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LAND, CITIZENSHIP, AND THE ROLE OF THE EUROPEAN
COMMUNITY IN INDEPENDENT KENYA

by

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PREFACE

The purpose of this paper is to examine the ways in which the white settler community in Kenya tried to preserve its existence during the period when political power was being transferred to the indigenous black population. Emphasis will center on two main issues: land and citizenship. It seems that on these two matters hinged the real future of the settler. Parties, elections, constitutions and other "political" matters will be dealt with only as they relate to the other topics. Emphasis will be on that section of the settler community which seriously tried to come to terms with the new order, though of course some attention will be given to those who simply got out with what they could.

I must personally admit a great admiration for those settlers who have remained in Kenya. My personal association with many of them during the two years I spent there from 1964 to 1966 has led me to admire their fortitude and moral strength. Though I have tried to keep my personal prejudices out of the text, perhaps knowledge of their existence will help the reader compensate for any unintentional biases which may have slipped in.

For assistance and encouragement in writing this paper I would like to thank the research office of the East African Standard, the library staff at Nairobi's University College, my settler friends, my advisor Dr. William Hardenbergh and my wife Jane.

CHAPTER ONE
THE BACKGROUND TO CHANGE

It is a common belief among the Europeans in Kenya that the age of imperialism ended in 1956 during the Suez crisis when Nasser's back was to the wall and the United States intervened to save him. Whatever brought about its downfall, there is no doubt that in the latter part of the 1950's the era of colonies was on its last legs. In most instances the decline of colonial empires was a setback suffered collectively by the citizens of the mother country through loss of prestige, power and perhaps wealth. In Kenya the situation was somewhat different. Here in one of the world's most pleasant climates the mother country faced the prospect of leaving behind a settlement of 67,000 of her loyal citizens. Throughout the first six decades of this century many of these settlers had come to look upon Kenya as a permanent home, an adjunct of the England which they loved so well. By skillfully (if not always smoothly) manipulating imperial power they had been able in effect to set themselves up as local rulers in Kenya. Fighting a continual battle against the London-appointed and London-controlled civil service on the one hand and their local adversaries (first the Indians and later the Africans) on the other, the

settlers by the time of the Second World War had seemingly emerged victorious in this difficult game of three-cornered politics. By this time local whites dominated or controlled not only seven million acres of the country's best land but also much of the civil service, the Government, the educational establishment and social life. Though by the late forties rumblings were beginning to be heard among the African population, it seemed likely that the necessity of "preparing" the African for better things would postpone the ultimate moment of truth until some time in the distant future. To all except a few there seemed no reason why the settlers could not continue their balancing act indefinitely. Time was to prove the wisdom of the few and the nearsightedness of the many.

British interest in East Africa had originated around the end of the Eighteenth Century as a combined result of trade, slavery, India and the Napoleonic Wars. Throughout the Nineteenth Century Britain had increased her influence in the area, culminating in the agreements of 1886 and 1890 with Germany in which she staked out claims to Kenya, Uganda and Zanzibar. Kenya at this time had little to offer and most dealings with the interior were centered on the highly developed kingdoms of Uganda and the lake regions. In the course of reaching Uganda, however, various missionaries,

traders and administrators passed through the vast, seemingly empty stretches of Kenya's highlands. In 1893 Frederick Lugard, then an employee of the Imperial British East Africa Company, wrote his opinion of what he saw:

Here if anywhere in Central Africa, in my opinion, would be the site on which to attempt the experiment of European settlement ...It is possible that British Central and British East Africa may be the embryo Empires of an epoch already dawning--Empires which, in the zenith of their growth and development, may rival those mighty Dependencies which are now the pride of the Anglo-Saxon race.¹

Three years prior to this at the Brussels Conference, Britain had promised that in order to abolish slavery in her East African territories she would build a railroad from the coast to Uganda, thereby promoting legitimate trade. This railway was begun in 1897 and completed in 1901. As had been predicted shipping costs from Mombasa to the Lake Victoria port of Kisumu (then in Uganda) were reduced considerably, from 7s 6d per ton per mile to 2.5d per ton per mile. What the British Government had not foreseen, though, was that once the railroad was built, there was nothing to export which could justify the £7.9 million expenditure. As Elspeth Huxley later said:

¹Quoted in Elspeth Huxley, White Man's Country: Lord Delamere and the Making of Kenya, Vol. I (London: Chatto and Windus, 1953), pp. 70-71.

Never before or since has such an impracticable, extravagant and uneconomic Railway been planned. There was not the slightest chance of its paying, so far as anyone could see² within any measurable distance of time.

Thus the British government had gotten itself into a rather unenviable predicament. For political purposes it had become involved in an expensive venture in a faraway continent. It had allotted large sums of money for this venture and now seemed stuck with a railroad which started nowhere and went nowhere. As usual the British taxpayer was demanding an accounting.

In 1901 Sir Charles Eliot went to Kenya as the representative of the Crown. He quickly concluded that the best way to save the railroad from bankruptcy was to introduce into the highlands European farmers who would produce exportable crops. Under the terms of the 1901 Order in Council, which Eliot quickly issued, settlers were allowed to buy up to 640 acres of land on rather liberal terms (2 rupees [~~₹.38~~] per acre with 16 years to pay). This was shortly altered so as to allow for grants of up to 5,000 acres in drier grazing areas.³ Still few people came. It had not been proven to the satisfaction of most potential settlers

² Ibid., p. 33.

³ Kenneth Ingham, A History of East Africa (London: Longmans, 1963), pp. 212-213.

that European-type crops could be grown on the equator, and not many people were willing to risk their lives and fortunes on such a risky venture without some promise of success.

Beginning in 1903 all of this began to change. In that year Hugh Cholmondely, Lord Delamere, took up permanent residence in Kenya. Delamere was determined to prove beyond the shadow of a doubt that the white man could make a living in the highlands. If successful he hoped someday to see a white dominion in Kenya, much like the white dominions of Canada and New Zealand. He began immediately experimenting on the land, trying to find some variety of stock or crops which would pay. His first results were dismal. His imported sheep died from altitude sickness and from an undetected mineral deficiency in the soil; his cattle died from East Coast Fever, a then undiagnosed disease; his wheat crops ^{were} irreparably damaged by the local fungus called rust. None of this stopped Delamere. He mortgaged his estate in England and set up research stations on his highland farms. Within a few seasons his crops had begun to pay.⁴

⁴For the story of Delamere's difficulties in this area see Huxley, White Man's Country, I, pp. 135-178 or D. D. Rooney and E. Halladay, The Building of Modern Africa (London: George G. Harrap, 1966), pp. 120-134.

In ever increasing numbers settlers came to Kenya to farm. The first plateau of Kenya's modern history had been reached: the highlands were being occupied by a permanent settlement of white farmers. The second plateau was just ahead: the assurance that that occupation would be exclusive.

When construction of the railroad was completed, approximately 6,000 Indian laborers remained behind. Many of these Indians took jobs on the line or became merchants. Others looked to the land. At first both the Kenya and the British governments refused to place any racial restrictions on the ownership of land, but in 1905 a land committee was set up under the chairmanship of Lord Delamere to examine the problem. As one might expect, its report was openly pro-settler:

There is, of course, no objection to the general proposition that Indians should hold land in the Protectorate, but considering that only a comparatively small area is suitable for European settlement, it is desirable that land within that area should be reserved for the support and maintenance of a white population.⁵

Delamere's idea received strong support from Lord

⁵Quoted in A. J. Hughes, East Africa: The Search for Unity (Baltimore: Penguin, 1963), pp. 101-102.

Elgin, the Colonial Secretary, who in 1906 in a letter to the Commissioner (Kenya had no Governor at this time) put down his policy in what came to be called later the Elgin Pledge:

It would not be in accordance with the policy of H.M. Government to exclude any class of His subjects from holding land in any part of a British Protectorate; but that, in view of the comparatively limited area in the Protectorate suitable for European colonisation, a reasonable discretion will be exercised in dealing with applications for land on the part of natives of India and other non-Europeans...I approve of your adhering to the principle acted on by your predecessors, viz. that land lying outside municipal limits, roughly lying between Kiu and Fort Ternan, should be granted only to European settlers.⁶

With this statement Europeans had secured, they thought for all time, exclusive control to Kenya's White Highlands, as the area was now called. From this firm economic base they began construction of the second pillar of their strength, control of Kenya's government.

Until 1907 the settlers had no voice in the management of Kenya's affairs. Before then they had organized into local protest groups, often under the leadership of Lord Delamere, and had used these groups as a channel for their political feelings. The Legislative Council (Legco) created in 1907 was dominated

⁶Quoted in Huxley, White Man's Country, I, p. 209.

by Government Civil Servants--"Officials"--and the few settlers allowed to participate in it were appointed, not elected. Non-governmental political organizations, therefore, continued to hold most of the settlers' attentions and in 1911 the various local groups were merged into one unified organization called the Convention of Associations. Still the settler role in government was minimal.

When World War I came the settlers almost to a man volunteered for service. Many left their wives to run the farms and either returned to England or else marched off to Tanganyika to fight the Germans.⁷ This overwhelming display of loyalty earned them the right to elect several members to Legco, but the loyalty of India, just across the ocean, led the British government to promise her and her citizens rewards also. In 1920, after much bickering, Europeans were granted eleven elected members and the Indians were allotted one nominated member. Protests and counter-protests were sent to England. About this time the pro-settler Colonial Secretary Lord Milner was replaced. A proposal by his successor, Winston Churchill, that common roll elections (with a common franchise open to all races)

⁷Over 85 per cent of those eligible served in some manner. Great Britain, Colonial Office, Report on The Colony and Protectorate of Kenya, 1960 (London: Her Majesty's Stationery Office, 1963, p. 109.

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be held was met with threats of a revolt from Kenya's Europeans. Since the settlers were outnumbered by the Indians 23,000 to 10,000 they feared they would be swamped under such an arrangement.⁸

In 1923 the government held hearings on the problem in London and reached its decision, commonly called the Devonshire Declaration. In it Britain set forth its official formula for the balancing of racial interests. Kenya, it said, was primarily an African colony and African interests must be put first:

Primarily Kenya is an African territory and His Majesty's Government think it necessary to record their considered opinion that the interests of the African natives must be paramount, and that if, and when, those interests and the interests of the immigrant races should conflict the former should prevail. Obviously the interests of the other communities, European, Indian or Arab, must severally be safeguarded.⁹

Those high-sounding statements, however, were compromised by the practicalities of the situation. The Declaration continued that the White Highlands would remain exclusively in white hands. Indian immigration would be restricted and Indians would be allowed five communally elected representatives to match the eleven

⁸Huxley, White Man's Country, II, pp. 135-139.

⁹Quoted in Sir Philip Mitchell, African Afterthoughts (London: Hutchinson & Co., 1954), p. 109.

for the Europeans,¹⁰ With this announcement the white community had won the third major battle in its short history: it had secured, at least temporarily, the center of political power for members of its own race.

The African had largely been ignored in this struggle for power between the Indian and the European. Most Africans were politically unsophisticated and had little real interest in national politics. There was coming into existence, however, a class of primarily Kikuyu Africans who had interests to promote and who realized these interests could be protected only through organization. It was logical that the Kikuyu would be the tribe most inclined to political agitation. It was they who were close to Nairobi and who were most exposed to all that Western society had to offer, good and bad. Many of their members had gone to work in towns and on white farms and had developed interests different from the rural, more tradition-minded tribes. It was also the Kikuyu who shared a border with the settlers and who felt that large sections of the land in white hands had been "stolen" from them.¹¹

In 1921 the Young Kikuyu Association was formed

¹⁰Huxley, White Man's Country, II, pp. 157-159

¹¹Jomo Kenyatta, Facing Mount Kenya (New York: Vintage Books, 1962), pp. 43-51

under the leadership of Harry Thuku. Within a year Thuku had been detained and the organization outlawed. In its place appeared the Kikuyu Central Association, a similar organization which seemed destined to failure because of intra-tribal opposition from elders and chiefs. In 1929, though, the KCA was given a cause celebre when the custom of female circumcision came under strong attack by Church of Scotland missionaries and African teachers in mission schools had to sign an oath promising to oppose it. Because circumcision was considered a necessary prerequisite to marriage by the Kikuyu, most of the Kikuyu teachers refused to sign the oath and were fired. In order to continue the education of the Kikuyu children Jomo Kenyatta, one of the heads of the KCA, and other Kikuyu leaders set up the Kikuyu Independent Schools Association. In later years it was alleged that many Mau Mau had attended or been associated with these schools.¹²

In 1928 Kenyatta went to England to present the grievances of the Kikuyu. Though his action brought about no changes, the British Government agreed in 1933 to re-examine African land claims against the Europeans. The Carter Land Commission was established

¹²Colony and Protectorate of Kenya, The Origins and Growth of Mau Mau: An Historical Survey by F. D. Corfield (Nairobi, 1960), pp. 40-41.

to consider these claims. After hearing extensive testimony it agreed to return some land which it considered unfairly alienated but rejected most of what the Africans claimed.¹³ The Europeans felt that the legitimacy of their land titles had been proven by this commission; the African leaders considered the commission to be biased and prejudiced.¹⁴ The purpose of the commission had been to settle once and for all the question of whether or not any Europeans had gained control of land which legitimately belonged to Africans. It served instead merely to reinforce the beliefs of both sides in the justness of their own cases and in the complete absurdity of the claims of their antagonists. A short ten years after turning back the challenge of the Indian community the settlers won the first skirmish in a war which was eventually to break their power--the war with the Africans for control of the land.

The next twelve years saw enormous changes come in Kenya. A semblance of order and prosperity covered the ferment that was going on. In 1934 Harry Thuku, recently released, formed his followers into the Kikuyu

¹³Great Britain, The Kenya Land Commission (Carter) Report. Cmd. 4556. 1934

¹⁴cf. Kenyatta, Mt. Kenya, pp. 47-51 for an allegorical animal story which expresses African opinion on the commission's decisions.

Provincial Association, a rather moderate group.¹⁵ When the war came in 1939 the KPA declared its support for the Crown. The KCA refused support, was accused of conspiring with the Italians and was banned, its leaders being detained. Kenyatta escaped detention because he had gone to England to study.

The war which followed had enormously far-reaching results. Next to the Crusades the Second World War is probably the world's most important insofar as its social and political repercussions are concerned. From Casablanca to Christmas Island it tore people from their traditional moorings and exposed them to values and systems they had never known before. Governments fell and class structures weakened. Traditional beliefs were swept aside, often to be replaced with nothing. The African who returned to Kenya in 1945 was certainly not the one who had gone in 1939 or 1940. For several years he had lived away from the traditional controls which regulated his life. He did things and acquired skills previously beyond his fondest dreams. He lived with white men, fought with white men and occasionally shot white men. He never quite achieved equality but he came close enough to it to know what it was.

¹⁵Cf. Corfield, Mau Mau, p. 44 for a summary of its goals.

After the war prosperity at long last came to the white settlers of Kenya. Their forty years of mortgage and debt finally paid off in the boom of the post-war era. Prices of raw materials shot up and for the first time the settler was able to achieve something resembling wealth as it was known in England. The boom continued unabated as the 1950's approached. Government expenditures for African education and African farming reform increased considerably.¹⁶ Eliud Mathu, a Kikuyu, became in 1944 the first African to enter Legco. To all outward appearances Kenya was on the road to a long period of prosperity and stability.

But disquiet among the African population began to increase. Strikes, rallies, meetings, and rumors of violence all proved symptomatic of the increasing uneasiness in the country. In 1946 Kenyatta returned to Kenya and soon assumed leadership of the newly formed Kenya African Union (KAU). His presentation of KAU's demands in 1951 to the Colonial Secretary James Griffiths largely fell on deaf ears.¹⁷ Within a year the government

¹⁶Ingham, East Africa, pp. 385-86.

