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LOCAL GOVERNMENT AND DEVELOPMENT IN KENYA: THE CASE OF MACHAKOS DISTRICT, 1925-1974

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A Thesis Submitted to the Graduate School in Partial Fulfilment of the Requirements for the Award of Master of Arts Degree in History of Egerton University

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DECLARATION AND APPROVAL

Declaration

I declare that this thesis is my original work and to the best of my knowledge, has not been submitted for examination in this or any other institution.

8th March 2016

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Approval

This thesis has been submitted for examination with our approval as University supervisors.

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DEDICATION

To my beloved children, Caleb and Julie.

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First of all, I thank the Almighty God for life, health and the grace to undertake this M.A. course.

I thank Egerton University for the opportunity to undertake my studies in the institution. I am also grateful to the Graduate School of Egerton University for supporting me through their graduate research fund which enabled me to carry out fieldwork during the earlier stages of this study.

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ABSTRACT

This study examined the history of local government and its role in development in Kenya using the case of Machakos District. This role began in the colonial period with the establishment of Local Native Councils (LNCs) in 1924. Though set up by the colonial government to reduce African political agitation for representation in the Legislative Council, these LNCs performed better as vehicles of improvement of the African areas. They operated under the chairmanship of the District Commissioner (DC) for the most part of the colonial period. In 1950 both their name and composition was changed to imply greater African participation. It was also a time of increased central government control of local government activities. At independence, the local government was empowered to undertake many socio-economic functions through the decentralised government system of regions which were soon abolished and replaced with a stringent control of local authorities. There were many challenges faced by the local government since its inception in carrying out its functions. This study was therefore an evaluation of local government in Machakos District since inception showing the extent to which it was able to achieve the development of the area covered and the challenges faced. Postcolonialism, a theory which aims to understand the dynamics of colonialism on the colonised and the colonising power from the beginning of imperialism to the present, guided the study. The local government system and the functions thereof were as a direct result of colonial contact. Archival records were used as a primary source of data complemented by local government records in the DC's office as well as those in the County Council of Masaku's offices. Oral interviews were conducted to corroborate these archival sources. Secondary data was sought from both published and unpublished works on local government in Kenya and beyond. The study adopted a historical research design. Therefore, an interpretation of meanings and an assessment of the significance of events were carried out. Descriptive data analysis and interpretation then followed in line with the objectives which comprised the tentative chapters. The study is a contribution to the historiography of local government in Kenya. Further studies can be undertaken to understand the role local government has played over time in development of other parts of the country as well as the concept of devolved governance.

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ABBREVIATIONS/ACRONYMS

ADC – African District Council
AG – Attorney General
AHS – Alliance High School
CNC – Chief Native Commissioner
DC – District Commissioner
DEB – District Education Board
DO – District Officer
EAA – East African Association
EST – Eastern (Province)
GPT – Graduated Personal Tax
IBEAC – Imperial British East Africa Company
KADU – Kenya African Democratic Union
KANU – Kenya African National Union
KCA – Kikuyu Central Association
KNA – Kenya National Archives
KTWA – Kavirondo Taxpayers' Welfare Association
LG – Local Government
LNC – Local Native Council
MKS – Machakos (District)
PC – Provincial Commissioner
UKAI – Ukamba Industrial School
YKA – Young Kavirondo Association

CHAPTER ONE
INTRODUCTION

1.1 Background to the Study

The period between 1895 and 1939 was characterised by the search for a workable administrative framework after British conquest in Kenya. There was lack of institutions with authority to act as intermediaries between the government and the colonised Africans. In African British colonies, local government institutions were set up almost at the beginning of colonialism, but most of these had few powers and resources. There was also a dichotomy between local governing institutions for the indigenous peoples and those for the settlers. In Kenya local institutions were created prior to those of the settlers. This was probably due to the few settlers who were concentrated in areas that made it possible for their needs to be addressed by the central government.[1]

The local government system in Kenya has been an integral part of governance since its inception in the early colonial period. The British officially took over the management of what was called the East Africa Protectorate in July 1895. Prior to that, the affairs of the protectorate were handled by the Imperial British East Africa Company. Under Charles Eliot as Commissioner of the Protectorate from 1902, the colonial government sought the establishment of different structures of local government in both the African or rural areas and in the European settled areas.[2] The decision by the colonial government to promote settler farming in Kenya influenced the administrative institutions developed in the country. Kenya had a multi-racial society made up of the indigenous Africans, the Asians (who first came in during the construction of the Kenya-Uganda railway from 1896-1902) and the European settlers. These political and administrative structures established were mainly influenced by Eliot's commitment to make Kenya a white man's country.

The political and administrative structures which were set up throughout the Protectorate were established with the minimal consideration of African interests. The first involvement of Africans in administration was the passing of the East African Order in Council in 1897. This Order sought to create Native Courts though it did not specify the actual function of the

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[1] P.J. Smoke, *Local Government Finance in Developing Countries: The Case of Kenya,* (London: Oxford University Press, 1994), p.62.
[2] S.K. Akivanga *et al*, *Local Authorities in Kenya,* (Nairobi: Heinemann Kenya, 1988), p.15.

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courts.[3] The British had already set up a provincial administration in Kenya and the only function of these courts was to provide an official status for the African representatives who dealt with the Provincial Commissioners (PCs). Five years later, in 1902, the Village Headmen Ordinance was passed. The Ordinance gave PCs powers to appoint 'any native or natives to be the official headmen or collective headmen...of any village or group of villages'.[4] These headmen were government agents at the local level. Their duties were mainly to maintain law and order, help with the collection of taxes, maintain roads in their areas and help with the arbitration of minor African cases.

The Townships Ordinance of 1903 provided for local government under the PCs in large urban areas. Nairobi and Mombasa were created as the first townships under this Ordinance. Towns primarily served the interests of European settlers. For example, in 1919 Nairobi became the first municipality with a mixed-race municipal council. By 1925, there were twelve members to the council, that is, five elected Europeans, five nominated Asians, one government official, and one member chosen by the others (Swahili and Arabs). There were no Africans.[5] The Native Authority System was enhanced in 1912 with the passing of the Local Authority Ordinance of that year. It was an attempt by the European administration to fill the missing gap of authority between them and the colonised Africans. This system was based on direct interaction between the colonial administration and a strong chief acting as the head of a local council (built on the aspect of indirect rule). Based on this Ordinance, there were attempts to establish integrated provincial level councils that incorporated both settlers and Africans. This generated strong opposition from settlers who preferred to have separate institutions from those of the indigenous people.[6] These councils however, were never established in Kenya.

The immediate origins of the local government can be traced directly to African opposition and struggle against the colonial order between 1919 and 1922. Therefore, the First World War and its aftermath brought a new era of local government to East Africa.[7] Kenyans who fought in the war returned to their villages with a new worldview and expanded horizons. A

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[3] B. Berman, *Control and Crisis in Colonial Kenya: The Dialectic of Domination,* (Nairobi: East African Educational Publishers, 1990), p.215.
[4] Akivanga *et al*, *Local Authorities in Kenya*, p.15.
[5] Stamp, "Local Government in Kenya: Ideology and Practice, 1895-1974", p.23
[6] Smoke, *Local Government Finance in Developing Countries,* p.64.
[7] J.N. Burugu, *The County: Understanding Devolution and Governance in Kenya,* (Nairobi: Centre for Leadership Education and Development, 2010), p.2.

number of organisations were formed along ethnic lines and these became the basis of the struggle against the colonial system. This was given an impetus by the fact that Kenya became a colony from 1920. African interests were therefore no longer (perceived as) paramount. The growing political awareness of Kenyans and the expanding British interests necessitated change in the administration of the colony.

In May 1924 the Kenya Legislative Council passed the Native Authority (Amendment) Ordinance which established the LNCs under the chairmanship of the District Commissioners (DCs). The Ordinance stipulated that the Governor could set up an LNC in any district or part of a district. The LNCs would be composed of the DC, the Assistant DC, headmen (chiefs) and other Africans appointed by the PC. Thus, LNCs had the appearance of an African organisation but most of the African members of the LNC were directly appointed by the colonial administration. The LNCs, in a limited sense, gave Africans a chance to democratically participate in the decision-making process in their local areas. The councils had some legislative powers but these were limited in that resolutions passed were subject to the approval of the PC and the Governor of the colony. The colonial government first created these Councils in Central and Nyanza Provinces where political agitation first manifested itself then eventually in all Districts and not merely the ones responsible for the political agitation. The LNC in Machakos was established in 1925 and by 1938 there were 22 functioning LNCs in the colony.[8] In the aspect of centralisation and control of local government operations, following a Commission of Inquiry, the colonial government created the post of Commissioner for Local Government in 1928, and the Ministry of Local Government was thereby born.[9]

The LNCs were given substantial responsibilities relative to those enjoyed by the town and municipal councils. Their powers included the ability to pass resolutions enabling them to collect the local rate. This was before the Europeans were given the power to levy their own rates. They had the responsibility to provide and regulate water and food supplies, the regulation of forest, agricultural, and pastoral lands, the provision of market and slaughterhouses and the collection of market fees as well as the regulation and provision of services in the areas of education, roads and bridges as well as sanitation.[10]

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[8] Berman, *Control and Crisis in Colonial Kenya*, p. 216.
[9] Stamp, 'Local Government in Kenya: Ideology and Political Practice, 1895-1974', p.24.
[10] Smoke, *Local Government in Developing Countries*, p. 62.

The objectives of the LNCs as stated by the government differed. They included:

> to encourage and develop a sense of responsibility and duty towards the state among the chiefs and elders of the various African communities as well as among the thoughtful African population; to provide the younger and educated Africans with a definitive avenue along which to develop; to provide the voice of the educated Africans an avenue for expression of their aspirations; and to provide an avenue for complaints so that the government could be able to get more closely what was at the back of the minds of the people.[11]

As such they were created as instruments to monitor and control African political activities. They served as a consultative body to judge local feeling, and as an organisation through which the decisions of the central government might be explained.

It did not, however, take long before the developmental significance of the LNCs manifested itself, as almost immediately, and throughout the colonial period, the LNCs became the means by which meaningful social and economic development in the African areas became possible.[12] As such LNCs did not allow the absorption of Africans into the colonial political economy through the agency of these LNCs. To the surprise of the colonial administration, the very first African representatives used the LNCs enthusiastically by voting in levies for education. Africans used the LNCs platform to resist absorption into the political economy of the colonial state.[13] Collection of taxes was a continual debate in some of these councils. Moreover, these councils became areas of rejecting colonial policy that was perceived as oppressive by the Africans. As demonstrated in the ensuing chapters, Africans did not always accept proposals brought forth by the DC and at times it was open rejection of colonial policy. This is exemplified by the destocking debate in Machakos District.

By 1939, save for the Northern Frontier District and to some extent, parts of the Coast Province, the LNCs were responsible for virtually every important initiative, enterprise and programme affecting African social and economic development.[14] The LNCs were therefore responsible for the welfare of the people in their areas of jurisdiction through the

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[11] Ibid.
[12] B.E. Kipkorir, *Descent from Cherang'any Hills: Memoirs of a Reluctant Academic*, (Nairobi: Macmillan Kenya Publishers, 2009), p. 173.
[13] Stamp, 'Local Government in Kenya', pp. 23-24.
[14] Kipkorir, *Descent from Cherang'any Hills*, p. 173.

"modernising" agent of the European encounter. By 1948, the local authorities in the African areas had evolved beyond the original scope of the LNCs of the 1920s. They became self-sustaining bodies that were not at the mercy of the DC. Significant constitutional changes came after the Second World War as a direct result of a Colonial Office initiative mostly due to the increased political awareness of Africans in Kenya.

In 1950 the government introduced a new policy, aimed at improving a mode of government which was basically a modification of the theory of indirect rule introduced by Lord Lugard in the early colonial period. The policy had as its stated objective the creation of an efficient democratic system of local government. With the enactment of the Local Government Ordinance of 1950 therefore, African District Councils (ADCs) were created to replace LNCs, and given enhanced powers similar to those which applied in the European District Councils (which had been formed under the Local Government (District Councils) Ordinance of 1928 provided District Councils which were the forerunners to the County Councils, in the areas settled by European farmers).[15] In 1950 that Machakos LNC was renamed Machakos ADC.[16] In 1952, the settler District Councils were converted to County Councils. By this time, African nationalism was on the rise and colonial policy to enhance local participation was designed to control the increased political agitation.

