading Africans as a preparation for guerrilla warfare which was to follow afterwards. Characteristically, oath-taking in African cultural heritage was administered from time to time to bind people together or to rally the members of the society for a particular cause.<sup>68</sup> Typically, a person who had taken an oath was bound to his vow without failing or betraying it. There were stiff penalties for those who disobeyed the vows. Long ago, when oaths such as the *Githathi* or the *Muma* were administered, there were very many different rules. In view of this, a person was very fearful of what would happen if he broke it.<sup>69</sup>

Between 1952 and 1960, mass detentions, killings, displacements, counter-attacks as Government versus Mau-Mau rebel fighters punctuated the events of the day. A case in point is the so-called Chuka massacre. On 13 June 1953, the fifth Battalion of Kings African Rifles were sent to Chuka area of Central Kenya to flush out Mau-Mau rebels who were operating from the local forests.<sup>70</sup> Upon capturing some Mau-Mau fighters, Major G. S. L. Griffiths, the Company Commander, ordered their massacre after they failed to give out the secrets of the movement. By June 18, 1953, the actual number that had been killed after Griffiths ordered the shooting of everybody on sight could not be accounted for. Others were pursued right into the forest and summarily shot dead.<sup>71</sup> Certainly, a violent and/or conflict prone society cannot consolidate its democratic gains; rather it reverses it all.

Even after independence in 1963, Tom Mboya "did a political summersault and he became the de facto leader of the rightists in Kenya, while Jaramogi Oginga Odinga and Bildad Kaggia became the leaders of the leftist wing."<sup>72</sup> Such emerging groups where Odinga (Vice President) became pro-communist while Kenyatta and Mboya became the leading pro-capitalist led to their ultimate fall in 1966 when Odinga resigned as a Vice President and formed his pro-communist leaning Kenya People's Party (KPP). Such setbacks aided in reversing Kenya's democratic gains.

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<sup>66</sup> David Anderson, *Histories of The Hanged: The Dirty War in Kenya and The End of Empire* (London: Weidenfeld and Nicolson, 2005).

<sup>67</sup> David Anderson, *Histories of The Hanged*:

<sup>68</sup> J. Gathogo and C. M. Njogu, *Chui wa Mararo*:

<sup>69</sup> J. Gathogo and C. M. Njogu, *Chui wa Mararo*:

<sup>70</sup> D. Anderson, H. Bennett, D. Branch, "A Very British Massacre." *History Today*. 2006, 56 (8): 20-22.

<sup>71</sup> D. Anderson, H. Bennett, D. Branch, "A Very British Massacre."

<sup>72</sup> Irungu Thatiah, *Jeremiah Nyagah*, 166.

## Conclusion

Although it is not the concern of this article to address the area of consolidating democracy beyond 1963, the year Kenya gained independence, it is worthwhile to consider that *Ubulwane/Unyama* (beastly behaviours) came to hurt the democratic gains that began in 1920. As neo-colonialism, corruption, negative ethnicity, ethnic bigotry, nepotism, economic sabotage, detentions without trials, and dictatorships among other vices took the better part of the post-colonial Kenya, democratic gains were clearly eroded. In 1982, Section 2A was inserted in the Kenyan constitution by a parliament that was largely controlled by the Executive, and eventually turned Kenya into a de jure one party state. In the new development, only the ruling party, Kenya African National Union (KANU) was allowed to operate as a political party, as others were outlawed.<sup>73</sup> After a fierce political battles, that some saw the detaining of some pro-multiparty politicians (such as Kenneth Matiba, Charles Rubia, and Raila Odinga) and harassments of the vocal clerics (such as David Gitari, Henry Okullu, Timothy Njoya, Alexander Muge and others) by the state, Section 2A was finally removed in December 1991 and multiparty democracy was restored. This ultimately saw the former ruling party, KANU, losing power to the opposition, the National Rainbow Coalition (NARC), and the then opposition leader, Mwai Kibaki was sworn in as Kenya's third president on 30 December 2002.<sup>74</sup>

Nevertheless, the article has successfully retraced various attempts at consolidating the democratic gains in colonial Kenya (1920-1963). Indeed, 1920 is a critical year as Kenya was declared a British Colony on 23 July 1920. Earlier in March and April 1920, Kenya which was then a British protectorate from 1895 to July 1920, held her General elections. This taste of democracy which was a by-product of protests, especially by the European Settler-Farmers (ESF), demonstrated a semblance of democracy when 11 members of the Legislative Council were elected. Such democratic gains were gradually consolidated across the years as Kenya moved towards independence in 1963, despite huge challenges that obtained.

The article has given more attention to electioneering as a critical step in consolidating democratic gains even though the subject can be addressed in a broader way. The role of Africans forming their own political parties is arguably another form of consolidating democratic gains. The role of some Africans retreating to the forests so as to wage guerrilla warfare against the British colonialism, is clearly a failure of giving dialogue a chance to flourish, hence democratic gains were reversed by the two protagonist who confronted one another in a very brutal way. In other words, the ambitious nature of the subject under discussion, in this article, was largely limited to a focus on general elections as a critical tool in consolidating democratic gains. In so doing, the article has driven us to ask: Did Africans live up to their dreams of a democratic society which they were vouching for as they risked their lives during the apex of the struggle for independence (especially 1952-60)? Are there lessons to draw from the inclusivity of the minorities during the colonial era (1920-63)? Does the Kenyan situation speak for the broader African realities in general? Certainly, the colour-bar, as the Kenyan apartheid was called, is replicated across the continent, a stigma which forced Africans to fight for human dignity and identity as a people. Nonetheless, the brutalities that were meted on the individual African countries differed from one colonising power to the other.

With the promulgation of the liberal Kenyan constitution on 27 August 2010, huge democratic gains were achieved. In particular, decentralising governance to the grassroots through the 47 devolved units was, in my view, a major milestone and a phenomenon which points to a better future for Kenya. The challenge then is to consolidate these gains by perpetually checking on the excessiveness of the ruling class, promoting good governance at all times, playing the risky roles

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<sup>73</sup> J. Gathogo, *Pangs of Birth in African Christianity*

<sup>74</sup> J. Gathogo, *Pangs of Birth in African Christianity*

of whistle-blowers against all forms of malpractices against the people, and remaining genuine patriots of the land, among other virtues. With coronavirus, which had infected about 26, 500, with about 13, 000 recoveries and had killed about 420 Kenyans by 9 August 2020.<sup>75</sup> posing a major threat to Kenya's middle income economy, one also wonders whether it will equally reverse democratic gains as well. Will it ironically help in consolidating Kenya's democracy, as leaders pull together in order to stop it? The mistakes of the colonial government of assigning 5 or 10 votes to certain individuals, based on race, status, creed, party, and other considerations, as happened during the 1957 general elections, will certainly give vital lessons for the twenty-first century Kenya in matters religious, social, political, and economic.

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