¹⁷Kenyatta had asked for four concessions: 1. Africans be granted twelve elected members of Legco instead of the four nominated ones they had. 2. Common voter qualifications for all races 3. The elimination of racial discrimination 4. General social reforms such as higher wages, better jobs for Africans and more education. See the KAU memorandum in Corfield, Mau Mau, pp. 292-95.

had acknowledged the long-rumored existence of a secret society popularly known as Mau Mau by outlawing it. In October, 1952, the new Governor, Evelyn Baring, declared a State of Emergency in Kenya, thus beginning one of the bitterest struggles Africa has ever seen. Kenyatta and two hundred other African leaders were detained during the next few days, and most of them were subsequently imprisoned for the duration of the Emergency. Kenyatta was sentenced to seven years hard labor plus indefinite restriction. The others were given similar sentences.¹⁸

The fight against Mau Mau lasted until 1960 when the Emergency officially ended. During that time it cost over £55 million and as of 1956 took almost 14,000 lives. It was a brief bloody interlude, but one which shattered forever the belief that a small number of whites could rule Africa with relative disregard for the interests of the indigenous majority.

In 1954 Britain decided that political reform was in order. Oliver Lyttleton, the Colonial Secretary, visited Kenya in that year and allotted one portfolio to an African member in the newly strengthened Council of Ministers. European reaction was sharp. An open

¹⁸ Cf. Montagu Slater, *The Trial of Jomo Kenyatta* (London: Secker & Warburg, 1959) for details of the trial.

split developed between those who approved and those who opposed this Lyttleton Constitution. Previously Europeans had not formed parties for fear of splintering their already small numbers, but now several parties came into existence. Michael Blundell formed the pro-constitution United Country Party while Group-Captain Briggs formed the anti-constitution Briggs Group (later the United Party.) Aligned with Briggs was the Federal Independence Party.

Throughout 1956 and 1957 constitutional advance continued. Africans were given a second Ministry and were allowed to elect eight members of Legco. European strength was proportionately increased to insure their continued parity with other groups. In 1957 Alan Lennox-Boyd, the new Colonial Secretary, promulgated the Lennox-Boyd Constitution, which was perhaps a harbinger of things to come. Under it the Legislative Council had fourteen Europeans, fourteen Africans and eight Asians and Arabs, plus four members of each race "specially elected" to insure their non-racial approach. Though the Colonial Government could still command a majority, the European elected members had lost their long-defended parity with the non-whites.

The Lennox-Boyd Constitution was intended to last for ten years. As it turned out it lasted only

three. The African elected members boycotted it and refused to attend any meetings. In 1959 Lennox-Boyd announced that a new conference would be held in 1960. Concessions were in the air.

The First Lancaster House Conference was convened in London in January, 1960. When it ended in March settler control of Kenya's politics was over. The Constitution provided for a Legco of sixty-five members of whom thirty-seven would be African. Though a total of fourteen seats were reserved for Europeans and fourteen for Asians and Arabs, Africans had a clear majority.¹⁹

Following the Conference a struggle for control of the new government began. Though the Africans as a race were given an absolute majority, there was always the possibility that splits within the various racial groups would lead to some sort of inter-racial coalition government. As many people had predicted, African unity dissolved quickly. In March the Luo and the Kikuyu and their allied tribes formed the radically nationalist Kenya African National Union (KANU) led by such men as James Gichuru, Tom Mboya and Oginga Odinga. In June the minority tribes (the Kalenjin, the Masai, the coastal Giriama, etc.) came together

¹⁹Great Britain, Parliamentary Papers, Vol. X (Reports: Commissioners, etc., No. 3), Cmd. 960. February, 1960, "Report of the Kenya Constitutional Conference."

to form the more moderate Kenya African Democratic Union (KADU) under the leadership of Ronald Ngala, Masinde Muliro and Daniel arap Moi. Europeans were divided into the New Kenya Party of Michael Blundell, the Kenya Coalition of Sir Ferdinand Cavendish-Bentinck and the United Party of Group-Captain Briggs.²⁰

The elections held in February, 1961, returned a larger number of KANU than KADU members but because of KANU's unwillingness to form a Government without Kenyatta's release, KADU and the NKP went into coalition to govern the country. Ngala became Leader of Government Business. Pressure for Kenyatta's release became so great that in August, 1961, he was returned to his home and freed. He soon assumed leadership of KANU and in June, 1962, joined the Government in coalition with Ngala's KADU.

In 1963 a second election was held to choose a Government which would obviously lead the country to independence. In spite of the defection of the Kamba tribe and rumblings among the Luo, KANU held together sufficiently to win a clear-cut victory. A new consti-

²⁰Tony Hughes, The Search for Unity, pp. 134-136 and Susan Wood, Kenya: The Tensions of Progress (London: Oxford University Press, 1962), pp. 44-56 and pp. 90-93.

tution providing for regional powers and minority guarantees had been written at the Second Lancaster House Conference in February, 1962,²¹ and by June, 1963, the country had attained internal self-government. On December 12, 1963 Kenya became an independent state within the Commonwealth. By the time her first anniversary came, KADU had voluntarily merged with KANU and the country became a Republic, though still retaining its Commonwealth associations.

Within seven years Kenya had changed from a colony dominated by immigrant Europeans to an independent state ruled by the indigenous black population. With no imperial overseer, real power now rested in the national Parliament, an African-run body. The Europeans in Kenya had for sixty years remained a distinct, aloof minority, who maintained their position through political and economic strength. They had had few personal dealings with the native population of their adopted homeland and had cared little for what that population thought of them. In 1963 their position drastically changed. The rest of this paper will examine how those changes affected Kenya's whites, and how they reacted to their new status.

²¹Great Britain, Parliamentary Papers, Vol. XI (Reports, Commissions, etc, No. 4) Cmd. 1700. February, 1962, "Report of the Kenya Constitutional Conference, 1962,"

CHAPTER TWO
LAND AND THE SETTLEMENT SCHEMES

The Groups Involved

The decisions of the First Lancaster House Conference may not have been anticipated by most Kenyans, but once they were made, the European community knew that its major problem was the problem of land. White settlement had always used as its economic base the 7.5 million acres of the White Highlands, an area in the heart of Kenya reserved exclusively for European ownership. Now the 3000 or so white farmers were faced with a future government which would certainly want to change the conditions and make-up of land tenure in that reserve.¹ Almost before the Conference had ended, the European community was organizing to influence future land policy.

The Europeans as a group based their actions upon three considerations. First there was the fear that an African Government would come to power which would expropriate the land and give no compensation. Both historical precedent and the actions of local African

¹The total white population in 1960 was 67,000. International Bank for Reconstruction and Development, The Economic Development of Kenya (Baltimore: Johns Hopkins Press, 1963), p. 339.

politicians and their constituents provided sufficient evidence that this was more than possible. The second consideration was the belief that if such a thing happened it was Britain's responsibility to make good the loss. For sixty years the British Government had encouraged settlers to come to Kenya, not for their own good but for the good of the empire. A large number of them were veterans who had received land as a mustering-out bonus. Others had sunk their savings into farms on the promise that Britain would guarantee their 999-year leases. It was the British Government, not an African Government, which had made these pledges and issued land titles; if London allowed a successor Government to take away those titles and violate those pledges then she had a moral responsibility to make reparations.

The third consideration of the settlers, and one often overlooked, was the fact that many of their number had no desire to leave, African Government or no, if it were at all possible for them to remain. Leaving would mean a considerable financial dislocation, even if compensation was provided, but more important was the fact that Kenya was the only home many of the settlers had ever known. Quite a few of them were third generation Kenyans and almost all of them could look at their farms and say, "Everything here was built by my father"

or "I put this house together out of stones and trees I got from the farm" A man is naturally reluctant to leave such a place.

African leaders, logically enough, had other problems to consider. The future leadership of Kenya was at stake and probably a dozen men had their eyes on it. The first desire of these men was to satisfy their constituents and if this meant sacrificing the European community then so be it. The degree of land hunger among certain KANU tribes (the Kikuyu, Baluhya, the Luo, etc.) tended to be great and this fact increased the intemperance of many politicians regarding the land question.²

The KADU tribes on the other hand were not as pressed for land as their KANU counterparts. The main KADU fear was that if the Europeans were driven out the Luo and the Kikuyu would expand into the Highlands and outflank them. Therefore, if the White Highlands were broken up, the KADU tribes wanted their share, but they saw many advantages to leaving the Europeans where they were as a check on the growing power of the Kikuyu-Luo alliance. Thus in spite of African pressure on the land there was considerable counter-pressure

²Cf. Corfield, Mau Mau, pp. 10-23.

for at least a "go-slow" policy.³

It was the role of the British Government to walk the tightrope between these divergent interests and come up with an operational policy. The difficulty of this task was compounded by circumstances on the home front. On the one hand Lord Salisbury and his followers were demanding that the settlers be compensated for their service to the empire and on the other was the unanswered question of what would happen if the British taxpayer were presented with a bill for around £100 million. Richard Goodwin, former U. S. presidential advisor, has suggested that in a ticklish situation the Government should make as few decisions as possible so that if a policy is wrong it can be more easily corrected.⁴ For two years the Colonial Office followed a land policy in Kenya which involved as little commitment as possible. It vacillated and hesitated but never really decided. This caution undoubtedly saved

³Another moderating factor was the fact that Africans had a great deal of good will for Europeans and felt, in principle at least, that they should remain in Kenya. When asked in 1962 "Do you feel that Europeans and Asians are necessary in Kenya after Independence?" 78% of urban Africans and 60% of rural Africans questioned replied with an unequivocal "yes." Only 9% and 14% respectively replied "no." Public Opinion Poll #10 (Nairobi: Marco Surveys Limited, 1962), p. 10.

⁴Richard Goodwin, Triumph or Tragedy: Reflections on Viet Nam (New York: Random House, 1966), pp. 11-12.

the Colonial Office from making serious mistakes but it caused great hardship for those who knew their future was in the hands of Whitehall. Lack of action in times of crisis is in a sense a policy itself, and as such it was hardly adequate

The First Lancaster House Conference had little to do with land. Its primary purpose was to transfer political power to the African majority and thereby begin the process which would lead to eventual independence. The official White Paper on the Conference had taken into account that land was a problem, though, and had tried to give some assurances on the subject:

There should be no expropriations of property except to fulfil contractual or other legal obligations upon the owner, or for purposes to the benefit of the country (due regard being paid to human needs and individual hardship, confidence and stability, and advantage to the country's economy). Full and fair compensation should be given to the owner of any property expropriated, together with the right of recourse to the courts . . .⁵

There was also the promise that £5 million in loans would be available, presumably for a resettlement scheme in the White Highlands.⁶

The settlers found these promises vague and inadequate. The amount of money involved was minimal, the conditions under which land could be taken so

⁵Great Britain, Cmd. 960, 1960, p. 10.

⁶Ibid., p. 11.

vague that anything could be justified. Furthermore, the White Paper was merely a statement of policy and had no standing in law.

But if the settlers could easily agree on what they opposed, they had more difficulty agreeing on what they favored. White opinion in 1960 was splintered as badly as it ever had been or ever would be. Many groups, often with overlapping membership, held widely divergent views. With steady regularity the spokesmen for these groups trooped to London where, in private conference with the Colonial Secretary, they presented their particular solutions to Kenya's land problem.

On the right of the spectrum were found three main groups: The United Party, led by Group Captain Briggs, the Association of Settlement Board Farmers, and the Convention of Associations. The first two of these were of little real importance. The UP had been formed in 1956 to oppose the reforms of the Lyttleton Constitution and prided itself on its hard-line approach to race relations. It had refused to give even qualified approval to the decisions of Lancaster House, an action which could hardly endear it to the Colonial Secretary. After the death of its leader Briggs in 1961, and the

advent of an African majority in Legco, it faded away.⁷

The Association of Settlement Board Farmers was made up of those settlers who had come to Kenya after World War Two under the auspices of the European Settlement Board. Its members were still in debt to the British Government for their farms and felt a deep sense of betrayal at the course of events in Kenya. As a second group which was in perpetual opposition to the whole idea of African rule their advice was likewise seldom heeded.⁸

The third of these groups, the Convention of Associations, had quite a bit of prestige and influence. Long before Europeans had been given representation in Legco it had articulated their feelings, so effectively that before World War One it had been called the "Settlers Parliament."⁹ Membership in it was derived through membership in one of the constituent

⁷George Bennett and Carl Rosberg, The Kenyatta Election: Kenya 1960-1961 (London: Oxford University Press, 1961), pp. 91-95.

⁸For information about the Settlement Board farmers and their attitude see Great Britain, 5 Parliamentary Debates (Commons), DCLXXXIV (), 1345-46. For an idea of how and why such groups were ignored see Michael Blundell, So Rough A Wind (London: Weidenfeld and Nicolson, 1964), p. 270.

⁹For some of the details of early settler politics see Huxley, White Man's Country, Vol. I, especially pp. 186-192.

farmers' organizations of which it was composed. It had died out in the 1930's and 1940's as the settlers had begun to direct their energies toward the Legislative Council, but it was dramatically reconvened in 1960 under the Chairmanship of C. O. Oates and quickly regained its prominence as a major voice of the European community.¹⁰

These three organizations believed, to one degree or another, that the white man had no future in Kenya. Most of their action centered on realizing their assets and leaving. They felt that the British Government should buy them out for the 1959 value of their land (about £100 million according to the Convention of Associations).¹¹ Many of their members were not above threatening a "scorched earth" policy or other such action if their demands were not met.¹²

Slightly less conservative was the Kenya Coalition. The Coalition was an interest group temporarily transformed into a political party for the 1961 election.¹³ Its primary purpose, however, was not to win elections.

¹⁰Bennett and Rosberg, The Kenyatta Election, p. 88.

¹¹The Times (London), April 29, 1961, p.7.

¹²See for example the Convention of Associations meeting, Ibid.

¹³Bennett and Rosberg, The Kenyatta Election, p. 91.

It was formed by Sir Ferdinand Cavendish-Bentinck, former Speaker of Legco and former Chairman of the European Settlement Board, who believed that since he had used his personal prestige to encourage many Europeans to come to Kenya he should use that same prestige to help them in their present troubles. Cavendish-Bentinck believed, much like the Convention of Associations, that the future looked dreary for the European settler. He felt that Britain should provide compensation for those settlers who wished to leave (certainly a majority in his opinion) but also felt she should guarantee land titles for those who wished to stay.¹⁴ Sir Ferdinand's reputation and past career made him one of the most respected and widely followed of all European spokesmen. It is perhaps an indication of his sincerity that he has remained in Kenya and today is the head of a national charity group.

A somewhat more progressive organization was the Kenya National Farmer's Union. Whereas the Convention of Associations was dominated by those who wished to leave Kenya, the KNFU was divided between those who wanted to go and those who wanted to stay. In the first year or two following Lancaster House it tried to look after the needs of both, but as independence approached

¹⁴The Times (London), July 12, 1960, p. 10.

it came more and more to represent those who wanted to stay. Under the leadership of Lord Delamere, son of Kenya's first white settler, it became an organization dedicated to cooperation among the races.¹⁵

To cure the settler's ills it suggested a British-financed land purchase fund which would be available for use when needed. This fund, he felt, would encourage settlers to remain in Kenya, secure in the knowledge that they could sell their land if need be. The KNFU opposed a blanket compensation scheme on the grounds that such a scheme would merely eliminate the European Community.¹⁶ It emphasized the value of European-held land to Kenya's economy, rather than its racial ownership,¹⁷ and tried to make common bond with the African farmer. The importance of Lord Delamere and the KNFU as stabilizing influences during such an unstable time cannot be over-estimated.

Slightly to the left ¹⁸ was found Michael Blundell

¹⁵Marion E. Doro, "Changing Settler Attitudes toward The Kenya Land Question," Africa Report, VII, No. 6. (June, 1962), p. 6.