Devolved governance in Kenya, however, heightened in the late colonial period where preparation for independence by political parties took divergent views. "Small" communities in Kenya formed a political party that were to promote, protect and pursue their interests against the perceived domination by the bigger communities. The Kenya African Democratic Union (KADU), composed of leaders from mainly the Rift Valley and Coast provinces, was formed along these lines. KADU pushed for regional governments, while the Kenya African National Union (KANU) pitched for a unitary government. KADU's ideas were a great attempt to promote ethno-regional equity through a decentralised system of government. The Lancaster Constitution provided for Lower and Upper houses thus adopting KADU's main philosophy of regional governments or *majimbo.*[17] KANU was, however, not committed to honour the provisions of the *majimbo* constitution regarding decentralisation of power and a

[15] Ibid, p. 181.
[16] http://masakucountycouncil.com/about-thika/background-information accessed on 31 July 2012.
[17] Burugu, *The County,* p.2.

unitary system of government was adopted a few months into independence therefore weakening KADU and *majimboism* was never realised.[18]

The abolition of regional governments in favour of a centralised government structure had diverse negative effects on the performance of the local government.[19] The responsibility of financing primary education and public health had important consequences on their performance. Attitudes of the central government towards local authorities became somewhat antagonistic from 1964. These local authorities performed badly because they had neither the human nor financial resources to carry out their duties. All of them carried out development and administrative activities such as sewerage and drainage, street lighting, housing, water supply, markets, roads, slaughterhouses, social services, cemeteries, ambulances and fire control. All functions were subject to the regulatory powers of the Ministry of Local Government, and had to be coordinated with activities of the central operating ministries.[20]

Decentralisation in Kenya therefore took a different turn; a turn of central government control. In the Sessional Paper No. 10 of 1965 on *African Socialism and its Application to Planning in Kenya*, the government stated that planning was to be extended to the provinces, districts and municipalities so as to ensure that there was progress (development) in each administrative unit. Provincial Planning Officers (PPOs) were appointed and various committees were established to ensure coordination and people's participation in development. Each province, district and municipality established a Development Committee and a Development Advisory Committee. The District Development Committees became the most important organs of decentralised and rural development. Their functions included to approve proposals concerning the priorities and distribution of activities under the district development plan, receive reports on the progress of implementation and authorise action to improve performance, revise the plan where necessary and resolve conflicts by finding proper solutions.

These DDCs were found to be ineffective and in 1983 the District Focus for Rural Development (DFRD) was launched as a policy document. The DFRD required the DDCs to be responsible for coordination of rural development. The DFRD permitted the transfer by the central government of authority and responsibilities for planning and plan-implementation

[18] Ibid.
[19] Stamp, 'Local Government in Kenya', p. 24.
[20] Ibid.

as well as resource management to its field units. The transfer was a type of decentralisation called deconcentration. Therefore, nearly all development services were provided by the central government units. This form of decentralisation did not involve the local people. In practice, it resulted in central government service providers controlled and funded directly from Nairobi working side by side with elected local governments starved of resources.[21]

The DFRD strategy was revised in 1995 to embrace participation and a focus on poverty reduction. The strategy was successful in certain ways. There was, for instance, enhancement of capacity to prepare district based development plans and the posting of personnel to the district and local levels and the institutionalisation of decision-making through DDCs and other development committees.[22] But in 2004, development analysts were convinced that the strategy had not been effective in the decentralisation of development programs. The DDC projects were used by politicians to gain political mileage therefore compromising the quality of the projects as well as the ability for them to be completed if the politician lost their political seat.[23] Some DDC projects were influenced by the politicians so that it was the will of the politician and not that of the DDC in effect. Failure to succeed of the DFRD strategy can also be attributed to lack of effective planning forums, funds from the national treasury to district treasuries were often received late and the local people were neither trained nor fully involved in the planning and implementation process.[24]

Due to such issues, the country began negotiations to change the Kenyan constitutional order in 2002. This was following the earlier introduction of multi-party politics in 1992.[25] The pressure for reforms increased remarkably after 1990. Government critics called for a national conference to introduce political democracy. This would mean an inclusive decision-making process in political, social and economic affairs affecting all Kenyans with equality and equity. Through concerted effort of the opposition, the KANU regime which had been in existence since 1963, was replaced by an opposition enthusiastic to bring tangible change in the affairs of Kenya. Constitutional change culminated in the 2010 constitution which was marked by devolved governance through the forty seven counties as the key to local development in Kenya. It is against this background of lack of financial and human resources

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[21] Ibid.

[22] D. Muia, 'Devolution: Which way for Local Authorities?' in Kibua and Mwabu (eds), *Decentralisation and Devolution in Kenya*, p.138.

[23] KHRC and SPAN, 'Harmonisation of Decentralised Development in Kenya: Towards Alignment, Citizen Participation and Enhanced Accountability', December, 2010, p.74

[24] D.M. Muia, 'Devolution: Which way for Local Authorities?, p.138.

[25] M. Mutua, *Kenya's Quest for Democracy: Taming Leviathan*, (Kampala: Fountain Publishers, 2009), p.99.

as well as stringent control by the central government during the colonial period and after 1963 that this study evaluated the role of local government in development in Kenya with a specific reference to Machakos District up to 1974.

1.2 Statement of the Problem

Local government has been a major aspect of the Kenyan state administration since its inception in 1895. Despite continued emphasis on the importance of local government, changes in the development function of local government over time have not received the attention they deserve. There was, therefore, the need to evaluate the history of local government in Machakos District in relation to development from 1925-1974.

1.3 Objectives of the Study

The main objective of the study was to examine the history of local government in Kenya in relation to economic development with particular reference to Machakos District from 1925-1974.

The study was guided by the following specific objectives:

i. To trace the history of the local government in Kenya and specifically in Machakos District from 1925 to 1949 and the role it played in development in the District.
ii. To assess the establishment of ADCs in Kenya and their role in development in Kenya and Machakos District in particular from 1950 up to 1963.
iii. To examine local government in independent Kenya with reference to Machakos District in relation to development from 1963 up to 1974.

1.4 Research Questions

The research was guided by the following research questions:

i. What was the basis for the establishment of local government in Kenya and in Machakos District and how did the local government operate generally and in relation to development from 1925 to 1949?
ii. Why were ADCs established in Kenya from 1950 and how did the ADC of Machakos function generally and in relation to development of the District up to 1963?
iii. How did local government function in independent Kenya and what was its contribution to development in general and in Machakos District in particular from 1963-1974?

1.5 Justification of the Study

The provision of important services such as health, education and construction and maintenance of some roads some of the major functions of local government in Kenya from its inception. This institution has, however not received critical study concerning its provision of services and contribution to socio-economic improvement of the country. Most works written on local government in Kenya deal with the establishment and general functions of the local government without a focus on success and challenges in their responsibilities over time. The works are also generally about local government in the whole country and where individual Townships, Municipalities or County Councils are mentioned, it is by way of example.

There was a need for this study which evaluated the performance of local government in development of Machakos District from 1925 to 1974. Machakos District was chosen since it was the first area to encounter official imperial control and was an area of contestation between the local people and the government throughout the colonial period over resources and administration. The local government played a pivotal role in this. Local government in The transfer of the Graduated Personal Tax (GPT) to the central government in 1974 marked the lowest point for local government capacity in development. GPT was replaced by a sales tax. The GPT was the sole most important source of revenue for local authorities who were now to rely on central government grants. This was an open way of centralising the operations of the local government. Instead, development in the districts was carried out under the central government supervised by the various provincial administration officials. Since local authorities could not directly access the sales tax, which was a central government tax, these authorities had to rely on minor sources of revenue such as cess on agricultural produce and market fees to fund the remaining functions.

This study is a guide for further studies on the concept of local government in other parts of the country. The findings of this study may also act as a guide to policymakers on the relevance and legitimacy of the local government in Kenya as the country implements the new constitution with its emphasis on bringing the government closer to the people. With the promulgation of the 2010 Constitution which involves a devolved system of government, it was imperative to analyse the role of local government in development and its challenges hence this study.

1.6 Scope and Limitations of the Study

The study was on local government in Kenya with specific reference to the County Council of Masaku which covers Machakos District. The study covered the period 1925 to 1974. The year 1925 was a suitable beginning so as to trace the history of local government in Machakos District in totality. This made it possible to evaluate the performance of the local government in development from a historical perspective. The year 1974 was important in analysing the local government during its former vibrant years of contribution to development. The period was also important in showing the challenges that faced local government leading to the loss of the pivotal role played in development in the country.

The major limitation is the fact that since the County Council of Masaku did not exist during the period the study was carried out, much of the documents in the County Council offices had been dispensed with. To overcome this limitation, records in the District Commissioner's office were consulted as well as a reliance on archival sources and oral interviews. The researcher also encountered challenges in getting individuals with knowledge on local government especially for the earlier period of study up to 1950. Even for the period after independence, it was quite challenging to get respondents who understood the working of local government. To overcome this limitation, the researcher looked for knowledgeable individuals such as former councillors and staff of the local government in Machakos using the snowball sampling method. Elderly individuals were mostly consulted since they had some knowledge on the colonial administrative structure. Such alders referred the researcher to other knowledgeable individuals for additional information.

1.7 Definition of Terms

Development –it is a synonym for improvement. It is always conceived as an aspect of change that is desirable. The ultimate goal of development is to improve quality of life by action in areas such as offering education, introducing new techniques of cultivation, extension of physical facilities such as infrastructural network of roads as well as growth of market centres and a market economy.

Local Government – this is a system which allows for the process of making decisions, allocating funds and delivering services at the local level. It comprises a set of institutions, mechanisms and processes, through which citizens and their groups can articulate their interests and needs, mediate their differences and exercise their rights

and obligations at the local level. The local government has operated as a forum for local governance and socio-economic development from earliest times in colonial Kenya to the present.

Postcolonialism –is concerned with the effects of the process of colonisation on cultures and societies. The term 'post-colonialism' is usually used to indicate a time period after colonialism, while 'postcolonialism' describes an approach of understanding the material legacies of colonialism, such as urban structures and social hierarchies from the inception of New Imperialism which affected areas now referred to as the Third World.

Socio-economic Development – any programme that creates sustainable access to the economy for its beneficiaries and thus leads to improved standards of living of the beneficiaries. It consists of monetary and non-monetary, recoverable and non-recoverable contributions initiated and implemented in favour of the beneficiaries. Such contributions include education, health, roads, water supply and sewerage facilities. This is the historical responsibility of the local government in Kenya.

1.8 Review of Related Literature

Works exist on local government in Kenya and beyond. This section discusses some of the available works relevant to this study. Most of the works on Kenya trace the establishment of local government and its transformation in the late colonial period and early independent Kenya. The main theme of these works on Kenya has been on the establishment, structure and funding of the local government as well as showing the mandate of the same.

On the establishment of local government structures in Kenya, several works exist. Omosule argues that the period between 1917 and 1924 constitutes the formative years in the evolution of the Kenya local government system. It was a period for searching for a formula to accommodate within the existing administrative structure, the political views of Africans. The government's concern was to divert Africans' discontent and dissatisfaction with the colonial system by containing political associations within the existing machinery of local administration. Thus, these LNCs provided political associations an opportunity to articulate their grievances without interfering with the British administration in Kenya. However, the election of members of the Kenya Central Association (KCA) as well as those of the

Kavirondo taxpayers' Welfare Association (KTWA) led to a clash of interests.[26]This work also points out that the local government structure as established from 1924 contributed a lot to political development in the country up to 1963. This work does not, however, show in what ways the local government contributed to social or economic development of the people in Kenya. It however aided this study to understand the political dimension of local government establishment and operation in Kenya up to 1963.

Dilley contends that the Chief Native Commissioner (CNC) observed that the object of the 1924 legislation was to build up an indigenous administration originally lacking. Although there had always been Councils among the Africans, these were chiefly judicial and had been greatly affected by British Administration. The LNCs were hoped to provide an avenue of expression for the educated natives, a safety valve to check disloyal organisations, and a means of responsibility in financial matters.[27] Establishment of LNCs was in line with natural progress and with a policy of parallel development of the indigenous and European communities. LNCs served the colonial administration as it enabled it to do or to be seen as doing something beneficial for the natives. Better still, through the LNCs, the British taxpayer was spared the burden of African betterment. Nevertheless, the LNCs were a success story in infrastructural, social and economic development of African areas. This work however, discusses general colonial policy and does not major on local government development for the period it covers up to 1963.

Berman agrees that the establishment of local government in Kenya was not for the purpose of developing Africans but rather controlling them. According to him, the creation of LNCs was "the final major instrument for the local containment of African politics."[28] This political agenda was not actualised since the DCs did not allow politics to interfere with the work of the councils especially that of improving African conditions in the Reserves. Since they levied their taxes, these Councils were able to work independent of the central government financial control in collaboration with central government officials such as agricultural and forest officers. They also supported government and mission schools apart from setting up and financing Council schools. This work forms a basis for understanding the operation of

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[26] M. Omosule, 'Political and Constitutional Aspects of the Origins and Development of Local Government in Kenya, 1895-1963', Syracuse University, Ph.D. Thesis, 1974, p.271.
[27] M.R. Dilley, *British Policy in Kenya Colony*, Second Edition, (London: Frank Cass & Co. Ltd, 1966), p.28.
[28] Berman, *Control and Crisis*, p. 216.

LNCs. It is limited in that it only seeks to understand local government only in the aspect of control of Africans in the whole country. Reference to Machakos District is only on soil erosion, destocking and reconditioning of the Reserve.