¹⁶The Times (London), March 24, 1960, p.10

¹⁷This was a common ploy used by all settler's groups but in many cases such arguments were made with the subtle suggestion that European economic strength would be used as a weapon against any African Government which failed to heed the settlers' demands.

¹⁸This term is somewhat inadequate. European politicians in Kenya may be more or less progressive but

and his New Kenya Party. Blundell was a farmer and Government Minister who, to paraphrase Harry Truman, sought to drag the European community, kicking and screaming, into the twentieth century. As a political leader he favored cooperation among the upper classes of all races in what he called multi-racialism. As Minister of Agriculture in the post-1960 Government he worked closely with some of the earlier settlement schemes and no doubt strongly influenced their make-up. Like the KNFU he favored a plan to buy the farms of those settlers who wished to leave but likewise he hoped the effect of this would be to encourage many to stay. During the transition period Blundell believed the Government should actively work to create a new group of middle-class African farmers to replace the Europeans who had gone.¹⁹ His views were so far out of step with either the European or African community that he was soon forced into retirement. There is no doubt, though, that his influence was very great in those decisive months when the first settlement schemes were put into operation.

none is really "leftist." Blundell himself was a believer in what might be called democratic feudalism. For a summary of his views see Blundell, So Rough a Wind, especially pp. 221-282.

¹⁹One can hardly help thinking about the Stolypin reforms in Russia prior to the revolution.

The Early Schemes

In 1960 a Kenya Order-In-Council had removed all racial restrictions from land ownership in the White Highlands (now officially designated the Scheduled Areas).²⁰ Since an African majority in Legco was due to come into being in 1961 there was considerable pressure on the Colonial Government to implement in practice its non-racial land policy and thereby perhaps allow the Europeans to salvage their position through timely concessions. Furthermore, European land prices had crashed disastrously after Lancaster House and if complete economic chaos in the Highlands was to be avoided stabilization of land values would have to occur. For these two reasons it was decided to put an African settlement scheme into practice as soon as possible.

Prior to 1960 there had been two settlement schemes in operation, both for European settlers. Since the early African schemes in many ways resembled these European schemes it might prove useful briefly to examine them.

The more popular of the two, the Tenant Farming Scheme, was intended for the prospective settler with

²⁰Great Britain, Colonial Office, Report on the Colony and Protectorate of Kenya, 1961 (London: Her Majesty's Stationery Office, 1963, p. 48.

farm experience and £6,000 working capital. Under its provisions the European Agriculture Settlement Board would purchase land in the Highlands (often from another settler who wished to sell out or else dispose of some of his holdings) and advance funds for a house and improvements. The tenant was given a 48-year lease and could purchase the land during that time.²¹

The second of the plans, the Assisted Owner Scheme, required the prospective settler to have £8,000 cash. He was loaned by the Board enough money to purchase the desired farm in his own name and then had to pay the money back over a period of years.²²

The use of these schemes as guides and models for the early African schemes is easy to see. The African schemes had many characteristics of the European schemes they replaced. The settler had to have some cash to begin with and he had to have some status in his community by virtue of his past achievements. There was no hint whatsoever of a "give me your tired and weary" philosophy. The schemes were for those who had proven their worth in the past and presumably would prove it again in the future if entrusted with valuable land. Such farmers could hopefully integrate the White Highlands without disrupting production.

²¹ibid., pp. 46-47.

²²ibid.

In early 1960 the European Agriculture Settlement Board was abolished and its duties regarding those European settlers still under its jurisdiction was transferred to the Agricultural Settlement Trust. European settlement was replaced by African settlement and a new body called the Land Development and Settlement Board was subsequently created under the chairmanship of J. F. Lipscomb.

In January, 1961, the Government announced the creation of a £7.5 million program for the settlement of 8,000 African families in the Scheduled Areas. Financing was to be provided by the World Bank and the Colonial Development Corporation. The Program was divided into two schemes.²³

The Assisted Owner or Yeoman Farmer Scheme would settle 1800 families on farms of 200-250 acres each. The exact size of the farm would be determined by the amount of land needed to produce subsistence plus a net income of £250 per year above loan repayment costs. Under the scheme the Board would purchase a farm and then either sell it outright to a farmer who had the cash or else assist the buyer in his purchase with a loan of up to 90 per cent of the total cost. Most

²³The following information is summarized from Great Britain, Kenya, 1961, pp. 49-50, and the New York Times, January 10, 1961, pp. 77.

settlers under the Yeoman Scheme were fairly well off, since a requirement for qualification was the availability of £500 personal capital.

The second half of the program was the Peasant Smallholder of "Low Density" Scheme. Under it the Board was to acquire 60,000 acres of land on which it would settle up to 6,000 families. The size of the farm would be determined by the amount of land necessary to produce a net yearly income of £100 plus subsistence and loan repayment costs. In most cases the farm would be between 10 and 15 acres. The settler was required to put up £150 plus 10 per cent of the purchase price of the land.

In addition to the two schemes outlined above, the Board was authorized to serve as agent in private willing buyer-willing seller transfers.²⁴ In all three cases the Board could make loans to the new settlers for improvements.

Thus the philosophy of the early African settlement schemes was basically the same as that of the recently expired European settlement schemes: make the transfer slow and deliberate, screen the settlers, and make sure their past records indicate they will be successful.

²⁴The term "walk in-walk out" was also occasionally used to describe such sales. It implied that one owner simply replaced another and the farm remained intact.

European reaction to these schemes was mixed, but almost everyone criticized them for one reason or another. The type of criticism varied according to the outlook of the organization involved. The more liberal groups tended to criticize the inadequate scope of the plan, the more conservative groups criticized its basic philosophy. The latter would seem content with nothing less than a buy-out.

Michael Blundell, for example, then an MP without portfolio, said greater funds were needed to spur development and fight unemployment.²⁵ He felt that a much expanded Yeoman Scheme, tied in with a plan for stabilizing land prices, would be more helpful. He proposed a £30 million plan to bring into being a class of wealthy large-scale African farmers who would have interests and views in common with those of the European settlers. Thus Blundell, typical of the more progressive white elements in Kenya, agreed in philosophy with the plan but felt it was inadequate in degree.

Likewise Peter Marrian, then President of the KNFU, believed that the plan was inadequate. Like Blundell he wanted a price stabilization plan which would keep land values up and encourage European settlers

²⁵The Times (London), May 16, 1960, p. 9 and June 25, 1960, p.7.

to stay in Kenya. This he felt the scheme did not do.²⁶

More conservative opinion struck at the purpose of the plan. When Bruce MacKenzie, then Minister of Agriculture, tried to explain the scheme to a meeting of the Convention of Associations his efforts were met with jeers and open laughter.²⁷ The Convention feared they could never trust an African government to respect their land titles and looked upon the proposed plans as a poor excuse for what was really needed, i.e., a British market for European-owned land.

The fear that any land resettlement scheme would fail because of African opposition was in fact a serious one. There was considerable talk of "free land" among the African people, and several leading African politicians had reportedly stated that a future African Government would not be bound by land titles given out by a white Government, even if the titles had been given to blacks. Though Tom Mboya, the Secretary General of KANU, disavowed such a policy, rumors continued until even the most optimistic Europeans were somewhat uneasy.²⁸

²⁶Ibid., May 16, 1960, p. 9.

²⁷Ibid., May 26, 1960, p. 12. MacKenzie, the most dogmatically liberal of Kenya's major white politicians, often encountered spirited opposition when he spoke to white audiences.

²⁸For the report of a debate in the Kenya Legco on such statements see The Times (London), May 19, 1960, p. 12.

The net reaction to the schemes then was one of opposition. To a European wanting to leave the country it offered next to nothing; to the African it was a drop in the bucket when considered in relation to the total white holdings. Admittedly it had been a makeshift policy by a lame duck government, though no doubt ten years earlier it would have been heralded as a masterpiece of progress. Now, however, it was too little, too late, a program doomed to obsolescence before it could be detailed. In July, 1960, the plan, slightly expanded, was officially outlined in Legco by Bruce MacKenzie. By the time it went into operation in January of the following year it was already obvious that something better was needed.

Pressures for a New Scheme

With the end of 1960 came the end of an era. Kenya would never be the same. Not only were Africans acquiring land in the Highlands, but in February an African Government would take over control of the country. European politicians were flailing each other in a manner unheard of in times past. Obviously the country was in a state of unpredictable flux.

As the ultimate African majority control began to approach, the possibility of expropriation became more ominous in the minds of many settlers, and cries for a

British guarantee of land titles and a compensation scheme became greater.

The election manifestoes of the two main African parties, KANU and KADU, had actually been relatively moderate in their approach to land.²⁹ Both had promised to expropriate only large unused farms and both had promised compensation, though both were somewhat vague about payment.

In order to allay some of the fears of the European land owners Iain MacLeod, Secretary of State for the Colonies, assured the House of Commons of the Government's desire to protect land titles:

To sum up what I have said in my statement: first, we are now entrenching in Orders in Council . . . provisions against compulsory acquisition except for the ordinary public purposes, and making it a requirement that there shall be payment of full compensation, which can be assessed by the courts; secondly, we are saying that when the time comes to consider further constitutional advance, we would also wish to consider, in conjunction with all the delegates at the conference, problems of property and title which affect confidence throughout Kenya for men of all races; thirdly, we would think it right at the appropriate time to make provision in the legislation of that time for the sort of approach which I have indicated in my statement.³⁰

²⁹Ibid., November 19, 1960, p. 6 (KANU) and December 19, 1960, p.7 (KADU) or Bennett and Rosberg, Election, pp. 126-128.

³⁰Great Britain, 5 Parliamentary Debates (Commons), DCXXXII (1960), 1074.

The Secretary could easily have saved his breath. To begin with, he was among the settlers probably the most disliked and distrusted man in Kenya. Any statement he made, no matter how sincere, would have been questioned. Furthermore, this statement was not a straightforward one. It was filled with vague clauses and equivocations, virtually meaningless in their effect. Anyway no one was really worried about a guarantee of land titles while the British Government was present; it was the post-independence period that really worried them, and on what would happen after independence Mr. Macleod was decidedly evasive.

By February the election results were in and the settlers had lost their political predominance. As it turned out, this seeming show of weakness became one of their greatest strengths. A belligerent white minority, setting itself up as a racist elite over a large black population, could hardly fail to raise opposition in a country as liberal-minded as Britain. A helpless white minority, though, with an ineffective political voice and a dreary future in a black-run state, was another matter entirely, especially if the whites got where they were trying to aid the empire. Influential voices soon began to speak out on behalf of the settlers, now more to be pitied than despised.

In Parliament strong voices from both major parties (but especially from the ruling Conservatives) spoke of Britain's moral responsibility to help the settlers. Proposals were made for a long-range buy-out scheme. Virtually everyone who spoke felt that Britain had a responsibility to prevent a complete collapse of land values.³¹ Typical of these speeches was the following: "We can say clearly and fairly at this moment that we guarantee that the British farming community will not suffer ruin if the worst comes to the worst."³²

The prestigious Economist also put in a word for a long-range purchase offer which, if successful, would serve to keep settlers on the land instead of driving them off;

There is still the danger that the complication of an attack--political or economic--upon the white farmers will set in. Mr. Macleod has done his best to avoid the consequences by building a bill of rights into the constitution and by giving assurances about the British Government's undoubted duty to Kenya. But he has not gone far enough: the debt of honour, in case Kenya sunders or collapses, should be acknowledged straightforwardly now. In cash terms this could mean something around the price of the Blue Streak rocket . . . there would be no harm in giving a qualified option to sell out to the

³¹See Great Britain, 5 Parliamentary Debates (Commons), DCXXXVII (1961), 1595-1615.

³²Mr. Philip Goodhart, Ibid., 1600.

British Government between, say, 1963 and 1968. The farmers would then be able to stay and see how the new Kenya treated them, and still have a security at their back. It could then be hoped that the debt would not have to be paid.³³

Meanwhile, the settlers themselves were not sitting still. The Convention of Associations sent a petition signed by 3800 persons to the House of Commons urging Britain to acknowledge its responsibility for land titles and compensation should some future African Government seek to expropriate European land. The petition stated that Europeans had £70 million invested in mixed farming land (not counting company-type plantations of tea, sisal, etc.) and that confidence was so low that land deeds were no longer accepted as security for loans. It urged the British Government to take action to restore confidence and help the settlers.³⁴

The pressure was now on Britain to offer some sort of a compensation scheme. It seemed likely that the public would accept such a scheme, in spite of the cost, and there was the possibility that there might even be some electoral benefits.

But the British Government balked. Offering a

³³"African Convalescent," The Economist, CXCVIII, Number 6132, March 4, 1961, p. 830.

³⁴New York Times, May 21, 1961, p. 10 and July 7, 1961, p. 8.

compensation scheme, they felt, would have three major detrimental effects: first it would destroy any possibility of multi-racial cooperation in the future by accentuating the split between black and white. Second, it would virtually guarantee a mass exodus of European farmers from Kenya, thus doing irreparable damage to the economy. Third, with British money available for compensation it would be impossible for any future African Government to resist the pressures for expropriation. The European community in Kenya would be assured of its destruction. Asked about a compensation scheme Hugh Fraser, Undersecretary of State for the Colonies, said "This we cannot accept."³⁵

To make sure no one had misunderstood him, Fraser then went to Kenya and in "brutally frank" terms told the settlers that they could not count on British assistance by way of compensation.³⁶

Following Fraser's first statement many settlers allowed their frustrations to get the best of them. At a Convention of Associations meeting there were suggestions from the floor that Europeans practice

³⁵For a summary of some of these ideas see Great Britain, 5 Parliamentary Debates (Commons), DCXXVII (1961), 1607-1615. The quotation is from c. 1613.

³⁶The Times (London), May 22, 1961, p. 7.

a "scorched earth" policy unless they got their way.³⁷ Perhaps the people making this suggestion were thinking of another Algeria-type rebellion. But everyone knew, most of all the settlers, that such a thing was not possible. The Algerian settlers had controlled the army, or at least a segment of it, but the Kenya settlers had no such asset. The big military barracks at Naivasha in the Rift Valley and at Kahawa near Nairobi were completely under the control of the Crown. If the settlers revolted, they would be hunted down in the forests just the way they had hunted down the Mau Mau a few years ago. If her Majesty's Government--that bloody bridge-playing Macleod³⁸--was determined to sell out the settler without so much as a thank you, there was not a thing he could do about it.

It could be that this feeling of frustration and isolation was the one desired. If Britain was to leave in Kenya a permanent settlement of white farmers it was necessary to cut the apron strings which bound them to England. Probably such action would have to be done mercilessly to be effective.

But one cannot help wondering if the British Government actually knew what its policy was. The policy put forward by Fraser in Kenya was interpreted

³⁷Ibid., April 29, 1961, p. 7.

³⁸A typical settler valuation.

locally to be one of almost heartless disengagement. Such a policy would have definite advantages, primarily lack of any financial responsibility, but it would also have serious drawbacks. First, it would put a serious blot on Britain's reputation, by virtue of her deserting her citizens. Second, it would have conflicted with the beliefs of many Conservative Party members and leaders who were not in any case completely sold on the dissolution of the empire. And third, it could easily have become an election issue, especially if Kenya did become "another Congo" and the British settlers were treated the way the Belgians had been. Considering these potential drawbacks it seems unlikely that Britain would have risked such a policy.

Furthermore, within two weeks of Fraser's visit to Kenya Britain had begun vastly expanding the settlement schemes and had decidedly moved in the opposite direction of what Fraser had suggested. Considering the time needed to implement a policy it is possible that an old policy and a new one simply overlapped. Alternatively, it is possible that the new policy could not work without making the settlers realize that Britain's relationship to them had changed inalterably. Whatever the cause, and though the impression left was one of serious bumbling, Britain emerged in mid-1961 with a whole new land policy toward Kenya.

Negotiations had been under way throughout most of 1961 between the Kenya and British Governments about the possibility of a High Density Scheme. In June, Michael Blundell, Minister of Agriculture in the new coalition Government, announced that Britain was providing £750,000 for the settlement of 100,000 acres of Highland farms in areas of political dispute.³⁹ By September this had been expanded to 200,000 acres and the number of families increased to 12,000.⁴⁰ Most of the money for this scheme (£6 million) was provided as a loan from the British Government. Under its provisions the Settlement Board would purchase a farm, survey it, and then turn it over to the Crown for distribution. Farms were broken up into plots which would provide for loan repayment, subsistence, and £25-40 per year net income. The plan was subsidized so that no settler paid over £200 for purchase.⁴¹

Thus by mid-1961 Britain had in operation three settlement schemes: the Yeoman or Assisted Owner scheme for the settlement of around 1800 experienced and moderately wealthy farmers on larger farms, the

³⁹The Times (London), June 3, 1961, p. 7.

⁴⁰The Times (London), September 8, 1961, p. 12.

⁴¹Great Britain, Kenya, 1961, pp. 45-50, and The Times (London) June 3, 1961, p. 7.

Low Density scheme for the settlement of 6,000 peasant smallholders on medium-sized farms, and the High Density scheme for the settlement of 12,000 peasant farmers on smaller farms.

Of the three-year Settlement Budget of £13.5 million (the schemes were originally to have been completed by late 1963 but this was subsequently extended to late 1964) the new High Density scheme was allotted approximately 45 per cent of the total and involved 200,000 acres. Britain consistently argued that the purpose of the scheme was to help the landless Africans and fight unemployment (certainly serious problems) but the fact was that British money had begun purchasing European farms and turning them over to Africans. Whether Britain intended to or not, she had begun a compensation scheme.

The African Position

A big question in the minds of many Kenyans was the attitude of the African politicians toward the new schemes. There was a widely-held belief among Europeans (as well as among some Africans) that many politicians, primarily from KANU, professed a moderate land policy for the record but were of an entirely different opinion when not in the presence of the foreign press. There was probably a degree of truth in this, as most

tend to be less guarded in their comments when speaking to constituents than when speaking in Parliament or at a formal meeting. The unfortunate result, though, was the feeling that certain politicians were deceitful and untrustworthy to the extent that they expressed their true thoughts only when speaking in a native language to their constituents.⁴² This feeling gave the settlers a distorted view of what African policy was and led to an unnecessarily pessimistic view of their plight.

The answer to what African policy really was lay with Jomo Kenyatta. Kenyatta had become the symbol of African nationalism in Kenya. He had been portrayed as a demi-god--"baba ya taifa" (the father of the country)--by the African politicians and was by 1962 the key figure in any African policy decision. He enjoyed wide support throughout much of the country, and even those African leaders who distrusted him had to give lip-service to his leadership.

But Kenyatta had a problem. He had been detained for nine years when he was released in August, 1961. Previous to this, from 1931 to 1946 he had been studying in Europe and had had little contact with Kenya.

⁴²In 1960 John Keen, a Masai, was quoted as saying, "What Mr. Gichuru tells the Africans in Kenya is quite different from what he tells businessmen and Mr. Macleod in Britain." The Times (London), November 15, 1960, p. 11.

Many people predicted he would be out of touch with the feelings of the times and would be quickly pushed aside.

Kenyatta, though, was not an ordinary man. The weight of his country's well being was upon his shoulders and he seemed to know it. Like a Washington or a DeGaulle he sensed that there was more at stake than just power. Where a fool might have rushed in, Kenyatta paused; he contemplated and thought. Many mistook his caution for weakness, but Kenyatta was not a weak man. He perhaps had no policy but he had convictions. He knew what he wanted. Many of his people were poor and this needed to be corrected. Poverty in Kenya was related, often, to landlessness; hence, land must be provided. Since much land was held by a few Europeans, some of that land had to be taken and distributed. Those who were wealthy must provide for those who were not. "All I want is a little land for a poor man," Kenyatta once said, and he said it without malice or hatred.⁴³ He knew what he wanted, but he also knew what he didn't want. Those who had nothing must be helped out, but those who had worked hard should not be robbed. Kenyatta's purpose was to destroy the evil of poverty, not to replace it with the evils of

⁴³Interview with Richard Percival, European farmer, Machakos, Kenya, June 29, 1966.

selfishness and greed. His wisdom was to save Kenya many heartaches.

In August, 1961, Kenyatta's ultimate release was announced. KANU leaders proclaimed an official change in policy. Whereas in the past it had been "violent and negative" toward Europeans it now hoped for cooperation. Since independence was imminent and Kenyatta was soon to be free, their purpose was now to create, not destroy.⁴⁴ Certainly this was an important reversal.

Going hand in hand with Kenyatta's release was joint KANU-KADU negotiations for a coalition Government, presumably under Kenyatta's leadership. After much bickering a coalition policy statement was issued in late August, 1961. It promised the security of land titles and compensation for any property taken. Kenyatta in hailing the statement said: "Those who have been panicky about their property, whether land of any other kind, will now rest assured that the future African Government, the Kenya Government, will not deprive them of their property."⁴⁵

Kenyatta was obviously trying to dampen the fears of those Europeans and Africans who were suspicious of his motives. He also undoubtedly was receiving advice

⁴⁴The Times (London), August 8, 1961, p. 7.

⁴⁵Ibid., August 26, 1961, p. 6.

from James Gichuru, soon to be his finance minister, about the state of the economy. Loss of confidence had resulted in the removal of large amounts of capital from Kenya and many European farmers were openly "mining" their farms. Quick return crops were being planted instead of more productive but slower growing crops. High quality dairy cattle were being slaughtered and sold for beef prices so the money could be taken out of the country, while pasture land was being cultivated with no regard for conservation, again in the hope of receiving a quick profit. Repairs other than of a makeshift type were at a standstill. Capital reinvestment, a long-range matter, was virtually a thing of the past.⁴⁶ Kenyatta undoubtedly knew that unless confidence was restored irreparable damage would be done to the Kenya economy. He proposed to restore that confidence.

There were others, however, who felt differently. Paul Ngei, undisputed leader of the Kamba tribe, third largest in Kenya, and a co-defendant at Kenyatta's trial at Kapenguria, openly challenged Kenyatta's ideas and urged that the land be taken from Europeans without compensation and be given to Africans without charge. Speaking at a joint KANU-KADU rally a short

⁴⁶Percival interview.

time after Kenyatta's release he said:

Africans have been made beggars in their own country while Europeans farm comfortably in the White Highlands. These European farmers must have their farms taken from them and given to Africans. This is our country and we will not have Africans starving while the Europeans farm large areas of our own country.⁴⁷

The result of Ngei's intemperance is hard to assess. He undoubtedly frightened a lot of settlers with his statements, but in a greater sense perhaps his action was beneficial. Standing as he did as a symbol of what the Europeans most feared, Ngei made Kenyatta by contrast almost a benefactor. From being the most feared man in settlerdom "the old man" suddenly became an ally. This writer has asked several settlers if they could explain what changed their attitude toward Kenyatta and none could. They seemed almost to have forgotten that the President Kenyatta whom they all respected was the same "leader to darkness and death" of a few years before. One can only suspect that Kenyatta's strong stand in the face of challenge from his own people must have been a decisive factor.

Kenyatta's land policy as it emerged then was more reasonable than many people expected. It could not by any stretch of the imagination be called "Uncle Tomish": Farms should definitely be taken from Europeans

⁴⁷New York Times, September 17, 1961, p. 35.

and transferred to Africans. but not all European land would be needed. Land would be taken from those Europeans who did not farm well or did not farm at all, as well as from those who had vast acreages which they obviously did not need to make a living. Farmers whose holdings were reasonable in size and who farmed those holdings well would be welcome to stay. Compensation would be paid for any holdings taken, but this money should be provided by Britain. Land would not be distributed free to African settlers, though the existence of widespread rural poverty had to be taken into account when deciding on the method and amount of payment. Because of this Kenyatta felt that the Yeoman scheme was the least desirable of the settlement schemes since it provided land to those who already had wealth, rather than to those who had nothing.⁴⁸

Kenyatta's popularity with settlers reached a high in August, 1963, four months before independence, when he went to Nakuru in the heart of the Highlands and tried to reach a rapprochement. His speech was sincere and to the point; he wanted to assure the settlers of his good intentions and gain their cooperation.

⁴⁸See speeches reported in The Times (London), September 25, 1961, p. 10, November 9, 1961, p. 8, and January 26, 1962, p. 1.

I think we have something in common, the soil, but we cannot understand one another unless we have the opportunity of talking to one another and that is why I am very glad to be here. I believe the most dangerous thing for Kenya is suspicion and fear. . . . we must also learn to forgive one another. There is no society of angels whether it is white, brown, or black. We are human beings and as such we are bound to make mistakes. If I have done something wrong to you it is up to you to forgive me and the opposite applies. The winds of change have come. Are we going to accept the changed conditions? . . .

Kenya is large and its potential is great. We can all work together to make this country great and show other countries that different racial groups can live and work together. . . . Some European farmers are worried about their future. . . . I say to you today that we want you to stay and to farm and to farm well in this country. Let us join hands and work together for the betterment of the land. I beg you to believe that this is the policy of the Government--we must work together and try to trust one another.⁴⁹

The effect was startling. The settlers arose in a body in the manner of African partisans at a Sunday afternoon baraza and time and time again joined Kenyatta in shouting the national motto, "Harambee."⁵⁰

⁴⁹Condensed from "Mr. Kenyatta Talks to Farmers," Kenya Weekly News, No. 1907, August 16, 1963, p. 6 and "Agrarian Policy: Plea for a New Statement," Ibid., No. 1985, February 28, 1964, p. 6. See also Jomo Kenyatta, Harambee! The Prime Minister of Kenya's Speeches 1963-1964 (New York: Oxford University Press, 1964), pp. 108-09.

⁵⁰Baraza is a rally or meeting. Harambee means roughly "let us work together."

For such a thing to occur was unprecedented. A fair comparison might be to imagine a group of Anglican ministers rolling on the floor at a fundamentalist revival meeting. Obviously Kenyatta had won the hearts and minds of his old adversaries.

Naturally enough the honeymoon did not continue uninterrupted. The spirited enthusiasm of a rally can seldom be carried over into day-to-day living. The practical aspects of policy were not always what Kenyatta had promised and large numbers of lesser politicians were in open disagreement with stated government policy. But one thing the settlers knew: someone up there liked them, and that someone was no less than the future President of the Republic.

The Million Acre Scheme

As the Second Lancaster House Conference of mid-1962 approached there was increasing pressure on Britain to offer the settlers certain guarantees. It was common knowledge that the decisions made in the conference would carry Kenya into independence, and there was the distinct possibility that this conference would be the practical end of British power in Kenya, since internal self-government would obviously soon be granted. If guarantees could not be achieved now, they never would be. What the Europeans wanted from

the conference regarding land was a British promise to buy out the farm holdings of any settler who wished to leave. For reasons stated earlier Britain refused to make such a general, racially-oriented commitment. Later events, though, were to prove that there was a growing concern in London about the inadequacy of existent policies.

In May, 1962, the Kenya Government sent an official request to London proposing that Britain provide financial assistance for a £30 million scheme to buy large sections of the Highlands for resettlement.⁵¹ Both Africans and Europeans favored such a scheme, so the plan met with broad approval in Kenya. For the African politicians it would provide a means of giving land to their landless constituents, with little immediate cost to either the Kenya Government or the future African settlers. For the white settlers it would allow many of those who wished to leave to do so and would keep prices high so that those who wished to stay would feel secure.

When the conference convened, Lord Delamere of the KNFU, L. R. Maconochie-Welwood of the Kenya Coalition and H. B. W. Macallan of the Convention of Associations jointly proposed that Britain buy

⁵¹The Times (London), May 18, 1962, p. 9.

out two million acres of European land over the next five years, one million the first three years and one million the last two years.⁵² To administer the scheme there would be created an autonomous Land Board whose chairman would be a non-Kenyan of high standing. The idea of an independent Land Board was not original at this point but the settlers were pressing for it very strongly as a safeguard against renegeing on payments, under-valuatipns or some other breach of faith by a future African Government.

At the end of the conference Reginald Maudling, the new Colonial Secretary, yielded. He announced that Britain was prepared to finance with grants and loans the purchase of one million acres of European owned land in Kenya, at the rate of 200,000 acres per year for five years. He agreed in principle to participate in a second scheme when this one was finished.⁵³ The Land Board would presumably handle the scheme.

Maudling's plan disagreed with the settlers' in several ways: the area of land involved was one million acres instead of two million and the time involved to transfer ownership of one million acres was to be five years instead of the three previously

⁵²Ibid., August 6, 1962, p. 9.

⁵³Ibid., July 11, 1962, p. 9.

proposed. The plan was also different in philosophy. Maudling emphasized, like Macleod before him, that the purpose of the settlement schemes was to solve the problem of landless Africans, not to buy out the settlers. Though the immediate result was the same, i.e., many Europeans would be able to sell their land and leave, serious difficulties could develop later, especially for those who were contemplating remaining but were not sure of their future, or for those whose land would not be in the one million acres purchased and who wanted to sell out.

Back in Kenya settler reaction was mixed. Lord Delamere hailed the scheme as basically what the Europeans wanted.⁵⁴ The Convention of Associations condemned it: they said it would take too long, involved too little land and had no guarantees that any part of it to continue after independence would be carried out.⁵⁵

It seems that the period immediately following the announcement of the Million Acre Scheme was one of decisive importance for the European community in Kenya. It was a time when the cleavage between the "stayers" and the "leavers" became greater than ever.

⁵⁴Ibid., July 16, 1962, p. 8.

⁵⁵Ibid., and Kenya Weekly News, July 27, 1962, p. 6.

If one were going to leave, now was the time to decide. This parting of ways was reflected in the KNFU and the Convention of Associations, now the two major European groups. The quitters had realized at least a part of their aim of a means of escape, so further agitation was useless. Only the stayers, those who had committed themselves to the new Kenya, had any long-range reason to remain organized. Like a police force which would be useless if it were ever completely successful, the Convention of Associations had achieved its goals and now served no useful purpose. In April, 1963 it formally dissolved.⁵⁶

The KNFU, however, was moving in exactly the opposite direction. Lord Delamere strongly expressed this new philosophy when he announced that: "The KNFU has gone as far as it can in the interests of those who are going and its primary task now is to look after those who are staying. It has not been formed as an emigration agency."⁵⁷

The organization announced a major recruiting drive for Kenya's African farmers. The European membership of the organization began dropping, slowly at first

⁵⁶The Times (London), April 30, 1963, p. 10.

⁵⁷Lord Delamere quoted in East African Standard (Nairobi), September 14, 1962, p. 1.

but then in snowball fashion. From a high of over 3000 members it declined to 2700 in January, 1963, to 2200 in January, 1964, and to 1200 in October, 1964.⁵⁸ The KNFU leadership anticipated this membership drop and decided to compensate for it. For two reasons African members were desperately needed: first, if the organization was to survive it must keep its size as great as possible. Second, if European influence was to be maintained at all it must be through cooperation with the Africans. Consequently the rather substantial amount of £2000 was put aside for recruitment of Africans. The eventual hope was to have up to 50,000 African members. Annual membership fees were changed to a sliding scale ranging from ten shillings (\$1.40) for a man with less than ten acres to £5 (\$14) for a man with one hundred acres or more.⁵⁹ By January, 1964, African membership was up to 1,000,⁶⁰ and by October of that year had reached 3,000, over twice the number of Europeans.⁶¹

The philosophy of the "new" KNFU was summarized

⁵⁸Ibid., January 3, 1963, p. 1, January 14, 1964, p. 3, and "Challenge to the KNFU" (editorial), October 16, 1964, p. 8.

⁵⁹Ibid., "Challenge"

⁶⁰Ibid., January 14, 1964, p. 3.