Stamp focuses mainly on the aspect of formation and ideology of the local government in Kenya. On the development of local government, a brief discussion is given on its earliest existence as the formation of the Nairobi and Mombasa townships in 1903. Local government in these townships and municipalities from 1919 were meant to cater for European and Asian populations and thus no Africans sat in the councils. With the establishment of LNCs from 1924, contradictions of local government were manifest in the struggle by Africans to resist absorption into the political economy of the state through these councils. For example, resistance to taxation was a constant discussion in LNC meetings.[29] Stamp also discuses local government in the period after the Second World War whereby LNCs became ADCs in 1950 with increased power and status. During this time, due to increasing African nationalism, and due to the Mau Mau insurgence, colonial policy was meant to control nationalist political aggression. This did not work as the ADCs had other concerns of providing primary education and public health services and there was thus a clear demarcation between local government and African nationalist political developments.

Stamp's work also focuses on local government at independence and the difficulties thereof up to 1974. With the abolition of the regional government system in 1964, the central government tightened control over the local areas through the provincial administration. However, local authorities were not relieved of the expanded responsibilities they acquired during the transition to independence. Thus, the intentions towards local government by the central government were voiced through numerous commissions of inquiry as well as other public documents. Such reports became the basis and justification for constitutional change limiting the political autonomy and financial resources of the authorities.[30] Stamp's work is an important resource in understanding local government in Kenya especially on the ideology and challenges facing the system up to 1974. It also helped in understanding the chronological operation of local government in the country. The work is a generalisation of the whole central-local government system and relationship. As such it does not address specific issues affecting individual local authorities in carrying out their activities.

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[29] Stamp, 'Local Government in Kenya',pp. 23-24.
[30] Ibid., p. 26

Hailey in his work contends that LNCs had freedom to discuss their agenda as the DC was not always present and the meetings were chaired by an African Deputy Vice-President who was appointed by the PC with consultation from LNCs in the 1940s.[31] The LNCs had become more independent and more progressive as compared to other institutions of the same level in the East African region. These councils however remained a reflection of the DCs office for a long time and actually only served the purpose of providing staff and funds for government operations in technical departments. On sources of revenue for the LNCs Hailey observes that apart from the local rate, the LNCs also got income from court fees, maize cess and revenue from property such as land in urban establishments. Expenditures were mainly administration costs, provision of education and health in dispensaries and the construction and maintenance of markets. It seems the central government was unable to trust the LNCs with any agricultural or veterinary services in the reserves because the central government had attached a lot of importance to the same after the Second World War and the increasing grievances and political awareness in the reserves due to land degradation. There is, however, no detailed discussions to what extent these funds were or not sufficient for the various functions of the LNCs.

Brett argues that the doctrine of "paramount", as practised in the Kenyan situation, demanded that Africans should be made to pay and Europeans to receive.[32] Taxation of Africans led to the production of cheap manual labour other than conferring benefits to them. It was argued that taxation of Europeans reduced their incentive to produce while the same on Africans forced them to engage in modern economic pursuits which would have otherwise not interested them. Thus, there was the exploitation of African resources through low wages and high taxes leading Africans to question the benefit reaped by them from the taxes they paid to the colonial government. The actual contribution to African services returned to them from their large contribution to revenue during these years was very small. Conditions in the African Reserves were notoriously bad. The only kind of return to the Africans was administrative officers, the machinery of control which consisted government appointed chiefs and tribal police whose authority rested on no sort of traditional sanction. There was thus the need to establish LNCs to cater for development in African areas. This work does not

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[31] L. Hailey, *Native Administration in the British African Territories,* (London: His Majesty's Stationery Office, 1950), pp. 98-99.

[32] E.A. Brett, *Colonialism and Underdevelopment in East Africa: The Politics of Economic Change, 1919-1939,* (London: Oxford University Press, 1973), p.191.

show how these LNCs worked in relation to the central government or to the provision of services.

Akivanga, Kulundu and Opi historically trace the development of local government in Kenya. This work, meant to be a guideline on educating councillors on local government, was important to this study since it addresses related issues. Such include the genesis of the local government system in Kenya, the general problems facing local government, as well as their composition and sources of revenue. At the time of independence, the Kenya government recognised the importance of local authorities. Therefore, while most other African countries tried to dismiss local government structures, the Kenya government streamlined them and encouraged their development.[33] This work is a generalisation of the local government system in Kenya does not address specific issues in specific local authorities over time.

Mambo posits that many areas in Coast Province, such as Tana River District, lacked LNCs and were therefore unable to provide services such as education up to 1937.[34] In most areas the provision of education services was by the missionaries. There was constant collision between the people and the government majorly over land policies. This led to dissatisfaction of the coastal communities which highly contributed to increased drunkenness among the people. It is worth noting that LNCs were expected to bear the burden of providing social services in the African areas which in European settled areas were the responsibility of the central government. This work is important since it outlines the role of LNCs in the provision of education. It also deals with the conflicts between the LNCs and the central government over the provision of education services, up to 1950.

A discussion of the setting up of LNC among the Kitui Akamba is given by O'Leary.[35] This relates a lot to the establishment of the Machakos LNC. The Council was set up as part of government's effort to include the Akamba "in their own development".[36] The functions of the LNC included provision of health services, regulation of the use of land, provision of water and education, establishment and maintenance of roads, and agriculture and livestock development. Location Councils are also discussed as subsidiaries of the ADCs from 1946.

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[33] S. K. Akivanga et al, *Local Authorities in Kenya*, (Nairobi: Heinemann Kenya, 1988),pp. 1-25.
[34] R. M. Mambo, 'Local Native Councils and Education in Kenya: The Case of the Coast Province, 1925 to 1950', *Transafrican Journal of History,* Vol. 10, 1981, p.65.
[35] M. F. O'Leary, *The Kitui Akamba: Economic and Social Change in Semi-arid Kenya,* (Nairobi: Her Excellency Books, 1984), p.31.
[36] Ibid.

These location councils were however dominated by chiefs who were the chairmen. This is therefore only an overview of the LNCs without an analysis of their ability to achieve their functions in the provision of services. It is a discussion of the social and economic change of the Kamba in Kitui under colonial rule.

Munro's book relates to the political articulation of the Machakos Kamba to the European political and social system.[37] The British struggled to find an acceptable body to govern the Kamba. Munro observes that the DC was overwhelmed by work in the district since he had only one assistant in 1906. Various bodies were explored until it was settled that the Nzama (Council of Elders) was the more legitimate institution to use in administration and arbitration. Chiefs and headmen were also important especially in the collection of taxes. Chiefs and headmen later became part of the Machakos LNC in the early years. The work offers a good analysis of this early period of encounter and establishment of colonial rule in the District.

Tignor has presented the transformation of the Kamba, Maasai and Kikuyu under colonial rule up to 1939.[38] As early as 1926, the LNC was made aware of the serious environmental issues facing the people in the Machakos Reserve caused by overstocking. The LNC members were therefore required to go among the people and spread propaganda in favour of culling. Little, however, was achieved on the destocking campaign using the LNC. In 1934, the LNC members were threatened by the government that failure of the Kamba to destock would lead to compulsory culling and the loss of the Yatta. This was to persuade the LNC to pass a resolution to remove livestock from severely eroded areas. The LNC declined to pass such a resolution. Councillors found themselves caught in between the government and the people they represented because passing it meant that they would lose popularity with the people whom they represented. LNC members decided for voluntary reduction of stock and carrying out reconditioning measures in the most affected locations of Masii, Mbooni and Kiteta. The issues of destocking culminated into the Ngelani Muindi Mbingu-led trek to Nairobi to seek audience with the Governor in which the LNC did not participate. Tignor thus discusses Machakos LNC in relation to destocking. This work does not analyse other

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[37] J. F. Munro, *Colonial Rule and the Kamba: Social Change in Kenya Highlands, 1889-1939*, (London: Clarendon Press, 1975).

[38] R. L. Tignor, *The Colonial Transformation of Kenya: The Kamba, Kikuyu and Maasai from 1900 to 1939*, (New Jersey: Princeton University Press, 1976), p. 339.

activities of the Machakos LNC such as provision of health services and education for the period it covers.

Matheka's analysis of the food crisis in Machakos District up to independence also includes the activities of the LNC.[39] These activities, which include reconditioning and soil erosion control, development and improvement of agriculture and agricultural practices, livestock limitation as well as the control of food imports and exports in the District, form some of the core functions of the local government in the District. The LNC was also instrumental in articulating Machakos Kamba issues such as the shortage of land and continual droughts and long periods of famine. This work was continued by the Machakos ADC which went to the extent of passing by-laws to control livestock in the District in an effort to contain land degradation. This work helped to understand the work of the LNC and ADC of Machakos in relation to the environment, land and agriculture. Provision of services such as health and education are not the focus of this work. Sources of revenue and their expenditure are also not considered.

Smoke traces local government in Kenya in relation to their finances and functions up to the early 1990s.[40] He observes that most local government systems in Africa were developed during colonial rule as a means of controlling Africans as well as educating them in the practices of colonial powers. A two-tier system of local government, based on the policy of separate development, existed in Kenya up to 1960 in preparation for independence. LNCs were viewed with suspicion by African political leaders since they were seen as rubber stamp institutions to impose colonial policy on African populations. As such, LNCs provided only limited services but were an important step towards African self-government. The enactment of the Local Government Ordinance in 1950 led to the establishment ADCs. These were not dramatically different from the LNCs but were distinct in a number of ways majorly with the election of most of the members sitting in them. The two-tier system was abolished at independence leading to a more independent local government system. This work is important especially in the details of finance and financial problems of local government in Kenya.

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[39] R. M. Matheka, *Colonial Capitalism, Ecology, and Food Crises in Machakos District, 1895-1963*, M.A. Thesis, Kenyatta University, 1992.
[40] Smoke, *Local Government Finance in Developing Countries*, pp. 61-85.

Carson discusses the administration of Kenya colony and protectorate from 1844 to 1950.[41] This work offers an understanding of the basis of European administration in Kenya as well as laying a foundation for the understanding of the establishment of local government in the country. The establishment of LNCs and later ADCs is given considerable attention. The functions of local government are also outlined. This work is limited by the superiority stand taken by the author and as such it is limited in objectivity. For example, he states that as much as government grants to native services had increased, progress was tempered by the readiness of the tribes to accept beneficial measures. In addition Carson's work does not explain the working of any particular LNC or ADC up to 1950.

Several works exist on local government in independent Kenya. The relationship between the central government and local authorities in independent Kenya is a central focus of Bewayo's work.[42] The main focus here is to establish the role of local authorities in the achievement of national development objectives during the first ten years of the country's independence. These were the objectives set out in Sessional Paper No. 10 of 1965 and included bringing about political unity, social justice and a high and growing per capita income, equitably distributed. Local authorities were at independence seen to play an important role in the achievement of these national development objectives. They were therefore given a substantial role through control of important governmental functions, including primary education and public health. The local government was given substantial (though insufficient) financial resources to enable them to finance their activities. Bewayo further contends that the independent Kenyan government saw local government autonomy as good for national development.

By 1974, however, the role of local authorities (especially in rural areas) had declined to near insignificance. Most of their powers had been removed from them by the central government, and as such they were no longer in a position to assist economic development and nation building. The local authorities had become inefficient and corruption within their structures rampant. Local government was also seen as creating problems for national integration especially because they were viewed by the central government as localised centres of power. Another problem facing the local government in Kenya during this time included low

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[41] J. B. Carson, *The Administration of Kenya Colony and Protectorate: Its History and Development*, (Nairobi: Ndia Kuu, 1951).

[42] E. D. Bewayo, 'Central-Local Relations in Kenya: The Local Government Experience in Relation to National Development', Ph.D. Dissertation, State University of New York, 1978, p. 101.

education and lack of training for councillors and appointed staff. In addition, the central government was unable to effectively supervise local authorities' financial administration. Bewayo therefore argues that the local government in Kenya, up to 1974, was not given a chance to prove its usefulness in national development. This work, though critically discussing the problems faced by the local government in Kenya up to 1974, is a generalisation of the whole country's situation.

Himbara also looks at the problems facing the local government in independent Kenya.[43] The Ministry of Local Government and the local authorities countrywide had, by 1969, declined to the extent that they hardly functioned. This decline had begun in Machakos District in 1950. Almost every county council was in financial difficulties and most were on the verge of collapse. The major reason for the deterioration in administration and finance was, among other things, incompetence of staff. The coming of independence saw the departure of many qualified and experienced financial officers. It soon became apparent that there was a very serious shortage of accountants. Promotion of local training and qualification was at its minimal. The decline in local administration went on almost uninterrupted throughout the 1970s. This work forms a basis for a discussion of the problems that faced local government in Machakos District from independence to 1974.

Burugu explores devolution which according to him is in the new Constitution (2010) aimed at decentralising power from the centre to the counties as a means to achieve the common goal of a more equitable and prosperous nation.[44] He further observes that Kenyans complained of over-concentration of power and resources in Nairobi, the capital, to the detriment of quick, effective service delivery and decision-making not only by public servants but also by political leaders in the rest of the country. This was especially so with the abolition of the regional government system in 1964 which Kenyans had hoped would lead to equitable resource allocation. Burugu, however, generalises the whole devolution process without a clear distinction between the functions bestowed on the local government structure and how they were achieved over time. This work is important in understanding the constraints imposed by the central government on local government operations in Machakos District.

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[43] D. Himbara, *Kenyan Capitalists, the State and Development,* (Nairobi: East African Educational Publishers, 1994).
[44] Burugu, *The County,* p.24.

The structure and functions of the local government are almost the same the world over. The main aim of the local government is to provide services and develop the local areas by acting as a decentralisation of central government power. The local government therefore offers the local population a more direct and present presence of the central government authority. The role of the local government in the development of local areas has been discussed by Gilbert.[45] Urbanisation and the diffusion of political power and responsibilities leads to the conclusion that cities and towns the world over have an ever-increasing role in sustained economic growth and sustainable development.

Local authorities should therefore be able to shoulder the responsibility of local development within the urban areas. Local authorities have been historically associated with the economic and social development and sustainability of their respective areas. They are therefore obligated to provide services such as water, health and sanitation which lead to an improvement of the living standards of their communities. Globalization of local authorities through the sharing of knowledge and joint training fora will help improve the functioning of the local government throughout the world. This enhances the focus of the study on the role of the local government in socio-economic development.

Various authors have examined the local government in the Unites States of America. Stinebrickner for example, gives a history of local government in both North and South America.[46] This work offers an important observation about the fact that local government in the North has always been more developed and thus more efficient as compared to the South. This can be attributed to the first settlers in the North who were Puritans and the fact that the South was occupied by planters who did not have much concern with a system of local administration. Furthermore Stinebrickner provides a brief discussion of the functions of the local government in the USA which includes functions such as making and repairing of roads and bridges. He also points out that local government services are provided by the township, county or state according to the category to which the road or bridge falls into. Administration of justice with voters in a county electing judges, district attorneys and the sheriff are also part of the functions of the local government. Other functions include management of prisons, care for the poor, education and sanitation. All these services are

[45] R. Gilbert et al, *Making Cities Work: The Role of Local Authorities in the Urban Environment*, (London: Earthscan Publications Ltd, 1996), pp.12-65.
[46] B. Stinebrickner (ed), *State and Local Government*, Fourth Edition, (Connecticut: The Dushkin Publishing Group Inc., 1989), p.18.

more efficient in the North than in the South. The biggest challenge to the operations of the local government in the USA in the federal government cutting of support of state and local authorities thus these have to rely on local tax to fund their operations. This work therefore helps in the understanding of the universality of some of the challenges that face local governments.

Workshops held by The World Bank Workshop in Italy in 1989 emphasised the need to strengthen local governments in Sub-Saharan Africa as the only way to achieve sustainable development in the region. There was also a need for decentralisation and empowering of local authorities which are rarely put into consideration when planning the development of the countries in Sub-Saharan Africa. Decentralisation was seen as the beginning of enhancing the performance of local authorities. Self-sustenance was seen as the major way to improve the functioning of local governments. Accountability, both legal and political, is a must if the local government is to realize its development agenda and therefore prove its worth.

The World Bank emphasises on the problems that face the local government in Sub-Saharan Africa especially in financing. For example, in the collection of property tax, it is faced by problems such as inadequate collection, incomplete coverage and insufficient valuation of property.[47] According to the literature on Kenya, these problems are typical to the local government institution in the history of its operations. Other problems associated with local government in Sub-Saharan Africa include inherited colonial structures which in most cases do not make any sense and thus lead the central government to think of the local authorities as irrelevant to development. This was typical of the relationship between the central and local government in Kenya in the years after independence.

Ola argues that there is justification for the existence of local government. This is because of the presumed superior capacity of local people to understand and conduct their own local affairs. People in a local community presumably know their locality very well and are likely to understand the needs far better than others from a distance. They are thought to be able to secure a closer adaptation of public services to local needs than can central government officials looking at the locality from afar. People are also assumed to be resistant to impositions from above. The same people, it has been observed, will tend to defend with a

[47] The World Bank: Africa Technical Department and the Economic Development Institute, 'Strengthening Local Governments in Sub-Saharan Africa', Proceedings of Two Workshops held in Poretta Terme, Italy, March 5-17, 1989, (Washington D.C.: The World Bank, 1989), pp.21-31.

sense of conviction and commitment what they, by themselves, have decided upon. The local government institution in Africa is therefore indispensable.[48]

Belmount furthers the idea that local government stands as a hedge against undue centralisation which might become dangerous to liberty or bury the state under the load of an excessive amount of business in the centre, the idea of decongesting the national government is a most practical issue.[49] At an age when the functions of the government seem to be expanding and when government is continually being pressed to regulate more and more of human life and behaviour, and when the welfare state is becoming more and more universal concept, it seems impractical to concentrate all functions in the hands of one government, be it central, immediate or local.

The need for local governance rather than central government control is emphasised by Dryden who discusses the compartmentalisation of local government in Tanzania and the inward-looking nature of these compartments.[50] The local government in Tanzania therefore ends up not performing functions aimed at development of their local areas. However, African local governments seem not to have risen above those introduced in the colonial era and this leads them to have great problems in playing their critical role in economic development activities. Local governments in Africa also face environmental and personnel problems because of the prevailing belief that local governments can do with less-qualified staff. This leads to operational problems of the local governments therefore hampering them from achieving meaningful development.

The role of women in local governance as well as problems that hinder women from participation have also received scholarly attention especially from the United Nations.[51] The main problems listed include: political parties dominated by men who tend to resist the participation of women; the electoral process which is corrupt and violent with bribery and attacking of individual characters as the main hindrance; cultural beliefs which have assigned gender roles to both men and women with women's roles being confined in the home; and limited access to education for women in many areas. There was therefore a need for

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[48] R. F. Ola, *Local Administration in Nigeria*, (London: Kegan Paul International, 1984), p. 7.
[49] J. E. Belmount, *An Ancient Partnership: Local Government Magna Carta and National Interest*, (Charlottesville: Royal Press, 1966), p. 35.
[50] S. Dryden, *Local Administration in Tanzania,* (Nairobi: EAPL, 1968), p. 102.
[51] UN-HABITAT, *Gender in Local Government: A Sourcebook for Trainers,* (Nairobi: UN-HABITAT, 2008), pp. 44-45.

affirmative action. This affirmative action has been minimally successful in Latin America and India.[52] Women, the poor and marginalised communities are usually excluded in urban planning. There is a need to recognise slums and their dwellers who should be provided with necessary services. Urban infrastructure and facilities should be designed for the safety of women and thus the safety of the rest of the population. This means that women have to be involved in the development of urban areas by the local government so that their interests can be catered for.

1.9 Theoretical Framework

To understand the operations of the local government in Kenya in the processes of socio-economic development, the postcolonial perspective was used.[53] Since the 1980s, postcolonialism has been more widely used to refer to the political, linguistic and cultural experience of societies that were former European colonies. The colonial experience varied across the world, depending on the colonial power, pre-existing social, economic and political structures in the colony, and the timing of the colonial encounter. Whatever the experience, it is clear that colonialism changed the social structures, political and economic systems, and cultural norms in many places. The legacy of these changes continued into and after independence.[54]

Historiographically, the postcolonial perspective has sought to deconstruct the grand narratives of imperial and national histories deriving from an Enlightenment vision of a progressive history, in order to reveal or point to suppressed, defeated or neglected histories and stories.[55] Postcolonial historical writing began when the experience of imperialism and colonialism began to be questioned, and this process invariably entailed the revision or rejection of previous historical accounts which narrated European expansion as largely unproblematic. Postcolonial histories include the perspectives of the colonised and often revise the understanding of their experiences. The continuing impact of colonialism is also central to postcolonial accounts of the past.

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[52] Ibid., p. 47.
[53] K. Willis, *Theories and Practices of Development,* Second Edition, (New York and London: Routledge, 2011), p.30.
[54] Ibid, p. 21.
[55] P. Duara, "Postcolonial History' in Llyod Krammer and Sarah Maza (eds), *A Companion of Western Historical Thought,* (Oxford: Blackwell Publishing, 2006), p. 417.

Precisely because postcolonialism is not a well developed theory but a perspective, and, perhaps, a tool-kit for exploring alternative histories, historians who have been inspired or influenced by this perspective have come from diverse intellectual backgrounds and possess different historical objectives whether conservative or radical, humanistic or social scientific.[56] Within the diversity, two features characterise historians writing from a postcolonial perspective. They are scholars who study the non-Western world and in particular those regions where European imperialism had been active until the mid-twentieth century. Second, they have been influenced by the paradigm of cultural studies which gives priority to discourse and identity issues in understanding society. For the historian, this has meant that assumptions underlying the selection of what slice of reality appears as the historical record are as important as political or economic analysis of the event or period.

The time frame may be limited to a literal description of formerly colonial societies, but it has come to include global conditions after colonialism. The term postcolonial became mainstream in 1989 with the publication of *The Empire Writes Back: Theory and Practice in Postcolonial Literatures* by Bill Ashcroft, Gareth Griffiths, and Helen Tiffin. The authors used postcolonial to cover 'all culture affected by the imperial process from the moment of colonisation to the present day. This is because there is a continuity of preoccupations throughout the historical process initiated by European imperial aggression."[57] *The Post-colonial Studies Reader* the same authors discussed contemporary debates about the term postcolonialism and offered a further elaboration of their own definition as a more specific, and historically located, set of cultural strategies that should not be limited to the period after the colonies became independent because it is more descriptive of the totality of practices, in all their diversity, which characterise the societies of the postcolonial world from the moment of colonisation to the present day.[58]

Postcolonialism is based on the historical fact of European colonisation and the diverse material effects to which the phenomenon gave rise.[59] The term postcolonialism addresses itself to the historical, political, cultural and textual manifestations of the encounter between the West and the non-West, dating from the sixteenth century to the present day. It considers

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[56] Ibid, p. 417.
[57] N. J. Wilson, *History in Crisis? Recent Directions in Historiography*, Second Edition, (Upper Saddle River and New Jersey: Pearson Education, 2002), p. 140.
[58] Ibid, p.142.
[59] Ibid.

how this encounter shaped all those who were party to it: the colonisers and the colonised. Postcolonialism is thus a name for a critical theoretical approach in literary and cultural studies, but is also, as importantly designates a politics of transformational resistance to unjust and unequal forms of political and cultural authority which extends back across the twentieth century, and beyond.[60]

Postcolonial theory evolved from readings of the nineteenth century and early twentieth century European novels and other documents by pioneering literary critics who came to the conclusion that the classics such as Rudyard Kipling's *Kim,* George Eliot's *Middlemarch,* Charlotte Bronte's *Jane Eyre* or Conrad's *Heart of Darkness* could not be fully understood and evaluated as pure artifacts. These texts carried diverse political implications and references to Europe's imperial position and cultural encounters than the reading made possible by conventional disciplinary methods. Such texts had to be read as colonial discourse.[61] This is because postcolonialism recognises that voices of the colonised and the coloniser mix in a form of hybridity that merges the two voices. This hybrid voice is powerful because it has the potential to undermine the coloniser. The existence of hybridised oppositions and boundaries allows postcolonialists to examine the cultural relationships of power. Analysis of these power relations can include analysis of wide-ranging implications of policy and thus historical interpretations that informed (or still inform) policy.

In many ways the Bandung Conference of 1955 marks the origin of postcolonialism as a self-conscious political philosophy. It was composed of 29 countries mostly newly independent African and Asian countries, including Egypt, Ghana, India and Indonesia, initiating what came to be known as the Non-Aligned Movement. They saw themselves as an independent power bloc, with a new "third-world" perspective on political, economic, and cultural global priorities. The Tricontinental Conference held in Havana in 1966 established a journal called *Tricontinental* which for the first time brought together the writings of postcolonial theorists and activists (Amilcar Cabral, Frantz Fanon, Che Guerala, Ho Chi Minh, Jean-Paul Sarte),

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[60] E. Boehmer, 'Postcolonialism', in Patricia Waugh (ed), *Literary Theory and Criticism,* (Oxford: Oxford University Press, 2006), p. 340.

[61] E. O. Zein-Elabdin, 'Postcoloniality and Development: Development as a Colonial Discourse', in Lansana Keita (ed), *Philosophy and African Development: Theory and Practice,* (Dakar: CODESRIA, 2011), p. 216.

and elaborated not a single political and theoretical position but a transitional body of work with a common aim of popular liberation.[62]

Orientalism is particularly an important book and is commonly regarded as the catalyst and reference point for postcolonialism. This book by Edward Said examines how the West imagined the East, has a strong focus and is concerned with understandings and images. He shows how Western ideas about the world as a whole are still informed by ideas that were widespread during the colonial period, and he considers how visual and textual representations can shape knowledge about a place, and condition behaviour in relation to that place. Said believes that the West was able to manage the East as colonial, dependent territory because 'Orientals' were seen as being in need of Western guidance and guardianship.