⁶¹Ibid., October 16, 1964, p. 8.

by Lord Delamere's successor J. B. Pollard:

We have done our very best--and indeed spent thousands of pounds of our members' money--to get the African small scale farmer an effective voice. . . . We appreciate, and always have done, that changes may be necessary and all that our members ask is that the KNFU shall remain an effective, non-political organisation working for all farmers.⁶²

With many of Kenya's major European leaders now committed to the new order the whole outlook of the settler community seemed to change. The "hard core" were gone or going and those left behind had either decided to stick it out or else were less vociferous about their feelings. Reservations still remained, but the over-all attitude had changed from one of opposition to one of cooperation.

The Schemes in Operation

The white-owned land of the Scheduled Areas consisted in 1960 of around 7.5 million acres. The white farmers produced £38 million of exports that year, or 80 per cent of Kenya's agricultural export total, and paid out about £7 million in wages to their 175,000 employees. The area had 3,593 farms of which 78 per cent (1,980,000 acres) were under 2,000 acres and 13 per cent (1,460,000 acres) were from 2,000 to

⁶²Ibid., October 23, 1964, p. 4.

5,000 acres. The remaining four million acres consisted of non-arable ranching lands consisting of vast acreages, or else high-capital company-owned plantations producing tea, coffee, sisal or other such crops. The farms below 5,000 acres produced £19.85 million of exports and those above 5,000 produced £18.02 million.⁶³

The first problem the new settlement plan encountered was to decide which areas would be taken for settlement and which would be excluded and thus allowed to continue untouched.⁶⁴ One demarcation was based upon the figures listed above: As far as possible big ranches, large coffee and tea plantations and other such holdings would be excluded from takeover.⁶⁵ Compensation for these lands would be great, productivity could not be increased by settlement, and management problems would be immense. Furthermore,

⁶³Most of the above figures can be found in C. O. Oates, "The Settlement Schemes," Kenya Weekly News, No. 2005, July 17, 1964, p. 9. Figures on employment and wages can be found in "A Million for Farming," Kenya Weekly News, No. 1835, March 30, 1962, p. 6. See also T. J. D. Fair, "A Regional Approach to Economic Development in Kenya," South African Geographic Journal, XLV (December, 1963), pp. 65-67.

⁶⁴Since the private market for land was very small, it was assumed that a farm untouched by settlement would continue to be operated by its current owner. There was, however, no objection to an owner's selling his farm if he could find a buyer.

⁶⁵Oates, "The Settlement Schemes," p. 9.

rainfall in big sections of this land was so low that a viable plot of land would be too vast for a smallholder to manage efficiently.⁶⁶ Thus with the stroke of a pen European lands subject to the sword of Damocles were reduced from 7.5 million acres to around 3.4 million acres. Most of the Europeans, of course, lived on the 3.4 million acres.

A second set of areas to be excluded from settlement were those of exceptionally high output, particularly the main dairy and grain producing centers of Nakuru, Molo and Kitale.⁶⁷ Bruce MacKenzie, chief of the newly-formed Ministry of Land Development and Settlement, referred to these areas as "insurance" and insisted that 50 per cent of the European settlers must be kept on the land to avert famine or food shortages.⁶⁸

⁶⁶A viable plot of African land has been defined as the equivalent in productive potential to seven acres of good land "lying between 4,000 and 6,000 feet with an annual rainfall of 40 inches or more, and not affected by low night temperatures which retard the growth rate of crops, by poor drainage or shallow soil." A viable holding could thus vary in size from four or five acres to several hundred, according to the potential of the land. This criteria was a standard rule of thumb used in organizing the schemes. Department of Agriculture quoted in "Design for Farming," Kenya Weekly News, No. 1854, August 10, 1962.

⁶⁷N. S. Carey Jones, "The Decolonization of the White Highlands of Kenya," Geographical Journal, CXXXI, Part 2 (June, 1965), p. 195.

⁶⁸M. F. Hill, "The Agricultural Revolution," Kenya Weekly News, No. 1853, August 3, 1962, p. 9.

A third set of areas were excluded because they provided buffer zones between unfriendly tribes. Over the past sixty years various tribes had expressed claims to certain European lands and the settlement schemes by-and-large tried to take these claims into consideration. "Spheres of influence" began to develop as tribal claims began more and more to be considered tribal rights. Undoubtedly many of these claims were historically justified and could be dated to the pre-European period, but others were simply efforts to get as much as possible for one's own tribe while excluding the claims of rivals. In order to prevent bloodshed certain places strongly contested by two or more tribes were left in European hands. The northern Rift Valley, where claims of the Kikuyu, the Baluhya and other tribes crisscrossed, and a string of Machakos ranches which had traditionally served as a buffer between the Kamba and the Masai are good examples.⁶⁹

Just as some areas were exempted from settlement some areas were marked for certain take-over. Farms situated on the borders of tribal reserves and therefore subject to tribal pressures were definitely included in the schemes. In many cases, of course, the amount of land required by one tribe might be greater than

⁶⁹Jones, "Decolonization," p. 192 for the Rift Valley example and Percival Interview for the Machakos example.

that required by another. Consequently what was "close" to a reserve could vary. The Kikuyu, for example, were over-populated and extremely aggressive. Since they were eventually given over 40 per cent of all settlement land it is obvious that farms within their "sphere of influence" might in fact be miles away.⁷⁰ The Kamba, on the other hand, were politically backward and though large in numbers received only nominal amounts of land under the schemes. Many farms physically adjoining their reserve were left untouched.⁷¹

Choosing land near the reserves for settlement, apart from helping to ease tensions, had additional advantages. Much of this land turned out to be of high fertility and rainfall and capable of holding large numbers of settlers, an important consideration to a Government faced with widespread landlessness. Furthermore, starting at the reserves on the edge of the Highlands and working in also left in the heart of the Scheduled Areas a sector generally known to be "safe" for white occupation, an area where Settlement was not likely to come and where normal production could be continued. The existence of this "safe" area suited the interests both of those settlers who wished to remain in Kenya and of the Government, which

⁷⁰Ibid., p. 195.

⁷¹Percival Interview.

wished to see a substantial amount of European land kept in full production.

Another type of area to be taken consisted of those districts occupied by Europeans who had played a prominent role in fighting Mau Mau, or who were of Afrikaner origin, or were isolated from the main European community.⁷² In such areas personal danger might be great and farming would be difficult due to the probability of retaliation or general lawlessness. Many such farmers, as well as elderly or disabled ones, were classified as "compassionate cases" by the British Government and bought out by additional funds generously but often belatedly provided by her, and distinct from the regular schemes. By independence such funds totaled over £1 million.⁷³

In October, 1962 Bruce MacKenzie released maps showing the 200,000 acres to be purchased during the first year of the plan's operation.⁷⁴ Purchase under previous plans had been on a walk-in-walk-out basis with no order or logic as to where the farms would be. Under the Million Acre Scheme blocks of land to be purchased were designated as such and the sale was more or less

⁷²Jones, "Decolonization," p. 195

⁷³The Times (London), November 20, 1963, p. 14.

⁷⁴Ibid., October 5, 1962, p. 9.

compulsory. The designation system allowed the Settlement Ministry to concentrate its energy in certain districts instead of dissipating it over the whole of the Scheduled Areas. It also allowed the white settler who was going to be bought out to know ahead of time of his fate, and since it was also possible to tell which areas were not to be bought out, he could purchase another farm in a "safe" area if he so desired. Though accurate figures on such purchases are not available, the Ministry of Land Development and Settlement reported that in the first three quarters of 1962, 240,000 acres of land changed hands privately, presumably much of it European land purchased by other Europeans.⁷⁵ This writer personally knows of several farmers who have purchased new farms in the "safe" areas or who said they would if bought out, and such occurrences are by no means uncommon. The Land Bank is available to finance such transfers, though again this writer's knowledge is that Europeans (even Kenya citizens) are at a disadvantage when applying and usually rely upon other sources of money.

In keeping with the goals of maintaining land prices and high European production, the Government has approved of and even encourages such transfers.

⁷⁵East African Standard, December 14, 1962, p. 10.

Finance Minister James Gichuru in clarifying Government policy in 1963 made the following statement:

It may be argued that some of the "stayers" are speculating, seeing the chance of buying farms fairly cheaply and making a good profit. If so, good luck to them. It is the prosperous and successful farmers who will produce as efficiently as they can for the benefit of Kenya. It is the farmer who makes a profit who will--if, as I hope, his profits are properly assessed--pay income tax, and it is he who can afford to pay good wages and will be able to pay interest on, and ultimately to repay, the loans obtained from the Land Bank and other sources.⁷⁶

Other aspects of the plan turned out to be disagreeable to many settlers. One particular bone of contention was the manner of evaluating a farm prior to purchase. Under the established rules an "experienced agricultural economist" would be sent out to examine the farm and determine its yearly "optimum potential profitability." This sum would be multiplied by eight to determine the capital value of the land. From the capital value would be subtracted the amount of money needed to bring the farm to its full potential. The resultant sum would be the amount paid.⁷⁷

This method of valuation was widely unpopular for

⁷⁶James Gichuru, "The Budget and the Farmers," Kenya Weekly News, No. 1885, June 21, 1963, p. 9.

⁷⁷From a speech by Bruce MacKenzie to the KNFU reported in "Agricultural Policy," Kenya Weekly News, No. 2024, November 27, 1964, p. 6.

two reasons: First, it provided the land-owner with only a portion of the recognized value of his land. he naturally would have liked full value, but here the philosophy of the plan became decisive--the purpose was to settle landless Africans, not to compensate Europeans for their loss. Second, many settlers had allowed their farms to run down or had "mined" them in the hope of realizing a large profit before being forced out. They had allowed fences and roads to get in disrepair and had ignored the principles of good agriculture. The cost of undoing their damage was deducted from the farm's determined value. Though this came as a rude shock to many, there was little grounds for complaint, especially since many farmers had maintained their standards.

A more justifiable complaint was the fact that the Settlement Board in practice was only interested in purchasing land. They often had little use for machinery or buildings and seldom offered more than nominal amounts for such assets. The maximum amount offered for a house, for example, was £2,500, only a fraction of what many farmhouses were worth. Likewise, machinery and equipment were negotiated separately, if at all. At times the settler merely took what

he could get on a disastrously glutted market.⁷⁸

In general, though, the settlers who were bought out fared better than they had expected a few years before. Though it was impossible completely to compensate a man for the loss of his livelihood, most settlers received enough money to set up life elsewhere, if on a somewhat reduced scale. Others, as mentioned previously, stayed in Kenya, often as settlement farm managers or in non-agricultural jobs. A few had more debts than assets and left Kenya with nothing but bitterness.⁷⁹

The Changing Outlook

The major difficulty of the Million Acre Scheme, however, was that its goals were incompatible. These goals were outlined early in the scheme's history by an unidentified official:

The settlement schemes in the settled areas are designed to meet several needs. The first is the need of those in the over-crowded African areas and the unemployed who see land on which they could make a tolerable living now occupied by relatively few persons of a different race. . . . The second need is to maintain as far as possible the existing production

⁷⁸Richard Cox, Kenya's Country (New York: Praeger, 1965). p. 63.

⁷⁹Bruce MacKenzie estimated that 65 per cent of all the money paid out by Settlement would remain in Kenya because of debts and taxes. "The Farmer's Dilemma," Kenya Weekly News, No. 1852, July 27, p. 6.

from the large-scale farming areas, most of which are unsuitable for high-density settlement and, if so settled, could only offer a life of poverty. . . . The third need is to give some assurance for the future to European farmers who stay. This is being done through a five-year land purchase program, which the UK Government is prepared to extend . . . /and which helps/ to create a market in land. By trying to meet all these needs the Government hopes to avoid a scramble for land in the Scheduled Areas. . . .⁸⁰

Thus the Government proposed: 1. to satisfy land hunger by dividing up the Highlands and parceling out plots to poor Africans in a peaceful and ordered manner, 2. to do this in such a way as not to decrease production, and 3. to make things as easy as possible on those Europeans involved.

Of these goals the first was definitely the most urgent. Unemployment rates in Kenya were astronomical. Lowered death rates, displacement by the upheaval of the 1950's and a host of other factors had led to a spiraling increase in the number of persons without an economic home.⁸¹

The large disparity between the wealthy few and the impoverished many had to be overcome if the Government hoped to stand, and the landless themselves were

⁸⁰East African Standard (Nairobi), December 14, 1962, p. 10.

⁸¹Aaron Segal, "The Problem of Urban Unemployment," Africa Report, X (April, 1965), pp. 17-21.

in no mood to be patient. Many Africans, particularly among the Kikuyu, where landlessness was exceptionally acute, felt that the white-owned property of Kenya was the spoils of victory to be distributed to the victors as soon as possible.

One unexpected victim of this rush for land was the Land Board for which the settlers had so strongly fought. The Board was designed to allocate land in an objective manner, without regard to tribe, and this proved unacceptable. The Board had just progressed to the stage where it was ready to begin operations when its effectiveness was suddenly impaired by a drastic reduction of its powers and the elimination of the post of Chairman.⁸² Though several issues were involved in this decision the key difficulty was the fact that the Board would have approached land in an objective, non-partisan manner. Under the existing regulations, for example, priority for settlement plots would have gone to workers who had been employed on the farm under consideration for the last four years.⁸³ However, most farm laborers in Kenya were Kikuyu or Baluhya. By transferring many of the Land Board's powers to the Regional Presidents (as was done) and giving the power of

⁸²The Times (London), March 4, 1963, p. 8.

⁸³Jones, "Decolonization," pp. 197-198.

selection to those Presidents, preference for the various schemes could go to the people whose tribe dominated the area involved rather than to the workers, who would probably be foreigners to the area. One important result of this decision was to expel from the Rift Valley and several other regions large numbers of workers (primarily Kikuyu) who, though perhaps very deserving by virtue of long work records, could now qualify for no settlement scheme.

Coupled with this influx of landless workers into Central Province (the home of the Kikuyu) was the sudden recurrence of the demand for "free land." A similar situation had occurred in 1962 and had climaxed in the refusal of 500 settlers (mostly Kikuyu) to take their assigned plots, presumably because of the belief that the land would be free if they would only wait.⁸⁴ At that time Kenyatta had personally intervened to straighten out the matter, but now the situation was again about to get out of hand. Squatting was becoming a serious problem and many white farms (especially those near the Kikuyu reserve) were being abandoned. Kenyatta again assured the people that there would be no free land, but this time the spoken word was not enough. Unexpectedly

⁸⁴The Times (London), March 21, 1962, p. 10.

and within a few short months of independence the Government realized that the danger point was about to be reached. Unless something was done about the landless Kikuyu, chaos and disorder could break out.⁸⁵

Almost in desperation Kenyatta ordered that south Nyandarua, previously low on settlement priority, be taken over on a "crash" basis and be distributed in six weeks. This was in November, 1963. The European owners were hustled out of their homes, half grown crops were plowed under or allowed to rot in the fields, and landless Kikuyu were rushed in with little or no preparation. The climate here as well as in Ol Kalou, the neighboring province settled under similar circumstances in 1964, was cold and the altitude high. Normal quick-yield crops took extra months to grow and normal cattle got sick from the altitude. Special disease-resistant seeds were necessary. None of these facts were taken into consideration. Within a season potato disease had broken out, cattle had died and the Kikuyu warm-weather crops were stunted.⁸⁶

It was said earlier that the settlement scheme

⁸⁵The possibility of a breakdown of law and order was definitely accepted by the Government. N. S. Carey Jones, then a high-ranking civil servant, wrote of official fears. See Jones, "Decolonization," p. 196.