As he says, 'neither imperialism nor colonialism is a simple act of accumulation and acquisition. Both are supported and perhaps even impelled by impressive ideological formations which include notions that certain territories and people require and beseech domination, as well as forms of knowledge affiliated with that domination."[63] Said is concerned with the views of the coloniser and the colonised, and how dichotomies developed and were perpetuated, for example, if the East was static then the West dynamic; if the East was savage, the West was civilised; if the East was despotic, the West was enlightened.[64]

Another writer, Homi Bhabba, is concerned with the place of the colonised in these discourses. His work is complex, but in essence he is concerned with three concepts: hybridity, mimicry and ambivalence. Hybridity is concerned with the fact that Europeans who took their culture with them to the colonies, had their beliefs, values and practices affected by the culture of the indigenous people they encountered and vice versa. The end product of the cultural encounter, Bhabba suggests, is neither a fixed and pure European identity, nor a pre-existing African-Asian, African or Latin American identity. Linked to

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[62] R. J. C. Young, *Postcolonialism: A Very Short Introduction*, (Oxford: Oxford University Press, 2003), p. 17.
[63] R. B. Potter, T. B. Jennifer and D. Smith (eds), *Geographies of Development*, Second Edition, (London: Prentice Hall, 2004), p. 54.
[64] Ibid.

hybridity is the practice of mimicry, where the British and the Indians, Africans and others, adopted aspects of each other's cultures.[65]

Ambivalence is reflected in the way that colonial discourse was grounded in an innate assumption of European control and superiority, while at the same time resting on somewhat insecure foundations and anxiety. In relation to individual colonisers there was the disgust about the savagery and backwardness of those being colonised, while at the same time a desire to be more like the colonised and even to have intimate relations with them. Rather than represent the colonised as simply either complicit or opposed to the coloniser, Bhabba suggests the coexistence of complicity and resistance. The hegemonic authority of colonial power is made uncertain and unstable because the ambivalent relationships between colonisers and colonised are complex and contradictory.[66]

Frantz Fanon does not replace history with psychoanalysis in order to place colonialism in its "true" register but rather he locates psychic desire and fantasy at the heart of the rationalist discourse of history and thus foregrounds the fissured formation of the colonial society. Such a theory of colonialism or a discourse of colonial history should be considered as an event, a significant occurrence, in the history of colonialism.[67]

Since the early 1980s, postcolonialism has developed a body of writing that attempts to shift the dominant ways in which the relations between Western and non-Western people and their world are viewed. The division between the West and the rest was made fairly absolute in the nineteenth century with the expansion of the European empires, as a result of which nine-tenths of the entire land surface of the globe was controlled by European, or European-derived powers. Colonial and imperial role was legitimised by anthropological theories which increasingly portrayed the peoples of the colonised world as inferior, childlike, or feminine, incapable of 'progress'.[68]

White culture was regarded (and remains) as the basis for ideas of legitimate government, law, economics, science, language, music, art, literature – in a word, civilisation.[69]

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[65] Zein-Elabdin, 'Postcoloniality and Development', p. 216.
[66] Ibid., p. 55.
[67] G. Prakash, 'After Colonialism" in G. Prakash (ed), *After Colonialism: Imperial Histories and Postcolonial Displacements*, pp. 8-9.
[68] Young, *Postcolonialism: A Very Short Introduction*, p. 2.
[69] Ibid, p. 3.

Postcolonial theory involves a conceptual reorientation towards the perspectives of knowledges, as well as needs, developed outside the West. It is concerned with developing the driving ideas of a political practice morally committed to transforming the conditions of exploitation and poverty in which large sections of the world's population live out their daily lives.[70] Gayatri Spivak, an Indian literary critic and a key figure in postcolonial studies, refers to such marginalised peoples as subalterns. Spivak argues that histories of the colonial period, and accounts of the modern world are usually written by the powerful, invariably men, and the voices of the subalterns are rarely heard. Subaltern histories have focused on the lives, agency and resistance of these people who had been silenced and even erased from both imperial and nationalist accounts of the past.[71]

For much of postcolonial theory is not so much about static ideas or practices, as about relations between ideas and practices: relations of harmony, relations of conflict, generative relations between different peoples and their cultures. Postcolonialism is about a changing world, a world that has been hanged by struggle and which its practitioners intend to change further.[72] Such ingredients as occupational specialisation, urbanisation, social mobility or even labour migration, usually associated with change and modernisation, were operative in pre-colonial Africa. Nor is the 'traditional-modern' polar model, with all its attendant implications of conflict and incompatibility, applicable to the entire spectrum of African experience of change under colonialism. Thus with ease many indigenous African institutions and ideas survived the impact of or even blended with, alien European values.[73]

Change as such was not new to colonial Africa and there was no African society which was not affected to an appreciable extent by European contact or which simply withered before it. Indeed under indirect rule, with its emphasis on the preservation of traditional institutions and values, still recognised the need for change. In indirect rule indigenous institutions and rulers were expected to serve as media for introducing reform in measured doses and in ways acceptable to the colonial authority. The postcolonial theory and perspective is therefore ideal for assessing how the local government operated in colonial Kenya and how such a blended structure of socio-economic development operated in independent Kenya up to 1974.

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[70] Ibid, p.6.
[71] Potter *et al*, (eds), *Geographies of Development*, p. 54.
[72] Young, *Postcolonialism*, p.6.
[73] A. E. Afigbo, 'The Social Repercussions of Colonial Rule: The New Social Structures', in Adu Boahen (ed), *General History of Africa, Vol. VII: Africa Under Colonial Domination, 1880-1935*, (Paris: UNESCO, 1985), p. 487.

Local government is an institution transferred to Kenya from the colonial structures of administration. Forces which played part in changing the social structure and character of colonial Africa are colonial conquest with its attendant political settlement, Western education, Christianity, economic forces and increased urbanisation. Urban centres did this largely by creating improved means of communication, new political and administrative headquarters as well as new centres of trade, mineral and agricultural exploitation.[74] Thus, to what extent should post-colonial societies reject their own education, scholarly language (in the case of Kenya, English), and other remnants of colonialism that are undeniably part of the daily living in the society?

The major critique of postcolonialism is that relatively few primary sources were written by the colonised survive to give their perspective of events. Many postcolonial historians therefore use the techniques of oral historians, anthropologists and archaeologists to reconstruct events from a non-European perspective. Adopting the technique of "reading against the grain", postcolonial historians closely read European primary sources looking for shreds of evidence about those people they conquered and unintentionally wrote about.[75] Oral historians are also faced with the challenge of unavailability of valid and dependable interviewees since over time these are no longer alive.

In addition, as much as the term postcolonialism has been applied to designate a critique of Western historical institutions and patterns of thought in the post-colonial era, postcolonial currents are too diverse to permit a clear definition. Moreover, most of the practitioners of postcolonial historiography came not from the former colonies but form the West. Even those that come from the former colonies do not write in their native languages thus use English or French. This clearly suggests that the cultural aspects of economic and political domination emphasised by postcolonialism have by no means ended. In fact, a striking and little remarked legacy is the globalisation of English as the dominant language of academic exchange.

Analysing Development

Development is viewed as the westernisation of the world. Sachs, writings in 1992 observed that the campaign to turn traditional man into modern man had failed. The old ways had been smashed; the new ways were not viable. People were caught in the deadlock of development.

[74]Ibid,p. 499.
[75] C. McEwan, *Postcolonialism and Development*, (New York: Routledge, 2009), p. 254.

This was illustrated by the peasant who is dependent on buying seeds, yet finds no cash to do; the mother who benefits neither from the care of the fellow woman in the community nor from the assistance of the hospital...they are forced to get into the 'no-man's land' between tradition and modernity.[76] The basic objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives and to benefit the people. The process of development consisted, on the theory of modernisation, the moving from traditional society, which was taken as the polar opposite of the modern type, through a series of development to modernity, that is, approximately the USA of the 1950s. However, there is a wealth of evidence to indicate that economic growth and the advent of modernity does not necessarily mean abandonment of the so-called 'traditional' patterns of action, values and beliefs.[77]

In modern industrial society traditional values not only persist but actually play an important role in keeping it going. Importantly, the postcolonial approach reminds us that 'development' is not simply a European and American invention because it is also shaped by agency and resistance in the developing world. Development theories and ideas are formed and contested in the developing countries. Poscolonialism also demands that development is properly opened up to the presence and significance of voices, knowledges and agency in the underdeveloped world. Therefore, postcolonialism as anti-colonialism is a critique of all forms of colonial power, cultural, political and economic, both past and present.[78] Modernism may be defined as the belief that development is all about transforming 'traditional' countries into westernised nations. For many western governments, especially during the colonial period, this meant the colonial mission to develop colonial peoples within the concept of trusteeship. There was little recognition that many traditional societies might have been content with the ways of life they already led. Indeed, development strategists during the colonial period and after tried to persuade them otherwise.

The notion of development began to permeate the colonial mission from the 1920s onwards, firmly equating development in these lands with an ordered progress towards a set of standards laid down by the West and as such robbing people of different cultures of the

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[76] W. Sachs, *The Development Dictionary: A Guide to Knowledge as Power,* (London: Witwatersrand University Press, 1992), p. 3.
[77] R. Ayres (ed), *Development Studies: An Introduction Through Selected Studies*, (Dartford: Greenwich University Press, 1995), pp. 21-44.
[78] McEwan, *Postcolonialism and Development*, pp. 17-30.

opportunity to define the terms of their social life. Little recognition was given to the fact that the so-called traditional societies had always been responsive to new and more productive types of development. If they had not done so they would not have survived. The continued economic exploitation of the colonial period made it virtually impossible for such development towards Western standards and values to be achieved. Therefore, instead of developing the 'traditional' societies, colonialism underdeveloped them.[79]

Ultimately, development is inevitably treated as a normative concept, as almost a synonym for improvement. To pretend otherwise is to hide one's value judgement. Development is always conceived as an aspect of change that is desirable. Local development may involve action in areas of human development offering education, new techniques of cultivation, extension of physical facilities such as infrastructural network of roads, growth and development of market centres. Thus the ultimate goal of development is to improve the quality of life of a particular people.[80]

1.10 Methodology

1.10.1 Study Area

The area covered by this study was Machakos District as it existed in the period 1925-1974. Machakos District is in Eastern Province, Kenya. The District had an area of approximately 14,250 square kilometres and extended some 275 kilometres from the northwest to southeast. It tapered from 125 kilometres wide in the north to less than 20 kilometres wide in the south. The District's neighbours are Kajiado District to the west, Taita-Taveta District to the southeast, Kitui District to the east, Embu to the northeast, Murang'a to the north and Kiambu District and Nairobi Province to the northwest. From 1895 to 1902 the Machakos area together with Kitui formed Athi District in the then Ukamba Province of the East Africa Protectorate. In 1902 Athi District was split into two and the Machakos area came to be known as Ulu District. It existed under that name until 1920 when it was renamed Machakos District. In 1933 Ukamba Province was joined to Kikuyu province to form Central Province. The District was part of Central Province until 1953 when Machakos and Kitui Districts were severed from Central Province and joined Kajiado and Narok Districts into a new Southern

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[79] Potter *et al*, *Geographies of Development*, Second Edition, pp. 5-8.

[80] W.O. Oyugi, *The Administration of Rural Development in a Kenyan Sub-District: A Case Study of the Interaction Between the Kenyan Bureaucracy and the Technical Assistance Personnel*, Ph.D Thesis, Department of Government, University of Nairobi, 1973, pp. 2-11.

Province.[81] On the recommendations of the Regional Boundaries Commission of 1962, Machakos District became part of Eastern Province at independence in 1963.

1.10.2 Research Design

The study was based on historical research design. According to Walliman "historical research is the systematic and objective location, evaluation and synthesis of evidence in order to establish facts and draw conclusions about past events".[82] It involves exploring the meaning and relationship of events, and uses both primary and secondary historical data in the form of writings, artefacts and records. The sources must be both authentic and valid. The value of historical research is that it enables solutions to contemporary problems to be sought in the past. Therefore, an interpretation of meanings and an assessment of the significance of the events are required.

1.10.3 Data Collection

The study utilized both primary and secondary sources. Archival records (Kenya National Archives, Nairobi and in the former Machakos District records office) were utilised as primary sources of data. Archival sources were the core source of data for this study especially for the colonial and the early independence eras. Secondary data was sought from both published and unpublished works on local government in Kenya in general and Machakos District in particular. These comprised books, journal articles, newspapers, seminar papers and theses. They also contain the views of various people on important issues which were used in the analysis of the success of local government as concerns socio-economic development of area of study.

Oral interviews were also conducted to supplement these primary and secondary sources. People with knowledge of the LNC and ADC of Machakos as well as the County Council of Masaku were interviewed as well as those served by the local government within the period of this study. Face to face interviews were particularly important since the study sought qualitative data. The interviewer was in a good position to judge the quality of the responses to subjects, to notice if a question had not been properly understood, and to reassure and to encourage the respondent to be full in his/her answers. A semi-structured interview schedule

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[81] Matheka, *Colonial Capitalism,* pp. 3-8.
[82] Walliman, N., *Your Research Project: Designing and Planning Your Work*, 3rd Edition, (London: SAGE Publications, 2011), p.9.

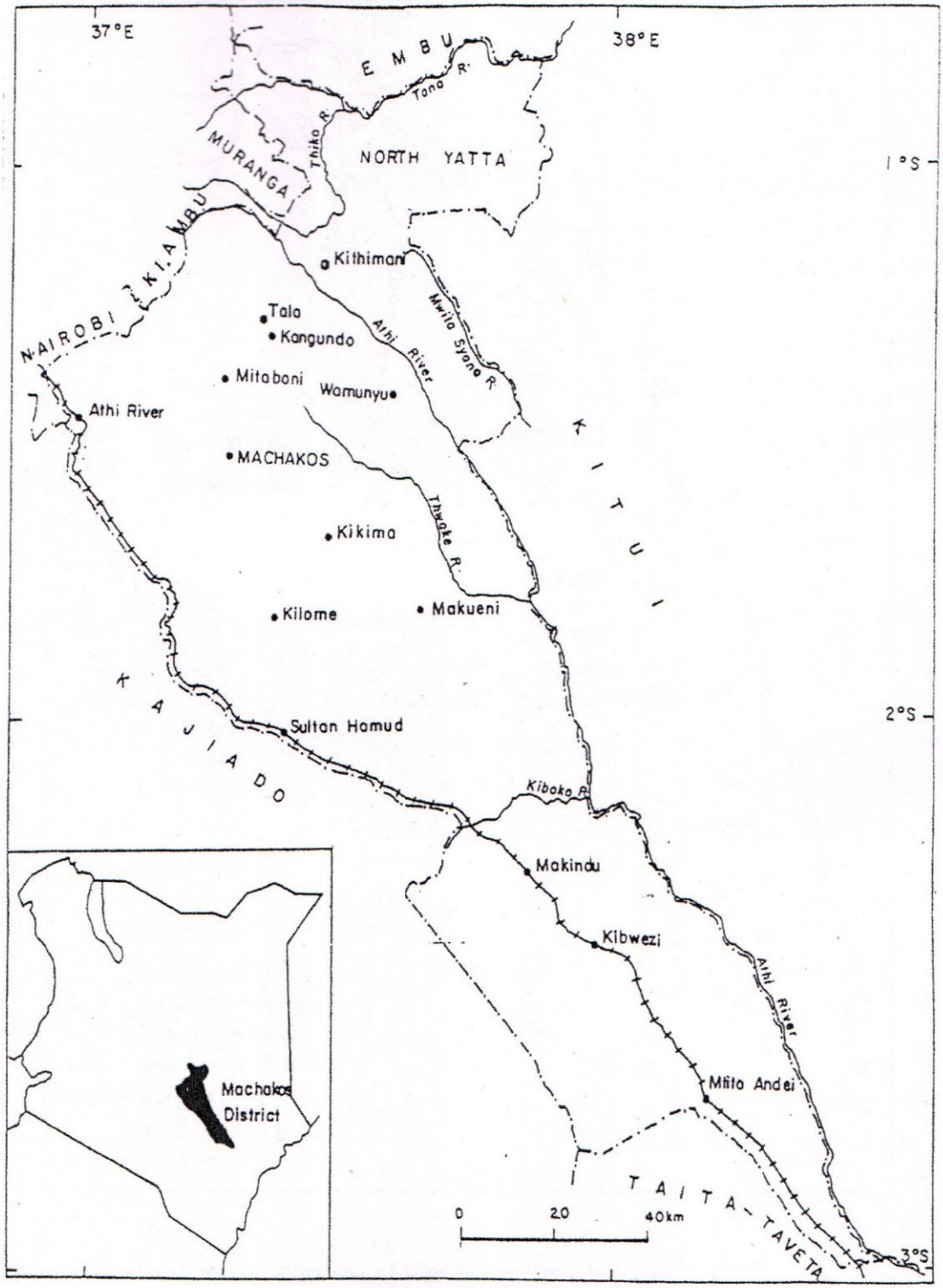


Figure 1: Location of Machakos District in Kenya. Source: R.M. Matheka, 1992.

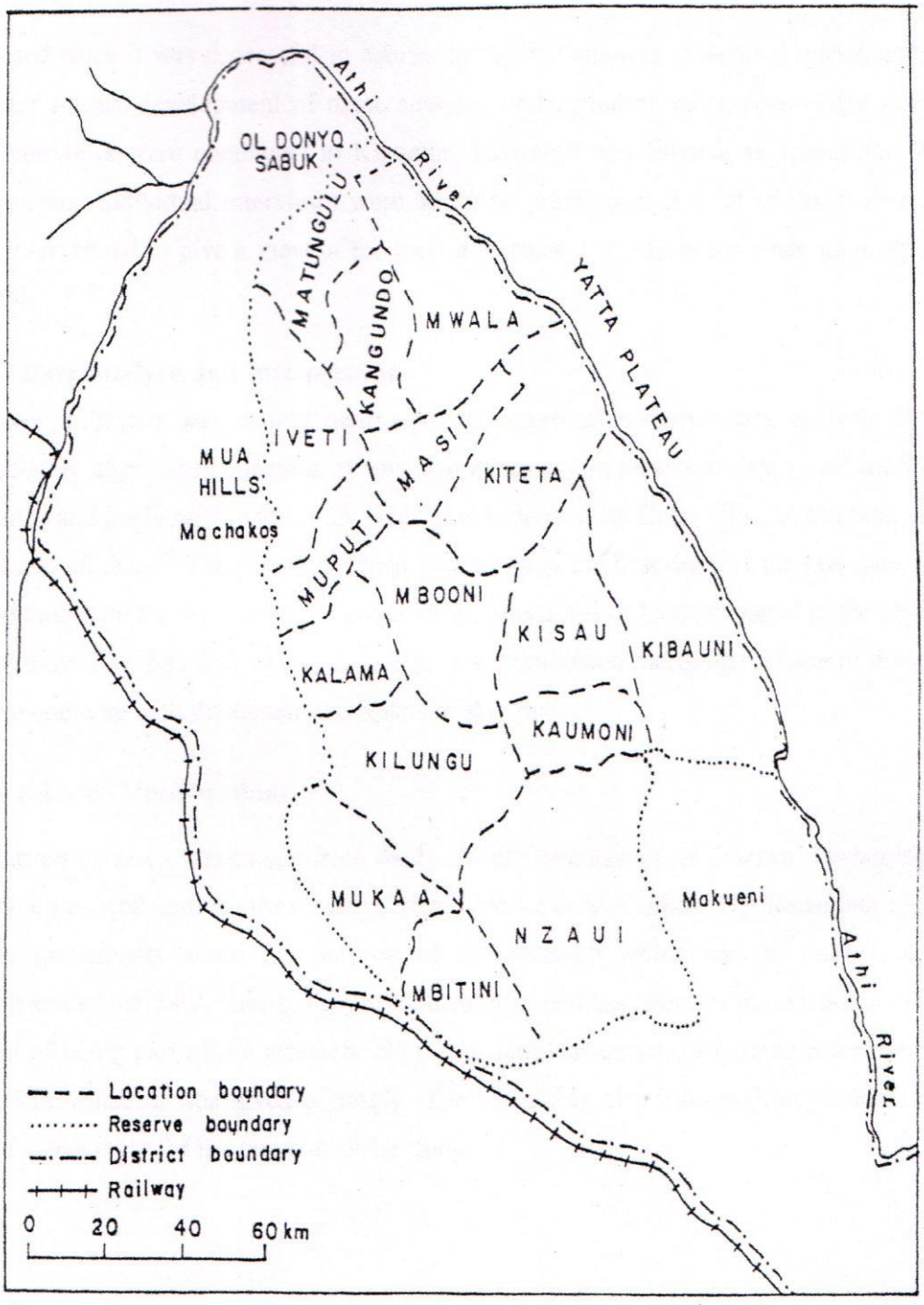


Figure 2: Administrative Locations of Machakos District (c. 1920-1974)

Source:J. F. Munro, 1975

was used since it was successful in achieving defined answers to defined questions leaving time for further development of those answers, and including more open-ended questions. The interviews were conducted in Kikamba, Kiswahili and English as appropriate for the respondents. Individual interviews were accorded preference. A total of thirty four people were interviewed to give a view of the local government in Machakos since its inception up to 1974.

1.10.4 Data Analysis and Interpretation

The data collected was mainly qualitative in nature. Descriptive data analysis followed immediately after data collection. It was also necessary to sieve out data to determine their relevance and usefulness to the study. This is as suggested by Creswell so as to obtain a sense of the overall data.[83] The researcher then read through the first draft of the raw data and the relevant material recorded on cards under various headings or themes related to the objectives of the study. This was followed by a careful examination and thorough revision of these notes so as to come up with the tentative chapters of this study.

1.10.5 Ethical Considerations

Consent for research was sought from the National Commission for Science, Technology and Innovation as well as from the County Commissioner in Machakos. The researcher informed all the participants about the purpose of the research which was to collect data for compilation of this M.A. thesis. They were also informed that there were no risks involved as a result of being part of the research. No respondent was coerced to giving information and thus all information was given willingly. The researcher also informed respondents on the type of data sought for the purpose of the study.

[83]J.W. Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Traditions*, (Thousand Oaks: SAGE Publications, 1998), p. 124.

CHAPTER TWO

MACHAKOS LOCAL NATIVE COUNCIL AND DEVELOPMENT, 1925-1949

2.1 Overview

Although local administration existed in Machakos from the inception of colonial rule, there existed no organised and acceptable African body of administration. The failure of the chiefs and headmen, as well as the *Nzama* to effectively help in British administration through indirect rule led to the establishment of the LNC. The colonial government established the LNC in Machakos in 1925 by the colonial government with the intention of monitoring and controlling African political activities especially the association of the Kamba with the Kikuyu in anti-colonial meetings aimed at opposing taxation and land alienation. From 1925, however the Machakos LNC undertook important development works towards the improvement of living conditions of Africans in the Machakos and Kikumbulyu Reserves. Issues analysed in this chapter include background to the establishment of the LNC, sources of revenue and activities undertaken towards infrastructural, social and economic development up to 1949. The challenges faced by the Council during these years are also discussed.

2.2 Antecedents to the Establishment of Local Government in Machakos District, 1895-1924

Political evolution in colonial Kenya was closely related to the evolution of local government especially in Machakos District. For instance, the government's failure to give adequate political outlets and representation at the local level led the Africans to organise politically to articulate their grievances. Political organisations in turn created great awareness among the Africans of the inadequate representation at the local level.[1] The result was a resentful and negative attitude towards the government's policies leading to constant African protests. Political institutions set up by the colonial system were meant to contain Africans' negative attitude towards the colonial government. This was a continual struggle by Africans to get some measure of representation in the colonial government bureaucracy as well as maintain their independence in their areas of interest such as land.

[1] P. Maundu, *Evolution and Role of Local Government in Nation Building in Kenya,* M.A. Political Science Thesis, Syracuse University, 1965, p. 71.

Established in 1889, Machakos was the first British upcountry station and was the capital of the inland territories of the Imperial British East Africa Company (IBEAC).[2] Its primary use was that of a general store and forwarding station. When the colonial government took over the administration of the Protectorate from the IBEAC in 1895, Machakos was the capital of that administration and remained so up to the time the Uganda Railway first reached Nairobi in 1899 because Machakos was bypassed by the railway which was still under construction.[3] Ukambani was taken over on behalf of the Imperial British East Africa Company (IBEAC) by F. J. Jackson, who made a treaty with Mboli, a self-styled chief of Iveti. In the treaty of 4 August 1889, Mboli claimed to have placed himself and all his territories, countries, peoples and subjects under the protection, rule, and government of the IBEAC. He also claimed to have ceded over all his rights and rights of government over all his territories, countries, peoples and subjects to the protection of the Company whose flag was to be a sign of such protection.[4]

The British used the company to administer the East Africa Protectorate as part of the Berlin Conference's requirement of effective occupation. The aim of IBEAC was to inherit the centuries-old long distance trade that had linked the African interior to the coast. It sought to replace the Swahili, Mijikenda and Akamba ivory traders, who by the 1860s had trodden routes that ran from the coast via Kitui, through Mount Kenya, into the Tugen and Cherengany hills all the way to Mount Elgon and Turkana. African knowledge of these routes was harnessed and used in the building of the Company's fortunes.[5] The knowledge acquired by the IBEAC officials was later to be of great importance in the survey and engineering reports for building the railway.