⁸⁶For a rather pessimistic appraisal of these schemes see Cox, Kenyatta's Country, pp. 60-73.

goals were in conflict with each other and the Nyan-
darua and Ol Kalou schemes proved it. Many parts
of the Scheduled Areas enjoy high rainfall and have
good soil. In these areas (often those settled in
the earlier stages of the schemes) there is no doubt
that intensive cultivation is more productive per acre
than is extensive cultivation, whose efficiency lies
in greater productivity per man. Much of the Highlands,
however, are less than optimum and require the gentle
coaxing of an experienced farmer to realize their
wealth. As the schemes moved from the high produc-
tivity soils to the drier, less fertile areas the
goal of maintaining production was less attainable

Furthermore, the typical African farmer simply
did not have the skills, resources and knowledge avail-
able to his European counterpart. For example, the
Department of Agriculture estimated in 1962 that on
high-potential land European production was £4,150
per square mile as opposed to £1,180 by Africans.
The Scheduled Areas, if cultivated at African produc-
tivity levels, would produce 500,000 bags of surplus
food grains instead of their usual 3,000,000 bags.⁸⁷

These figures were reinforced in their impact
by the sudden realization that resettlement could

⁸⁷Design," Kenya Weekly News, p. 6.

never really solve the problems of landlessness and unemployment but would merely postpone their urgency. Shortly before independence, A. "Sandy" Storrar, Director of Settlement, wrote:

There are those who see the resettlement schemes as a means of solving Kenya's unemployment problem, but if it is remembered that the maximum number of families that can be accommodated over five years is between 40,000 and 50,000, this is not possible. Present estimates of unemployment exceed this figure, but these estimates pale when one considers that the increase in population in the next five years will be in the region of 150,000 to 200,000 families.⁸⁸

Key ministers also began expressing doubts about the advisability of continuing the schemes beyond their existing limits. James Gichuru, whose Finance Ministry was responsible both for collecting taxes and promoting growth, openly stated that he would prefer money for development rather than for further settlement.⁸⁹ Bruce MacKenzie, who had long supported the schemes, also had doubts, especially about plans for a second or even third Million Acre Scheme as proposed in Kenya's Parliament. Instead he favored a much modified

⁸⁸A. Storrar, Director of Settlement, in "Annual Report of the Department of Settlement," quoted in East African Standard (Nairobi), October 8, 1963, p. 5.

⁸⁹Quoted by C. O. Oates in East African Standard (Nairobi), April 19, 1963, p. 15.

plan which would allow for private transfers of land with government help:

It is the Kenya Government's intention to attempt to obtain money from H. M. G. whereby any European who wished to sell his land could sell it to an African individual, a group of Africans, a company formed of Africans, a cooperative company or any such other collection of people. . . . In other words there would be no further settlement after the first 1,000,000 acres.⁹⁰

By the time the Sessional Paper on African Socialism, which expressed Kenya's official policy on development, came out in 1965, the matter seemed settled:

It should be recognized that if the nation's limited domestic capital is used to buy existing land, livestock, buildings, machinery and equipment, the nation has no more productive assets than before-- only their ownership has changed. . . . Africanization in agriculture has taken the principal form of land settlement which is based primarily on the transfer, reorganization and development of some of the land formerly European-owned. This approach has been necessary for political reasons . . . settlement policy should hereafter be based on its economic benefits. . . . We have to consider what emphasis should be given in future to settlement as against development in African areas. The same money spent on land consolidation, survey, registration and development in the African areas would increase productivity and output on four to six times as many acres and benefit

⁹⁰East African Standard (Nairobi), September 4, 1963, p. 7.

four to six times as many Africans.⁹¹

While planners studied the future of settlement the existing schemes were pushed to completion. MacKenzie had been able to speed up the high density program from five to three years duration and the other schemes had met about the same deadline. By mid-1965 as the plans neared completion Mr. Angaini the new Minister of Lands and Settlement (MacKenzie had been shifted to Agriculture) summarized the achievements of his Ministry for the benefit of Parliament. The total cost of the plans was £26.5 million. Of this sum Britain had provided £21.6 million (including a grant of £9.7 million), the World Bank had provided £1.6 million, the West German Government £1.2 million, the Land Bank £1.4 million and the Commonwealth Development Corporation £800,000. Total families to be settled by the end of fiscal 1965 would be 33,000 and total land transferred would be over 1,000,000 acres.⁹²

In one way the Million Acre Scheme had been extremely successful: it had taken the pressure off a very sensitive political problem and had done

⁹¹Republic of Kenya, Sessional Paper #5, African Socialism and Its Application to Planning in Kenya (Nairobi: Government Printer, 1965), pp. 26-28

⁹²East African Standard (Nairobi), July 14, 1965, p. 3.

it with a minimum of disruption. The transition had been orderly and controlled. There had definitely been a drop in production, but the drop was not nearly as bad as it could have been and the settlement officers were working hard to insure that the new settlers used good husbandry and farming methods. The white settler community had not been wiped out and its numbers, though sorely depleted, were still considerable.⁹³

The Future

Though much of the African pressure on the land had been alleviated by 1965, there were still considerable numbers of Europeans who wanted to sell their farms as quickly as possible. At the end of the original Million Acre Scheme (which with other schemes had actually transferred about 1.6 million acres of European land) there was left in European hands about 1.6 million acres of mixed farming land. Recent surveys indicate that about 30 per cent of European farmers are determined to stay in Kenya, 20 per cent are determined to leave and 50 per cent are willing

⁹³There has not, to this writer's knowledge, been an official statement of how many European settlers remain on the land, but the Kenya Weekly News estimates that of the pre-1960 total of 3,000 about 1,000 are left. "Maize, Maize, Maize," Kenya Weekly News, No. 2122, October 14, 1966, p. 3.

to sell their land if given an acceptable offer.⁹⁴

Using these figures one can estimate roughly that around 480,000 acres of mixed farming land are in the hands of Europeans who wish to retain it permanently. Likewise about 1,120,000 acres are in the hands of Europeans who will probably sell sooner or later. Again these figures exclude the vast areas of company plantations and ranching areas not suitable for settlement.

In November, 1965, following months of negotiations, the British Government announced that it would finance a new £18 million development plan in Kenya to begin in early 1966. Included in one section of this plan was an interest-free loan of £6 million for the purchase of 400,000 acres of European land over a four-year period. It was widely assumed in Kenya that these funds would be used for loans on a walk-in-walk-out basis, rather than for the further break-up of farms.⁹⁵

A remarkable characteristic of the 400,000 acre plan is that it is much less than most people expected. Many European farmers who had anticipated

⁹⁴"Land Transfer," Kenya Weekly News, No. 2130, December 9, 1966, p. 3.

⁹⁵See East African Standard (Nairobi), November 17, 1965, p. 9 as well as "Cut Price Land Transfer," (editorial), Ibid., p. 8.

selling out under the second Million Acre Scheme suddenly realized they would have no opportunity to leave. The niggardliness of the scheme in the face of past British promises led to speculation that the Kenya Government had secretly decided to slow land transfers to a minimum.

If this is true, African land settlement in Kenya will have come full circle and returned to where it began. In the early 1960's it started with a rather limited plan for the transfer of moderate amounts of land to skilled African farmers who could be counted on to maintain production. By 1962 political pressure had reached such a pitch that it was necessary to switch priorities; until the end of the Million Acre Scheme the main concern of settlement was not economics but politics. The purpose was to get large numbers of Africans settled on European land as quickly as possible. Little real regard was paid to the economic results of such action. By the time independence arrived there was a growing awareness that unrestrained high density settlement could destroy much of Kenya's economy. There was also an awareness that the urgency of land transfer was quickly abating. It was possible by 1965 for the Government to be somewhat more strict about what it accepted by way of land settlement. Consequently any scheme begun

after 1965 will have to fulfil rigorous criteria in regard to its value to the economy. No longer can the nation's land resources be destroyed or maimed in the name of political expediency.

All of this augers well for Kenya's white farmers. Most of them today are on well-run farms which would be damaged by break-up or transfer. If such farms are to be taken over (and many of them will be), it will be only after proving that some benefit will result to the country as a whole. Considering that African pressure on the land is now appreciably diminished and that the number of white farmers is much smaller than in the past, it seems likely that many of the European settlers who wish to remain in the country will be allowed to do so, at least as long as the present Government can maintain itself in power. The time is now past when most Africans look at a European and think, "There is the man who is keeping me from having a farm." It is now possible for the Government to look at the land with more long-range benefits in mind. With a little luck it will continue to believe that the presence of some European farmers in Kenya is in the best interests of the nation as a whole.

CHAPTER THREE
THE CITIZENSHIP ISSUE

Citizenship and Dual Citizenship

The second most serious issue facing the European Community in Kenya was the matter of creating a favorable legal status for immigrants wishing to remain in the country. This problem was particularly important to those who hoped to come to terms with the new order and proposed to make their permanent homes there. To take this step without some guarantee of meaningful citizenship and ordinary civil rights would be foolish indeed. If one proposed to break the ties which bound him to his native land, he at least would like to be assured that he would not be losing too much in the trade.

One rather difficult problem relating to citizenship was cleared up with little or no difficulty: the African political leaders agreed to accept without prejudice any European or Asian who wished to remain in independent Kenya. As early as 1961 Kenyatta had made this clear by promising citizenship to anyone who wanted it.¹ Had such a policy not been pursued, serious difficulties might well have arisen which

¹East African Standard (Nairobi), November 4, 1961, p. 5.

could have spelled the eventual doom of the European community.

One can never be sure what made the African leaders pursue the policy they did, but no doubt the hard facts of political and economic life were among the prime determinants. If Kenya, a rather poor country in spite of its agricultural wealth, rejected its white inhabitants it would be very difficult for it to call upon the European technology and money needed for its development. A black eye such as that received by Algeria when she expelled the French would have done irreparable harm to the economy. The fact that Kenya's best source of white skills was conveniently located in the country was an important fact not to be overlooked. The African leaders have always recognized the importance of European skills and they have never hesitated to learn from what the white man says. Though they despised the Asian, who stood just above them in society and seemingly brought no particular benefits to the country, they looked to the European as an example of what they hoped to become.² Once the political power of the European

²It seems likely in this writer's opinion that if there were no European community in Kenya, the position of the Asian would be much worse. The African seems to tolerate the Asian so as not to frighten away the European. Had the Asian alone been struggling

had been broken and he had accepted the fact of African rule, he could be looked upon as an ally and one who, in fact, could make a greater contribution to the national good than could most indigenous people. As Tom Mboya said just after independence:

Those of our people, like the Europeans, who have the advantage of education . . . have a much bigger contribution to make and a much bigger responsibility in this task of economic development and nation building. It is therefore our expectation that the European . . . will come forward and make that bigger contribution, give the leadership, make the contribution that will enable the less fortunate in our community to move forward in the economic and social fields. This expectation on our part from the Europeans . . . is in our view logical and consistent with any other country which must develop from its own resources.³

Thus in one sense of the word Europeans were a national "resource" to be conserved and protected. One could also make a case for saying that Europeans were accepted because the African leaders believed it was simply the right thing to do. Time and time again men such as Kenyatta expressed the belief that Kenya could be happy only if all of her people lived

for citizenship rights it seems unlikely that he would have been as successful as was the European. Though the Asian enjoys the same rights as the European, this distinction should be kept in mind when reading this chapter.

³T. J. Mboya, "The Future of Kenya," African Affairs, LXIII, No. 250 (January, 1964), p. 8.

together peacefully. His statement that "Our aim is to bring people of all races together to be an example to the world" is typical of this seemingly sincere belief.⁴ One may be tempted to view such utterances with suspicion, but the consistency with which they were stated, often in the face of strong opposition, seems to indicate that they represent more than cheap political rhetoric.

Whatever the reason, Kenya's government seemed willing to offer citizenship to any European who wanted it and could qualify for it. A difficult problem, though, was yet to be solved. Most Europeans in contemplating Kenya citizenship conceded that they would be taking a calculated risk. Recognizing that Kenya, a potentially unstable country in almost everyone's opinion, could easily take a turn for the worse, they sought an escape clause which would cover their retreat should retreat become necessary. The British Nationality Act of 1948 they hoped would serve. This Act provided that a British citizen could take out the citizenship of a Commonwealth or an ex-Commonwealth country and still retain his British citizenship so

⁴East African Standard (Nairobi), November 4, 1961, p. 5.

so long as he did not renounce that citizenship.⁵ With this law in effect a Kenya European with doubts in his mind could take out Kenya citizenship with all the confidence of a Christian with four aces, to borrow from Mark Twain. If Kenya proved to be a stable, progressive country with little racial vindictiveness, the European could realize his hopes and remain in his adopted land permanently. If by some stroke of bad luck the country became a black-run South Africa and he had to leave, it would be possible for him at least to avoid the unhappy situation of being a stateless person.

Though it seemed only a logical thing to Europeans to add a touch of security to a somewhat risky gamble, many Africans looked upon this "security" as an unwillingness on the part of the Europeans to commit themselves totally to the new Kenya. The hypersensitivity of the African to the thought that he is being duped or used by the white man expressed itself here as a strong opposition to any form of dual citizenship. Considering the past history of Kenya and the rather exclusive position of the European, many Africans felt they had made a considerable concession to accept the European at all. For them to allow

⁵For a more complete explanation of the law and its application to Kenya see the Appendix.

this European to keep "one foot in Kenya . . . one in London" would be granting him privileges not available to the black citizen.⁶ It would also indicate that the European was not really a Kenya citizen at all but was merely affecting Kenya citizenship in order to maintain his position of privilege. Therefore, the African position became clear: for any European contemplating Kenya citizenship nothing less than a complete break with Britain would be sufficient.

As far as the cabinet was concerned the matter of citizenship was largely the preserve of Tom Mboya, first Minister of Labor and later Minister of Justice and Constitutional Affairs.⁷ Though leaders such as Kiano, Kenyatta and Odinga made occasional speeches on the matter, it was obviously the allocated task of Mboya to work out some sort of legal arrangement on the rights of Europeans who wanted citizenship, and the conditions under which they could acquire that citizenship. By making regular speaking ventures into European strongholds, often with Bruce MacKenzie

⁶Quoting Gikonyo Kiano, The New York Times, January 27, 1960, p. 6.

⁷Mboya's career and beliefs are outlined in his autobiography, a rather quickly done work but the only really adequate one available on the subject. Tom Mboya, Freedom and After (Boston: Little, Brown and Company, 1963).

at his side, Mboya became a common figure to many settlers. With MacKenzie laying down the law regarding European-owned land and Mboya laying down the law about European rights and responsibilities, many a white man has left these meetings in a state of emotional shock. Nevertheless, Mboya never hedged on commitments made to the settlers and they knew that what he said was official policy.

Mboya felt that insofar as Europeans were concerned the matter of Kenya citizenship was merely a facet of the greater problem of identity. Whereas Europeans looked upon citizenship as a legal problem, Mboya saw it as an almost spiritual problem.⁸ It would be easy, he felt, to extend legal rights to almost anyone who happened to be in the country, regardless of his citizenship. Membership in the nation of Kenya, on the other hand, could only be the result of an attitude of heart, with legal citizenship merely recognizing this attitude. Though administrative necessity ruled that legal citizenship would be the only one recognized by the courts, Mboya felt that Kenya had a right to require something more than birth and a completed application form of its non-native citizens. The immigrants in Kenya had loyalties

⁸Ibid., pp. 106-108.

in another country. Only by changing those loyalties and making them Kenya-directed could true citizenship be achieved. Legal citizenship would then be given to those who had proven their spiritual citizenship by their actions.

Mboya attempted to express these thoughts to the settlers through their own medium, the Kenya Weekly News. Writing as a guest author, he tried to explain to the settlers that the problem of true citizenship was primarily one of intent and good will:

No nationalist in his right mind can place the destiny of his people in the hands of a person or group of people who look for the slightest excuse to desert the country that has done so much for him and his lot. . . . Those who desert at this hour only justify the African belief that the primary purpose of the immigrant communities was, and still is, to exploit our country and its people. In the eyes of the African one cannot claim equal rights, opportunities, privileges and protections if one is not prepared at the same time to accept his or her share of duties, responsibilities and risks. . . .