The first fort at Machakos was constructed by C. S. Latrobe Bateman who was assisted by local natives who were paid in trade goods for their services. Leith succeeded Bateman after a period of less than a year. This was to be the trend of succession of DCs and assistant DCs throughout the colonial period. Leith's administration was marked by conflict with the Kamba. For example, he sent his Swahili assistants to cut a tall tree from the *Ithembo* which to the indigenous people was disrespect. This was followed by a three-week period of

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[2] http://masakucountycouncil.com/about-thika/background information accessed on 31 July 2012.
[3] Munro, *Colonial Rule and the Kamba*, p. 54.
[4] KNA/DC/MKS/4/1 Machakos District Political Record Book Vol. 1 up to 1911.
[5] E.S. Atieno-Adhiambo 'Mugo's Prophecy' in B.A. Ogot and W.R. Ochieng' (eds), *Kenya: The Making of a Nation, A Hundred Years of Kenya's History, 1895-1995,* (Maseno: Insitute of Research and Post Graduate Studies, 2000), p. 6.

hostilities when Leith went into the Kamba areas burning huts to bring them under control. The Kamba therefore decided to make peace with the white man who was an IBEAC's administrative official. Ainsworth succeeded Leith and he completed the construction of the Fort.[6]

It was during Ainsworth's time (1892-1899) that the whole of Ukamba was brought under British control. The trading IBEAC was replaced by formal colonialism in 1895, and the mode of interaction soon translated itself into a military frontier, and conquest battles became the norm from 1894 onwards.[7] Several punitive military expeditions were sent before the Kamba could be brought under control. The most noteworthy of these expeditions were those to Kilungu, Mukaa, Mbooni and Kangundo between 1894 and 1896.[8] In some cases very severe punishment was inflicted and in other cases the Kamba had to flee from these expeditions with their stock and the only real loss suffered being the burning of huts and destruction of villages. In fact, the period 1894-1910 was characterised by geographical survey, fortress building and military conquest all over the future Kenya.[9] Initial attempts at organised administration in Machakos were made by C. R. W. Lane, the DC in October 1900 to February 1901.[10] This was following Commissioner Hardinge's charge to set up an administration and judicial system in the now European land. The IBEAC officials had extensive knowledge of the territory and were of great use in the dividing of the land into provinces and districts.[11]

Lane was the first British officer to collect hut tax following the 1901 Hut Tax Regulations. He also divided up the District into locations, each under a chief to facilitate the collection of taxes. The chiefs were assisted by the police. The chiefs received, in return of their services, a percentage on the amount collected. The tax first stood at Rs 1/- per hut in 1901. From 1 April 1903, was raised to Rs 2/- per hut following a proclamation in the Official Gazette of 1 August 1902. The 1901 Hut Tax Regulations were replaced by the East Africa Hut Tax Ordinance No. 19 of 1903. The amount was raised to Rs 3/- per hut in 1906 following a

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[6] KNA/DC/MKS/4/1 Machakos District Political Record Book Vol. 1 up to 1911.
[7] Atieno-Adhiambo 'Mugo's Prophecy', p. 6.
[8] Tignor, *Colonial Transformation* , p. 20.
[9] J. Lonsdale, 'The Conquest State, 1895-1904' in W.R. Ochieng' (ed), *A Modern History of Kenya, 1895-1980*, (Nairobi: Evans Brothers (Kenya) Limited, 1989), p. 6.
[10] KNA/DC/MKS/4/1 Machakos District Political Record Book up to 1911.
[11] O. A. L. A. Olumwullah, 'Government' in W.R. Ochieng' (ed), *Themes in Kenyan History*, (Nairobi: East African Educational Publishers, 1990), p. 94-95.

proclamation in the Official Gazette.[12] Thus, the early history of the District was largely the history of tax collection. This is exemplified by the following table.

Table 1: Hut Tax Collection in Machakos District, 1901-1911.

Period	Description	Rupees	Cents
1901 -02	Hut Tax	8,668	00
1902-03	Hut Tax	17,028	50
1903-04	Hut Tax	31,521	56
1904-05	Hut Tax	51,696	00
1905-06	Hut Tax	54,280	00
1906-07	Hut Tax	88,429	00
1907-08	Hut Tax	86,226	00
1908-09	Hut Tax	84,951	90
1909-10	Hut Tax	108,054	00
1910-11	Hut Tax	114,108	00
	Poll Tax	22,455	00

Source: KNA/DC/MKS/4/1 Machakos District Political Record Book up to 1911.

Under the 1903 Ordinance however, tax could only be collected on huts, and the Africans soon commenced on limiting the number of huts by accommodating one or two wives in the same hut. As a result tax figures for the three years 1906-1909 remained practically stationary. To prevent much tax evasion, Proclamations of 24 February 1909 and 21 May 1909 were issued whereby additional adults residing in the same hut became liable to Hut Tax. The Ordinance of 1909 was replaced by New Hut and Poll Tax Ordinance of 1910 and by Proclamation of 15 June 1910 Official Gazette the Poll Tax was applied to Ukamba Province.[13] This Ordinance was further amended by the East Africa Hut and Poll Tax Amendment Ordinance No.5 of 1911. As such taxation was extended to all married women irrespective of the number of huts and to all unmarried adult males. Extensive abuses occurred during the time of collection of taxes. In general however, the Kamba readily paid taxes and as noted in 1911 the taxes were taken to the collection centres (stations) six months into the financial year instead of sending collections journeys into the interior.[14] In fact, up to

[12] KNA/DC/MKS/4/1 Machakos District Political Record Book up to 1911.
[13] I. Tarus, 'A History of the Direct Taxation of the African People in Kenya, 1895-1973', PhD Thesis, Rhodes University, 2004.
[14] KNA/DC/MKS/1/1/2 Ulu District Annual Report for the Year ending March 1911.

the 1920s the Kamba were well able to pay their taxes without having to work in European farms. This they did through their sales of maize supplemented by other farm products, beeswax, hides, skins and at times livestock.[15]

Under the different DCs the then Ulu District was gradually divided up into a number of locations each under a gazetted chief. These again were sub-divided into sub-locations each under a headman. These divisions were loose and ill-defined. The chief's authority was often questioned by the headmen and their followers some of whom would claim to belong to a chief of a different division. The headman's ruled over an average population of 15,000 people but there was no criterion for fixing the boundaries of the size of each location as the area of administration.[16] Thus a complete census of 1910-1911 was aimed at reducing the number of headmen ruling over insignificant numbers of people and most importantly, organisation of the new Native Council Houses. The DC in 1911 conceded that the greatest source of problems between the people and the government was the manner in which chiefs were appointed.[17]

The absence of native policy or at any rate continuity of policy in regard to native affairs was largely responsible for the system under which the chiefs and headmen were constantly being appointed and frequently deposed. All these appointments were made by officers who did not rightly realise that the direction that they used was misleading thus drifting to complete chaos and disorganisation. Such appointments led to a complete disruption of the whole community organisation and a spirit of disorder and lawlessness arose since the commencement of British administration.[18] In fact, colonial rule introduced at the local level a number of new local authority wielders who though tied directly to the traditional system, were alien to the needs and desires of the local communities whom they were supposed to link to the centre.[19]

In the Kamba society, the British administration failed to find a stable group of collaborating chiefs until the late 1920s. The Kamba had experienced pre-colonial differentiation based on the emergence of individuals and lineages attempting to accumulate wealth and power contrary to traditional communal institutions. These power-seeking lineages often welcomed

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[15] M. Tiffen, *et al*, *More People, Less Erosion: Environmental Recovery in Kenya*, (Nairobi: ACTS Press, 1994), p. 52.
[16] Maundu, *Evolution and Role of Local Government,* p. 54.
[17] Berman, *Control and Crisis*, p. 211.
[18] Ibid.
[19] Maundu, *Evolution and Role of Local Government,* p. 9.

the arrival of British power and took the initiative in securing the new official posts provided by the Village Headman Ordinance of 1902. This led to an intense competition that dominated Kamba politics until 1910 mainly against traditional authority represented by the *Nzama* elders. In 1910, an attempt to revive 'traditional' forms of authority and establish a system of indirect rule was taken seriously by the DC who provided for official recognition of enlarged *Nzamas* of elders in each location.[20]

The British did not understand indigenous administration either.[21] For example, the appointment of notable individuals in Luoland as chiefs in charge of locations sparked perennial inter-clan rivalries within each location that lasted a long time. Pre-colonial Akamba, just like the Luo and Kikuyu, possessed no "genuine" chiefs or headmen and authority in each small locality rested principally with a body of elders who constituted the N*zama* (Council of Elders) and which was completely ignored. When an appointment had to be made, a young man was appointed who was of scarcely no importance and such appointments resulted in a great deal of harm. Thus, such young men possessed with no traditional authority and possessing no confidence of their people, resorted in extortion and oppression of the people in carrying out their administrative duties. Caught between the demands of the Provincial Administration and the conservative commitment of the elders, the position of the Kamba chiefs became highly unstable.[22]

The appointed chiefs and headmen, possessing no traditional backing to their new-found authority, sought ways and means for their power to be felt in their locations and in the neighbouring locations.[23] This they did in competition with the traders and headmen (*athiani*) who had enough wealth and influence in their areas owing to their activities before 1901. The access to colonial military power as a way of redistribution of wealth in favour of enterprising individuals was manifested among those who allied themselves with the British in the late 1890s. During the years 1900-10 however, opportunities to extract wealth from the inhabitants of neighbouring locations arose less frequently and the enrichment of the new office-holders occurred largely at the expense of the people of their own locations. Their colonial role as mobilisers of local resources for various purposes such as road construction gave the chiefs and headmen the opportunity to enlarge their incomes. Tax collection

[20] Munro, *Colonial Rule and the Kamba,* pp. 62-68.
[21] Atieno-Adhiambo, 'Mugo's Prophecy', p. 8.
[22] Munro, *Colonial Rule and the Kamba,* p. 62-68.
[23] Ibid.

encouraged them to extract the largest possible revenue for the largest possible commission, while the confusion and uncertainty of the ordinary people about the nature and extent of colonial tax demands enabled them to charge extra for a hut and tax receipt, seize more livestock than necessary from defaulters or simply demand livestock for the British and add them to their own herds.[24]

Seizure of livestock as fines for failure to carry out such colonial requirements as roadwork was a further source of income. Some of the respondents remember such confiscation. One said that construction of roads was so forceful that if an individual within the location the road was under construction did not participate, then their cattle would be taken and slaughtered for the people who were carrying out the construction. This made some of the people to decline to work on the roads due to resentment of colonial forced labour policy. They were well aware of the inherent consequence and some of them were arrested and charged.[25] In fact some chiefs and headmen even purchased firearms and paid retainers who carried out their instructions. As such, there was no scarcity of opposition to colonial administration as these chiefs symbolised oppression and exploitation.

Chiefs and headmen were seen as people who had only their interests at heart, that is, to enrich themselves at the expense of all parties and whose last thought was the good of the people.[26] These chiefs were empowered in 1908 to establish their own courts in their locations. This was a reprieve to the courts in Machakos under the magistrate which found it quite difficult to try Kamba cases. The chiefs however, used the courts as a further avenue to enrich themselves. The British administration had bypassed the judicial authority of the *Nzama* who arbitrated most disputes due to their rich knowledge of custom and tradition. Thus, ignorant of Kamba customary law, the magistrates' courts reversed previous decisions as some of the litigants sought to overturn the verdicts of the *Nzama*. The chiefs on the other hand attempted to redirect arbitration of disputes from the *Nzama* to their own courts, retried cases already settled by the *Nzama*, heard the old cases unresolved by the elders and excluded from the magistrates' courts and effected decisions with the aid of their *askaris*. They set

[24] *Ibid*, pp. 60-65.
[25] O.I. Simeon Ngunzi Kilonzo, 19 March 2015.
[26] O'Leary, *The Kitui Akamba*, pp. 28-29.

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their own scale of fees for these services and, in imitation of the magistrates' courts imposed fines of livestock.[27]

Between 1908 and 1910 the zeal and methods with which these new power-holders attempted to restructure local social and political organisation began to alarm administrative officers, who gradually became aware of the implications of colonial policy and feared social unrest. Anti-colonial movements in Machakos District were also fuelled by the demands of the colonial administration of taxation and land which was alienated for European use and settlement. For example, there was an anti-colonial demonstration which took place at Nzaui in 1908 in which some 400 local people took part. Chief Ngunyenye wa Ngovi, appointed by the British to help in administration of the Kamba, led his people in a protest against the same administration. Seen as principally responsible, Ngunyenye was deported and the opposition brought to an end using military force.[28]

In the same year, Syotune Kathuke was giving orders to the people which were obeyed against government orders. This she did through a dance (*kilumi*) which she organised and had a lot of influence in the area. Syotune's movement was given impetus by Kiamba who obtained an 'extra-ordinary' position over the people. Administration by 1909 seemed to be at a standstill since the local people obeyed no government orders and even failed to provide labour for government purposes. However, Syotune and Kiamba were arrested and deported to Wasin Island through organised patrols of the whole District. The movement came to an end.[29]

As such, Constitution of Native Council Houses was seen as a possible solution to the lack of order. The Houses were organised along the lines of the traditional *Nzama* whose authority was supreme in each small locality. These small bodies, however, could not be recognised individually and several were amalgamated into one Council House (*Nzama*). Therefore, in the years 1910 to 1911, the British felt that they had, for the first time, a responsible authority through which they would be able to deal with the people and which was in direct contact with the people. Chiefs and headmen were members of the *Nzama* so as to create a balance in administration. However, the chiefs and the elders sitting in the same council led to more

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[27] Tignor, *The Colonial Transformation of Kenya*, pp. 21-22.
[28] KNA/DC/MKS/4/1 Machakos District Political Record Book Vol.I up to 1911.
[29] M.P.K. Sorrenson, *Origins of European Settlement in Kenya*, (Nairobi: Oxford University Press, 1968), pp. 280-282.

conflict since the chiefs did not have the same traditional standing power as the elders of the *Nzama* had. Notably, being young men who had been appointed by the British made them voiceless in the *Nzama.*[30] They were therefore despised and seen merely as people who existed to transmit information between the *Nzama* and the British.

The councils never worked as intended since the elders were not ready to accept the colonial way of punishment such as imprisonment preferring the customary law which attempted to restore good will through compensation to the aggrieved party. The reconstituted *Nzama* became corrupt over time as bribery increasingly crept into the administration of justice. The number of cases tried by the *Nzama* fell from 315 in 1922 to 72 in 1923 as the people had lost confidence in the ability of the elders to arbitrate their cases.[31] Two decades after the Village Headman Ordinance of 1902, a stable system of local government had still to be constructed in Machakos District.