The European and Asian must show by his actions today that he is ready and willing to play his part like everyone else during that crucial period of transition. It is on this willingness and readiness that he will be judged by the African people. Any reluctance to accept these future risks may lead to suspicion and doubts as to whether the Asians and Europeans are true Kenyans and whether they will not desert at the hour when Kenya needs all its people most. . . .

I appreciate that fear exists but feel that the removal of this fear on the part of the immigrant communities cannot be left entirely to the African leaders.

The efforts of the African leaders need the practical assistance of the example of the immigrant communities--who must also try to remove the doubts in the minds of the African people. It is not enough merely to warn about Kenya's doom in case all the Europeans leave the country. . . . The African still remembers the discrimination and indignities he only recently suffered at the hands of the immigrant communities! It is, therefore, obvious that he, too, has to be helped to overcome his strong feelings of resentment and even urge for revenge. This cannot be done by asking him to grant further privilege or show gratitude for the services of the immigrant communities. He is bound to be suspicious of people who claim to be Kenyans but continue to ask for special treatment and threaten to leave the country if their conditions are not met. . . .

Today, more than at any other time, Kenya needs the services and support of its true Kenyans especially among the immigrant communities. The task of restoring confidence must be faced by all of us and not just by the African people and their leaders.⁹

Mboya followed up this article, which caused quite a stir, with an address to the KNFU branch in Eldoret. In this talk he emphasized to the settlers that only a change in their own outlook coupled with complete loyalty to Kenya could render them acceptable for citizenship. He also set forth the rules to be applied regarding European citizenship in Kenya: Europeans and other immigrants would be allowed to take out citizenship and, having done so, would be

⁹Tom Mboya, "Who are These Kenyans?" Kenya Weekly News, No. 1841, May 11, 1962, p. 9.

treated as the complete equals of any native African citizen. Non-citizens resident in Kenya would be protected by the proposed Bill of Rights,¹⁰ but citizens in addition would enjoy the suffrage, equality of opportunity and other such privileges. KANU also hoped to make land ownership an exclusive right of citizens, but since KANU felt otherwise some compromise might be reached. Dual citizenship would not be allowed but immigrants would be given three to five years to make a decision on whether or not to take Kenya citizenship. Furthermore, Commonwealth citizens would enjoy special reciprocal privileges¹¹ to be worked out later by agreement.¹²

The cards had been laid on the table. There was no doubt whatsoever about what the Kenya Government expected of its European citizens. The next step,

¹⁰See Great Britain, Parliamentary Papers, Vol. XI (Reports: Commissioners, etc., No. 4) Cmd. 1700. February, 1962, "Report of the Kenya Constitutional Conference 1962," pp. 19-25 of the report.

¹¹For example if a Kenya resident of Britain could vote, a British resident of Kenya would also be allowed to vote.

¹²The speech, which was delivered in closed session with no reporters present, is summarized in the East African Standard (Nairobi) in three separate articles: July 24, 1962, pp. 1 and 4, "Interview with Tom Mboya on Citizenship and his Eldoret Speech to the KNFU," July 26, 1962, p. 3, and "Kenya Citizenship" (editorial), July 27, 1962, p. 8.

whatever it would be, was up to the Europeans.

The British Nationality Bill

There are times when a clash of interests is so sharp that good will alone cannot reach a solution. This was one of those times. The European who was considering Kenya citizenship was willing to throw in his lot with his adopted country, but he did have enough doubts to prompt a search for an escape clause. The African was willing to accept the European in his country, but insisted that he come in as an equal with no secret loyalties and no special privileges. Both sides had a good case and neither can be accused of making unfair or unreasonable demands upon the other. Yet they were in conflict.

Since Mboya and the Cabinet had seemingly blocked a settler effort to use dual citizenship as an escape clause by requiring that a Briton taking out Kenya citizenship first renounce and thereby lose his British citizenship, the settlers looked to Britain to provide them with an alternative. The next best thing to a guarantee of permanent British citizenship would be a guarantee that British citizenship could be resumed at any time it was needed or desired. It was on the achievement of this guarantee that the settler now fixed his mark.

It might be useful at this stage to point out certain differences between the land problem and the citizenship problem insofar as interest group pressure was concerned. The land problem was one whose solution would ultimately be decided upon in Kenya. The British Government was important, of course, because it could provide money for a more beneficial settlement and could guarantee the agreements made, but because land was basically a Kenya affair Britain could only serve to advise and assist. However, since there was considerable room for negotiations as to how much Britain would assist and as to exactly what Kenya policy would be, the settlers found it useful and necessary to do a considerable amount of direct lobbying both in Kenya and in Britain.

On the other hand the matter of British citizenship was in no way related to the Kenya Government. Though Kenya could set forth the conditions under which someone could obtain her citizenship, she could in no way whatsoever determine the conditions under which someone could retain or regain British citizenship. Furthermore, because Britain would have nothing to lose either financially or politically by altering her citizenship law it became obvious that getting a favorable settlement from her on this issue would not be nearly as difficult as getting a favorable

settlement on land.

Consequently most of the settler activity concentrated on the land question, while the citizenship issue was largely handled in Britain by the "settler lobby" in Parliament. This lobby originally had as its core Peers and MP's who were either settlers themselves, relatives of settlers, friends of settlers, or Kenya land holders.¹³ As independence approached and sympathy for the settler community increased, so did the number of Members of Parliament willing to speak out on their behalf. Since nothing was to be lost by liberalizing the Nationality Law and since the principle of liberal citizenship rules had been accepted in 1948 there seemed little reason why the British Government should not and would not amend the law to make provision for the renewal of renounced citizenship.¹⁴

As in the case of land, however, the Government

¹³See Great Britain, 5 Parliamentary Debates (Lords), CCLII (1963), for the identity of some of these men and their relationship to Kenya and its problems.

¹⁴It might be pointed out that Kenya was simply following the lead of Uganda and Tanganyika in its citizenship requirements. There was, however, no really significant British settler community in either of these countries (at least none to compare with Kenya's) so consequently the urgency for a change in British law did not appear until Kenya's independence neared.

seemed anxious to postpone any decision until the last possible moment. In August, 1961, Mr. Macleod said the matter of citizenship was one to be handled "when a territory is approaching full independence,"¹⁵ and in December, 1962, with independence just a year away, Mr. Sandys reiterated the same belief:

The problem of citizenship will not arise in connection with the new constitution, which will give Kenya internal self-government. The problem of citizenship will have to be settled in the next stage when we come to make the arrangements for independence.¹⁶

The reasons for this procrastination are impossible to determine with any degree of certainty. No reason was ever given as to why action was postponed, except to say that the time was constitutionally inopportune. In the case of land, action was postponed in order to allow a policy to develop which would have a minimum of drawbacks. With the matter of citizenship there were so few alternatives that it seems unlikely that indecision about which ones to opt for could have been a factor in delay. What seems more likely, in the light of perspective, is that Britain hesitated to provide for an automatic resumption of citizenship

¹⁵Great Britain, 5 Parliamentary Debates (Commons), DCXLV (1961), 143.

¹⁶Ibid., DCXIX (1962), 30.

out of fear that a counter-action might be taken by Kenya. Had the Kenya Government felt it was being tricked or out-manuevered it could very well have reacted in a manner unfavorable to the settlers. Though some other factor, such as bureaucratic inertia, may have been involved it seems likely that fear of a Kenya reaction was probably the chief cause for delay.

Whatever the cause, by mid-1963 Britain had begun to move. In July of that year the Minister of State for the Colonies, the Marquess of Lansdowne, told the House of Lords that former British citizens who had given up their citizenship as a condition of accepting citizenship in a Commonwealth country would be allowed to immigrate to Britain and regain their former citizenship without completely fulfilling the five-year residence requirement.¹⁷ Though this was obviously a step in the right direction as far as what the settlers wanted, the Government was strongly criticized by several Lords for requiring any residency at all. Strong support was in evidence for a change in the law which would allow for the immediate resumption of citizenship by application.¹⁸

¹⁷Great Britain, 5 Parliamentary Debates (Lords), CCLII (1963), 27-28.

¹⁸*Ibid.*, 12-13, 38-40, 53-54.

By November when the final constitutional conference was being held, a little over a month before independence, the Government seems to have come around to a complete change in the Nationality Law. L. R. Welwood of the Kenya Coalition delegation felt that the Government was "obviously sympathetic" to the settlers' feelings. He seemed confident that a law would be passed allowing white Kenyans who were former British citizens to resume their original citizenship on application.¹⁹ As it turned out he was quite correct. Less than three weeks later the Government announced that it would introduce an amendment to the Nationality Act "as soon as the opportunity occurs."²⁰

Such an Amendment was introduced early in the next year. It provided that a person who renounced his United Kingdom citizenship would be allowed to resume that citizenship on application if he could fulfill two criteria: 1. if he could prove that at the time of his renunciation of United Kingdom citizenship he possessed or was about to possess citizenship in a Commonwealth country and that to acquire that citizenship he had to

¹⁹East African Standard (Nairobi), October 3, 1963, p. 1 and November 4, 1963, p. 4.

²⁰Mr. Brooke, Home Secretary, in Great Britain, Parliamentary Debates (Commons) DCLXXXIV (1963), 108.

renounce his United Kingdom citizenship; and 2. that he had a "qualifying connection" with the United Kingdom, primarily through birth, descent or association. The Home Secretary was authorized to use his discretion to determine what a "qualifying connection" was so as to give the benefit of the doubt to hardship cases.²¹ The Amendment was approved with no critical debate and was officially enacted into law in March, 1964. In the final analysis it gave the settlers exactly what they wanted--legal protection for themselves and their descendants in the event that their position in Kenya should become untenable.

The Kenya Citizenship Bill

Just before the final constitutional conference on Kenya, Tom Mboya announced his Government's proposals for citizenship. He proposed that automatic citizenship should come to any person born in Kenya who had one parent born in Kenya or whose father was a citizen at the time of the child's birth. Dual citizenship (for those who had such citizenship) would be allowed for two years; then the Kenyan must renounce the one or lose the other. Land ownership would not be tied to citizenship, and Commonwealth citizens would enjoy reciprocal rights.²²

²¹see the Appendix.

²²East African Standard (Nairobi), September 21, 1963, p. 1.

There is no evidence of settler protest to these conditions, probably because of their confidence that there would soon be an Amendment to the British Nationality Act. Consequently the Citizenship Bill was incorporated into the proposed constitution and returned to Kenya for ratification. Here, however, a very serious and perhaps not unanticipated snag, African opposition to equal treatment for the immigrant communities, developed. For a considerable time the Government had been emphasizing to the immigrant communities that those of them who took out citizenship would be considered equals in every way and would not be discriminated against. This policy had been repeated often and with no hedging.²³ There seemed little reason to doubt that it meant what it said.

This promise of complete equality for immigrant citizens had been balanced in practice with a rather extensive Africanization program in the Civil Service. This program, alternately called localization, black-inization, and Kenyanization according to who was talking and what his purpose was, had as its goal the

²³See for example "KANU Addresses the Farmer and the Businessman," Official Statement from the Press and Publicity Office of KANU, reprinted in Kenya Weekly News, No. 1892, May 2, 1963, pp 13, as well as the KANU Manifesto quoted in T. J. Mboya, "Do White Men Have A Future in Kenya?" New York Times Magazine, December 8, 1963, p. 24+.

replacement of white and brown expatriate officers with local black ones. Over the years an imbalance had developed in the racial make-up of the Civil Service which obviously could not be allowed to continue unchanged in an independent country. In 1961, for example, out of a total of 35,696 persons employed throughout Kenya in high-level jobs (in both public and private fields), only 5,216 had been Africans.²⁴ Though lack of qualifications accounted in part for this underrepresentation of Africans there seems no doubt that discrimination was a more important root cause.²⁵ Whatever the cause, the situation had to be righted for obvious political reasons.

In February, 1961, T. M. Skinner, the Director of Establishments, announced that Kenya would begin "localizing" its Civil Service on a non-racial basis.²⁶ By July a compensation scheme was announced for those expatriates who were being replaced. Based on age, length of service and salary, the scheme provided for a maximum settlement of £12,000 in tax-free gratuity

²⁴Government of Kenya, Development Plan 1964-1970 (Nairobi: Government Printer, 1964), p. 24.

²⁵See Corfield, Mau Mau, p. 25.

²⁶The Times (London), February 2, 1961, p. 9.

plus an annual pension of £1,000.²⁷ Certainly this must be considered an exceptionally generous settlement, especially when one remembers the wage scales in Britain where many of these officers made their permanent homes.

Though the immediate result of this scheme was to place many Africans in positions of responsibility within the Civil Service, there was still a degree of opposition to the scheme within the African community. The primary cause of this disaffection was the continued insistence by the Government that although Africanization would bring the most benefits to the African, there was no intention to discriminate against "local" Europeans and Asians (as opposed to expatriates). Mboya was particularly emphatic in insisting that all local Europeans and Asians who took out citizenship would be under the protective cover of "Africanization": "By virtue of becoming Kenya citizens--Asians, Europeans, Arabs or other immigrant races will become Africans."²⁸

The Citizenship Bill and the Bill of Rights, both a part of the constitution, were designed to continue this policy and to entrench it in law. Once

²⁷Ibid., July 14, 1961, p. 8, Lord Cowley, Letter to the Editor, December 11, 1963, p. 23 and December 16, 1963, p. 9.

²⁸Daily Nation, November 22, 1963

Kenya was independent, all citizens of whatever color would be entitled to equal rights and protections. It was in this policy that many Africans foresaw potential trouble. Though Africanization was continuing at a rapid rate there were still large numbers of non-blacks in Government service. There was a particularly large number of Asians in the lower and middle echelons where most educated Africans could aspire for a career. If these persons took advantage of the citizenship provisions of the constitution the African Government would be faced with the choice of ignoring the needs of its own people or else instituting a policy of racism and blackinization in violation of the constitution.

Consequently when the Citizenship Bill was introduced into the Kenya House of Representatives it met with strong back-bench opposition. The general tone of criticism was that the Bill would be a sell-out of the African people and, since it was a British-imposed measure, a final vote on it should be postponed until after independence. Though those who spoke against the Bill were in general not the leading members of the House, the thoughts they expressed represented the views of many black Kenyans. Resentment, distrust and (again) fear of being duped were undoubtedly oft-felt emotions among large sections of the common people.

In their own crude way perhaps these spokesmen were closer to the innermost feelings of many black Kenyans than was the Government.

Two quotations will perhaps illustrate the tone of the opposition. One of the spokesmen, Mr. Mutiso, felt that the crimes and offenses of the past should not be forgiven so quickly:

In the past, we were led to believe that those colonial powers who ruled Kenya sought to establish a white Government in this country and now, when the Africans have come to power, after a struggle to establish a black Government, we are told . . . to pass a Bill so that these people who opposed us, and suppressed us will enjoy the same equal rights as our Kenya black Africans.²⁹

Another member, Mr. Oduya, emphasized the economic repercussions of the Citizenship Bill if all citizens were treated equally:

Many of the Europeans are also born in this country, their fathers were too, and they also automatically qualify for citizenship. If they hold on to their jobs there will be no way open for the Africans. . . . what is the Government going to tell the people? Is it going to remove the Asian just because he is a brown man even though he is qualified as a citizen? That will be the problem. . . . This bill should not be rushed. We can

²⁹Government of Kenya, National Assembly Official Report (House of Representatives), November 29, 1963, 2462-63.

leave it until the 12th December because we know very well what we are going to do after that date.³⁰

The debate continued for three days. On the third the Government began a counter-attack. Mboya led off with Odinga, the Minister of Home Affairs, assisting. The essential points of Mboya's argument were 1. the Bill would require very little of Kenya or its people, 2. only truly pro-African immigrants would be granted citizenship, and 3. the provision for equal treatment of all citizens would be a great moral weapon in the fight against discrimination in America and South Africa.³¹

In the end the Government won the vote. The members who opposed the measure were small in number and came from the ruling party. The Opposition Party supported the Bill. As is usually true in a Parliamentary system, the final vote was almost a formality.

As approved, then, the Citizenship Bill had the following provisions:

1. Automatic citizenship would go to any person born in Kenya who had one parent born in Kenya or to a person born outside of Kenya whose father is a citizen as defined above.

³⁰ibid., 2457.

³¹New York Times, December 1, 1963, p. 3.

2. Citizenship by registration (within a two-year period) would go to any citizen of the British Empire who was a legal resident at the time of independence, or to any person born in Kenya whose parents were not, or to any person one of whose parents is a citizen or a British citizen naturalized in Kenya.

3. Naturalization was available to anyone who had lived in Kenya four of the seven years preceding application as well as the twelve months immediately preceding it, and who had knowledge of Swahili.

4. Dual citizenship is not allowed. A registered or naturalized citizen must renounce other citizenships at the time of application and an automatic citizen must renounce other citizenships within two years of independence.

5. Citizenship may be lost by a registered or naturalized citizen if he shows "disloyalty or disaffection" for Kenya, or commits one of several enumerated offenses such as being imprisoned or living overseas for lengthy periods without re-registering his citizenship.³²

³²Government of Kenya, The Kenya Independence Order in Council 1963. Kenya Gazette Supplement No. 105 (Legislative Supplement No. 69), December 10, 1963. Citizenship provisions are found on pp. 25-32.

In conclusion it might be said that almost everyone involved got much of what he wanted as far as citizenship was concerned.³³ The settler who desired Kenya citizenship got that privilege, as well as the privilege of returning to Britain if for some reason he decided he had made a mistake. Though property rights and protection from discrimination were emphatically guaranteed in the Bill of Rights³⁴ the Kenya Government got the assurance that non-black citizens would break all overseas citizenship ties and would take out Kenya citizenship for its own value and not merely as a means of preserving an elite social or economic position. The Kenya opponents of a liberal citizenship law got the assurance that a wholesale transfer of citizenship would probably not occur because of the Government's intention to screen potential citizens to determine their true loyalty. All in all it is hard to see how the outcome could have been more fair and equitable.

³³Most Asians would have to be excluded from this statement. Few of them are willing to take out local citizenship (even if they were wanted) and virtually all of them shudder at the thought of returning "home" to India. Most are not British Protected and cannot count on British sanctuary in case of trouble. Their plight can only be described as pathetic.

³⁴Government of Kenya, Independence Order, pp. 35-36 and 43-45.

CHAPTER FOUR
SUMMARY AND CONCLUSIONS

The European community had used political and economic dominance to establish and maintain their position in Kenya. Propped up by British imperial power they had established what came very close to being a "white colony" in the Rhodesian manner. When Britain announced in 1960 that she was removing her supporting crutch, many of the settlers panicked. As cooler heads began to prevail, an effort was made to find a modus vivendi whereby those settlers who wanted to stay in Kenya would still have a place. This effort was concentrated on two things: preserving a European foothold on the land and insuring fair treatment for the immigrant regarding citizenship and the law. During the transition period (technically that time before independence, but in some cases extending after it) it was possible to rely upon British power and influence to negotiate a more favorable settlement, but as independence approached, it became more and more necessary to look to the new African Government for the real decisions on major policy. By discreetly negotiating with the British Government to protect their flank while negotiating at home with

the African Government about their future, the settlers were able in effect to have their cake and eat it, too. The African Government agreed in principle to let those Europeans who desired to own land in Kenya to do so and also agreed to a non-racial citizenship law. Britain agreed for her part to finance the Africanization of the White Highlands and amended her Nationality Law to allow former citizens to resume British citizenship.

The settler effort in Kenya was made easier by the fact that, like it or not, Kenya relied very heavily on the contribution of its non-native people in agriculture, administration, education and other such essential areas. As the Europeans ceased to be a political threat, more moderate elements among the African leadership began to realize that their continued presence in Kenya would provide more advantages than disadvantages. The main problem involved in adopting such a policy of enlightened self-interest toward the immigrant communities was the fact that over the years the immigrants had developed for themselves a near monopoly on the top social, political and economic positions in the country. For reasons of political necessity this imbalance had to be righted and in the process of righting it many Europeans were bound to be hurt.

However, once the African leaders came to realize

the value of the European community to the country, a major battle had been won. Though many Europeans would be forced by economic pressure to leave the country, it must be remembered that there were many who in fact wanted to leave. The economic fact that Europeans would have to move over to make room for Africans in no way denied any individual European the right to remain in the country. Certainly the European community as a whole would be hurt, but the individual European who wished to remain in Kenya would be quite able to, especially if he took out local citizenship.

To give substance to this decision to retain as much as possible of the European community it was necessary to make available economic opportunities. It would seem that two decisions were basic here:

1. First, the decision to keep intact and unbroken a large section of the Highlands farms and, furthermore, to allow individual Europeans (even non-citizens) who had been bought out in other parts of the Highlands to purchase land here. Keeping these farms intact does not mean that they will be reserved for European use; it merely means that they will not be divided up and parceled out to African smallholders. The result of this, then, is to insure that if and when they are transferred to Africans, it will be to Africans who are

wealthy enough to engage in large-scale farming. It seems unlikely that this will be soon. 2. The second decision of great importance was the resolve to treat all citizens equally as far as Government employment, licensing, etc., is concerned.¹ Though the immediate effect is to help the Asian more than the European community, it cannot help but offer encouragement to those Europeans with children who are contemplating permanent residence in Kenya.

It is important to point out at this stage that all Europeans are not completely optimistic about their future in Kenya, even in the face of these rather liberal guarantees, if they may be called that. Though official European spokesmen try to remain optimistic, most individual whites to whom this writer spoke feel that their numbers will be sorely depleted in the next few years and many mention the effective end of the European community in Kenya. They feel that the African appetite for white-owned land is insatiable and will, in spite of Government intentions to the contrary, drive the white man from the land.

¹This rule was implemented in practice in December, 1965, two years after independence. At that time job advertisements by the Public Service Commission began offering preference to "Kenya citizens" instead of to "Kenya citizens of African origin." East African Standard (Nairobi), December 22, 1965, p. 1.

They further feel that equality of opportunity is a temporary thing and will be swept away by the demand for complete Africanization.

One cannot deny that settlers who feel this way have a point. To someone in America it may appear that the whole process of changing the guard in Kenya was done rationally and with much decorum and wisdom. Many American scholars have tended to give African governments the benefit of the doubt insofar as their motives and methods are concerned in their search for national dignity in the face of white colonialism. It has, in fact, been the purpose of this paper to point up the more long-range aspects of Kenya's development while de-emphasizing (though not ignoring) the more temporary unsavory incidents which tend to mar any transition in the eyes of those who are present.

For most of the 67,000 whites in Kenya at the time of the First Lancaster House Conference, the next four to six years were to be nothing but a trauma. They were asked to give up their homes and their friends and that which was familiar. Out of this vast world they had carved a small niche that they could call their own, and then they were compelled to give it up. For an objective scholar to point out that it could have been worse is missing the point. It most certainly could have been worse, and the Kenya Government is to

be commended for pursuing the policies it did, but one must never forget that in spite of all their statements of principle the Kenya Africans and their Government benefited from their policies of generosity as much if not more than the alleged beneficiaries of that generosity. The question which has never been answered, and which so much bothers the white Kenyan is this: if Kenya reached a point where it no longer needed its white farmers, teachers and administrators, would it be willing to continue an unpopular policy of non-racialism on principle alone? In other words, is non-racialism permanent or is it a temporary expedient?

It is obvious that the answers to these questions will have to wait until history unfolds itself. However, this author feels it would be a cowardly and somewhat self-defeating act to fail to apply the implications of Kenya's history to the future in general and to the European community in particular. Hence what follows will be the author's personal "projections" of the future as based on the trends of the past.

In the early 1960's African opposition to the European's political role was strong and vitriolic, even among those tribes who were politically aligned with the European. Almost overnight, as soon as the European had lost political power, this opposition

began to fade. It seems safe to assume that the same thing will happen in economic and social fields. For example, when the Europeans owned 20 per cent of the good land in the country and produced around 80 per cent of the exports they could not help but be the object of jealousy and envy among the Africans. Likewise, when the Europeans monopolized the "super-scale" administrative jobs in Nairobi and held many of the managerial posts in private companies this could hardly help but cause resentment among those barred by race and custom from aspiring to such posts. But when African farmers take over all but a small portion of the European land and when more black faces than white ones peer out from behind the posh desks will this jealousy not all fade? There seems good reason to assume that it will.

It appears likely to this writer that as the economic dominance of the European fades more and more into the past the resentment against that dominance will likely fade also. Since many Europeans are leaving or have left Kenya voluntarily the chances seem enhanced that those remaining will be able to stay permanently. In other words, once African aspirations have been fulfilled and African dominance in all fields has been assured, the presence of a relatively small group of Europeans will cease to be an issue.

It will thus be possible for those who wish to remain to do so, due to the fact that those who wish to leave have done so.

The role of these Europeans in the country's life will, of course, be greatly altered. Probably something less than half a million acres of mixed farming land will remain in white hands, and most of the owners of that land will be citizens of Kenya. African pressure on the civil service will make it necessary for whites to concentrate on the professional and technical jobs requiring high skills. Chances are that the number of Europeans will continue to drop until it finally levels off somewhere near 20,000. A smaller and smaller percentage of this number will be permanent residents, with an increasing percentage being expatriates sent out to run foreign-owned businesses and to fill gaps in the technical and administrative structure of the country. Openings, however, will always exist for people with a skill to sell, and local Europeans will find no difficulty making a living if they are properly trained. Considering the fact that highly developed countries such as Australia, Canada and even the United States are actively recruiting skilled personnel overseas, it seems highly unlikely that Kenya will soon reach a point where she can afford to turn away a trained person.

Whether or not these "projections" will prove accurate is impossible to determine. However, one thing seems fairly certain. In the early 1960's the Kenya Government deemed it to its own best advantage to retain as many Europeans in the country as possible. There is no reason to believe that this attitude will change. The white Kenyan is by nature adaptable, or he would not have survived. If he is willing and able to apply his adaptability to this new situation, there seems no reason to doubt that he can continue to live in Kenya for as long as he wishes.

APPENDIX

The following is the meaning of the British Nationality Act, 1948, and its 1964 amendment as explained by Lord Derwent, speaking for the Government. Taken from Great Britain, 5 Parliamentary Debates (Lords), CCLVI (1964), 15-19 and 608-609.

The British Nationality Act, 1948

"Under the scheme which was agreed, soon after the war, by the then members of the Commonwealth, and which, so far as this country is concerned is embodied in the British Nationality Act, 1948, each country within the Commonwealth has its own citizenship-- the the United Kingdom and Colonies for this purpose being treated as a single unit. Each country, by its own law determines who shall be its citizens, and on the strength of possessing the citizenship of any Commonwealth country a person possesses the additional status of British subject or Commonwealth citizen. These two terms are, in our law, interchangeable, while in other countries it is usual to use one term or the other. Thus, a person born in this country, or whose father was born here, is a citizen of the United Kingdom and Colonies, and on the strength of possessing that citizenship he is also a British

subject or a Commonwealth citizen. Similarly, a person possessing Indian or Australian citizenship, or that of any other Commonwealth country, is in the same way a British subject or Commonwealth citizen in our law.

"It is into this framework that the arrangements made as each new country has achieved independence within the Commonwealth have had to be fitted--arrangements contained partly in the law of the newly independent country and partly in the Independence Act passed here at Westminster. Provisions for acquiring the newly created citizenship are, of course, contained in that country's law; while the United Kingdom's legislation adds the country to the list of countries whose citizens possess the status of British subject or Commonwealth citizen.

"At the same time, the United Kingdom legislation withdraws citizenship of the United Kingdom and Colonies from persons acquiring the new citizenship who have no close connection with this country or with a remaining Colony. Such a connection is defined in a standard formula included in the various Independence Acts, and has the effect that a person is exempted from loss of citizenship if he, his father or his father's father had been born in this country or in what was still a Colony, or had been naturalised or registered there. Thus it has come about that, under the normal

pattern of independence arrangements, a person who automatically acquired the newly created citizenship but who also possessed the specified connection with this country automatically became a dual citizen on Independence Day. I hope your Lordships have been able to follow me so far.

"Some, however, of the countries which recently attained independence have included in their laws a prohibition on the possession of dual citizenship. I should here emphasise that the law of this country contains no such prohibition, since in our experience few difficulties arise in practice from the possession of two or more citizenships at one and the same time, and that where difficulties may arise these can be overcome without imposing any sort of compulsory prohibition. Nevertheless, a number of countries take a different view, and your Lordships will appreciate that this was not a matter in which the United Kingdom Government could dictate its view to other Commonwealth countries upon their achieving independence.

"Thus it has come about that, under the law of certain Commonwealth countries, those of its new citizens who are permitted under our law to retain their citizenship of the United Kingdom and Colonies are required to renounce that citizenship on pain of forfeiture of the new citizenship; and those who do

not automatically acquire the new citizenship, but may acquire it on application, are required, as a condition of obtaining the local citizenship, to give up their citizenship of the United Kingdom and Colonies.

.....

"It is true that under the existing provisions of the British Nationality Acts people who give up their United Kingdom citizenship can regain it after five years' residence in this country, or, in special circumstances, after a shorter period. But many of those concerned feel that any sort of qualifying period is an undue imposition, and that the requirements bear particularly harshly on those who might wish not to return to this country but to move elsewhere in years to come."

The 1964 Amendment

"I will now briefly turn to the provisions of the Bill, the principal one being contained in Clause 1. Under this clause, a person who has renounced his citizenship of the United Kingdom and Colonies, whether before or after the Bill comes into force, will be entitled to resume that citizenship on application if he fulfils the conditions set out in paragraphs (a) and (b) of subsection (1). Under paragraph (a) an applicant must satisfy the Secretary of State that

at the time of his renunciation of citizenship of the United Kingdom and Colonies he possessed or was about to acquire the citizenship of a Commonwealth country, and, further, that, but for the renunciation, he could not have retained or obtained the other citizenship or, alternatively, that he had reasonable cause for thinking that he could not have done so.

"Paragraph (b) provides that a person must have a "qualifying connection" with the United Kingdom or with what is still a Colony at the date of the application, or, if the applicant is a married woman not qualified in her own right, that her husband should have such a connection. The definition of a qualifying connection is contained in subsections (2) and (3). If a person does not possess such a qualifying connection but is able to fulfil the requirements of paragraph (a) of subsection (1) the grant of registration will be at the Home Secretary's discretion. The only other comment which I think I need make about the clause is to point out that under subsection (6) the Home Secretary will be able to delegate his powers of registration to British High Commissioners, which will mean that much time and trouble will be saved in dealing with applications.

"That, my Lords, briefly, is the effect of Clause 1. . . . Under the clause, a person who has already,

or may in the future automatically acquire, the citizenship of the Commonwealth country, or who voluntarily acquires that citizenship, will be able, if he has in the process been obliged to renounce his citizenship of the United Kingdom and Colonies, regain that status whether or not he is living in the United Kingdom and whether or not he can comply with the ordinary requirements which citizens of other Commonwealth countries must fulfil before they can become citizens of the United Kingdom and Colonies.

.....

" The essential thing is that applicants must have a strong connection with the United Kingdom. If I may, I would give one simple example. If a man's father or grandfather was born in this country, he would be entitled to resume his citizenship. But it may well be that a man's great-grandfather or great-great-grandfather was born in this country, but not his father or his grandfather and that he may still have strong connections with this country-- business connections, or children at school here-- and such a case would undoubtedly be viewed sympathetically. Speaking without tying anyone down for the future, I imagine that almost certainly such an applicant would be allowed to resume United Kingdom citizenship."

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