A District Council was seen as a better authority in the 1920s with a rise in anti-colonial movements and to curb Kikuyu political influence upon the Kamba. Directly related to Kamba politics was an anti-colonial movement led by Ndonye wa Kauti. Just like Mumboism in Nyanza, the East Africa Association (EAA) led by Harry Thuku in central Kenya and the Young Kavirondo Association (YKA) in western Kenya, Ndonye led the Kamba to protest against oppressive colonial policies in the 1920s. Ndonye's movement grew out of the economic difficulties experienced by the Kamba in the 1921-22 caused by heavy taxation, introduction of paper currency and stringent quarantine regulations. The Kamba had less access to money due to the depression that led to a drop in the price of Kamba produce as well as declining opportunities for wage employment outside Machakos District.[32]

The Akamba were already questioning what return they were getting for the amount paid by them in taxation. The government was aware that as much as there was an hospital in Machakos and other projects such as re-afforestation, much still remained to be done to ensure adequate return was made to the local population for the heavy proportion of the country's revenue contributed by them. This was met with disapproval by all administrative

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[30] Hailey, *Native Administration in the British African Territories, Vol.1*, pp.91-93.
[31] Munro, *Colonial Rule and the Kamba,* p.68.
[32] R. Maxon, 'The Years of Revolutionary Advance' in W.R. Ochieng' (ed), *A Modern History of Kenya,* (Nairobi: Evans Bothers (Kenya Limited, 1989), pp.83-84.

officers since the Kamba were viewed only as subjects.[33] Ulu District Council first met on 22 March 1922 under the Chairmanship of C.B. Thompson, the Assistant DC, with the aim of ensuring a reflection of all shades of opinion, for which reason the Council had been composed of people drawn from all parts of the District. The DC and the Council was supposed to mutually assist each other in administration of Kamba affairs.

The Council was to provide a means through which all grievances might be ventilated and keep the DC informed of everything taking place in the Reserve. Membership to the Council was viewed as an honour to the inhabitants who were advised on the importance of them giving the agenda of any Council meeting. The Harry Thuku event in Nairobi as well as the activities of Ndonye wa Kauti dominated the discussion of the day. The DC and the CNC therefore used the Council to investigate any form of formally organised protests against the British administration in the Ulu and Kikumbulyu Reserves. Accordingly, the Council members were informed that they were to keep the DC informed of any prevailing local opinion so that assistance could be rendered to the indigenous population.[34] This was clearly a further attempt by the colonial government to control African affairs especially in the wake of a closer association of the Kamba with the Kikuyu in anti-colonial protest.

This Council, however, became insignificant for the purpose for which it had been constituted in 1923. According to the DC, W.F.G Campbell, members of the Council possessed no initiative and scarcely appeared to realise their scope or what the object of the Council was.[35] This can be attributed to the fact that the purpose for which the Council had been formed was not clear. For example, its purpose was to monitor African political activity and not to help with Kamba grievances on labour, taxation and land. All discussions were initiated by the DC. Therefore, the colonial administration concluded that the Kamba were not sufficiently interested in political matters affecting their own Reserve or the outside world to render a Native Council either desirable or necessary. In reality, the members of the District Council were mostly chiefs who had now lost leverage with both their people and the colonial government. Since the aim of the government was to monitor political activities, the Kamba did not oblige since only a few were actively involved with Harry Thuku. Ndonye wa Kauti had since been deported to Siyu along the coast.

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[33] KNA/DC/MKS/1/1/10 Ulu District DC's Report on the Twelve Months ending March 1921.
[34] KNA/DC/MKS/1/1/10 Ulu District DC's Report of 1922.
[35] KNA/DC/MKS/1/1/15 Ulu District Annual Report for 1923.

The Devonshire White Paper of 1923, which was issued by the Colonial Office in reply to Indian agitation for representation in the Legislative Council, gave impetus to the African political voice. This paper declared that African interests were paramount since Kenya was primarily an African country. This declaration, however, did little to change the state of things politically, socially and economically for Africans. Although the colonial government realised that there was a political crisis, little was done to include Africans in the administration of Kenya. Immediately, Africans seized this declaration and continued to agitate for their adequate political representation. In keeping with the British theory on political training and representation, the government favoured African representation in effective local councils with defined duties and responsibilities as opposed to Africans sitting in the Legislative Council hence the establishment of LNCs.[36]

2.3 Machakos LNC Development Activities

As earlier observed, LNCs were legally provided for from May 1924 when the Kenya Legislative Council passed the Native Authority (Amendment) Ordinance which established the LNCs chaired by DCs who also served as the chief executives. The aim of the legislation was to build up a 'genuine' indigenous administration originally lacking. The local government system set up hitherto was largely meant to impose control over local communities with minimal African participation. The councils among the Africans were chiefly judicial and were greatly affected by British administration. These councils operated as extensions of the colonial government and were run through the established provincial administration under the Governor and the officials under him from the PC to the chief as the local level government agent.[37]

The LNCs were also established as a tool to control Africans by providing an avenue of expression for the educated Africans, a safety valve to check disloyal organisations, and a means of responsibility in financial matters. Establishment of LNCs was in line with natural progress and with a policy of parallel development of the indigenous and European communities.[38] The establishment of LNCs was conceived partly as a channel and

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[36] Maundu, *Evolution and Role of Local Government,* p. 72.
[37] D.M. Muia, "Devolution: Which Way for Local Authorities" in Kibua, T.N. and Mwabu, G., (eds), *Decentralisation and Devolution in Kenya: New Approaches,* (Nairobi: University of Nairobi Press, 2008), p.144.
[38] Dilley, *British Policy in Kenya Colony*, p.28.

mouthpiece for African opinion, and partly as a manifestation of the British policy of dual development.

The architect of the LNCs did not only intend to have these bodies set up in the then Nyanza and Central provinces where there was evident political agitation over land and taxation but in all African districts.[39] They were brought into operation in the more politically sensitive districts first and then gradually extended to other areas. In 1925, the Machakos LNC was constituted with eight of its members directly elected by the people. The membership of the Council was based on the defunct District Council whose failure was attributed majorly to the lack of a clear specification of its objective. The Machakos LNC was gazetted in the Official Gazette No.1,023 of 29 July 1925. Machakos LNC was to be known as the *Nzama Kuu* to distinguish it from the judicial body called the *Asili* and the traditional *Nzama* elders. The meeting centre for the LNC was Machakos town.[40] The motto of the Council was "*kyaa kimwe kiyuaa ndaa*" which translates to "one finger cannot kill a louse" meaning unity is strength.

The members of the LNC in 1927 were both government nominated (seven members) as well as African nominated (fifteen members). Nomination of LNC councillors was by the people in *barazas* (government meetings in the locations usually headed by the chief to explain government policy and seek public opinion on various matters) held in the locations of the District. At times the people also nominated chiefs as the representatives of their locations in the Council. Elections were however not carried out in a careful manner and representation of locations was not completely secured in the early stages. The members in 1927 were not adequate to represent a population of about 180,000 which meant that some areas had no representatives at all.[41]

The strength of this Council as a representative of people's interest could therefore not be achieved. The DC sarcastically observed that if he "proposed to set aside money, in the estimates for 1928 recently discussed, for the erection of a Tower of Babel on top of the Iveti Hills the Council would have agreed without much ado."[42] To make the Machakos LNC

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[39] Kipkorir, *Descent from Chereng'any Hills*, p.173.
[40] KNA/DC/MKS/5/1/1 Machakos Local Native Council Meetings, Minutes of a meeting held on 28 June 1925 at Kiteta.
[41] KNA/DC/MKS/5/1/2 Machakos LNC Meetings 1927-1933.
[42] KNA/DC/MKS/4/8 A Letter of the DC's Office Machakos on 9th November 1927 to the Hon. Native Affairs Commissioner, Nairobi.

more inclusive in terms of representation, eight additional members were elected in 1928 to represent the locations of Kaumoni, Kisau, Kiteta, Masii, Upper Kilungu, Lower Kilungu and two members for the Kikumbulyu Reserve. The Council previously had fourteen members who did not give adequate representation of all areas. The additional members took up the work of the LNC as disseminating government policy to the people as well as initiating development projects in these areas for the benefit of the community.[43]

LNC elections were not carried out in a uniform and well laid down procedure throughout the country.[44] Between 1930 and the early 1950s, African political organisation had been accepted as a powerful political threat. Consequently, the government was opposed to the introduction of a secret ballot for the election of councillors fearing that African political parties would influence the electorate. Election methods ranged from such diverse arrangements as nominations by the DC to public voting with people queuing behind their favourite candidate. There was also the option of each sub-location electing one member in an open *baraza* then these candidates meeting in a full locational *baraza* to get the most suitable person to represent the location in the LNC.

The triennial elections of 1934 for the Machakos LNC were held in April of that year at the Native Tribunal Centres in the Reserve. The District had been divided up into five constituencies each returning a number of members based on different populations. There were also government nominees especially the chiefs. Major changes occurred in the composition of the Council over time. The Native Authority Ordinance of 1937 and subsequent amending Ordinances gave a more systematic form of LNCs. The Ordinance of 1937 required that the Councils should be composed of the headmen and such other Africans as the Governor would appoint. It however provided that before any person other than a headman was appointed the people of the area were given sufficient opportunity to elect, through a secret vote, suitable persons for submission for approval by the Governor. As such, the Councils then consisted of fewer nominated (many of whom were chiefs and headmen) and a majority of elected members.[45]

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[43] KNA/DC/MKS/4/8 Machakos District Political Record Book 1925-1930.
[44] Maundu, *Evolution and Role of Local Government*, p. 104.
[45] B. Maina, *Monitoring and Evaluation of Support to Decentralisation and Local Governance: Kenya Case Study*, European Centre for Development Management, Discussion Paper No. 61 Dec 2004, p. 6.

There was a shift in the members elected to the LNC after the Second World War. The political objective of the Colonial Office after 1945 was a strong local government system reflecting local priorities with a wide range of functions including the raising and allocation of local revenues. Therefore, the elective element in the LNCs was increased. There were also changes emanating from the Local Government (African District Councils) Ordinance of 1946 which greatly affected the constitution of the LNCs as well as their functions. This was mainly because of the political developments in Kenya during the Second World War. In 1947, for example, only three former members were re-elected. New members included six ex-soldiers, one Africa Inland Mission teacher and the rest traders with an educational bias of one sort or another. Few of the traditional community leaders were chosen with no chiefs, apart from those officially nominated. A departure was made in the official nominations in that seats were found for Makerere educated government servants to represent education, medical and agricultural services.[46] This was with the objective of giving expert advice to the LNCs in the carrying out of its responsibilities pertaining education, health, agriculture and soil conservation.

2.3.1 Commitment to Social Change

Once in place, LNCs were transformed into service-providing agencies through which colonial authorities channelled most of the resources intended for the development of the African areas.[47] LNCs were established with the aim of providing the DC with a means of consulting local opinion regarding the provision of services in the African areas, and to enable their scope to be enlarged by the provision of additional sources of revenue.[48] Sources of revenue for the Council dominated the first meetings of the Machakos LNC. The 1924 Ordinance had provisions that gave powers to the LNCs to collect revenue, other than the local rate, to finance their activities. These included rents for temporary occupation licences for bazaar plots in Machakos town and Nziu trading centre, fines under the Native Authority Ordinance, expenses regarding carrying out the Sugar Ordinance, balance of Native Tribunal fees after payment of members, grazing fees on the Yatta and an LNC rate of sh.2/- which was to remain constant for five years from the 1 January 1926.[49] This rate was officially

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[46] Tiffen et al, *More People, Less Erosion*, p.143.
[47] W.O. Oyugi, *Decentralised Development Planning and Management in Kenya: An Assessment*, The World Bank, Economic Development Institute, p. 45.
[48] Hailey, *Native Administration in the British African Territories*, p.97.
[49] KNA/DC/MKS/5/1/1 Machakos Local Native Council Meetings 1925-1926.

known as the local rate which was an additional taxation on Africans to allow them to finance their development.

LNCs did not receive a proportion of the government's tax collected locally and were thus largely dependent of the local rate as their main source of revenue. The LNC rate was collected alongside collection of the hut tax. A scheme was devised to ensure that the LNC had funds to operate on even in the first year of its operation when no local rate was collected from the African population. The Council therefore had a sum of shs. 31,599.89 available for budgeting and thus expenditure for the year 1925. The money was sourced from the East African War Relief, railway contribution for fuel as well as rents collected from January 1923 to June 1925 when the first LNC meeting was held. The Council had also requested the DC to place some of the government money as a loan to the Council to work with during the first year of its operation.[50]

Squatters on European farms were included in the payment of the rate with the justification that since their permanent residence was in the Reserve, they would benefit from LNC projects. However, the question of the squatters paying voluntarily or compulsorily was debated by the LNC members in 1926. The squatters preferred not to pay but would still pay if it were necessary. Voluntary cess was voted against because it would be unusual since the more patriotic squatters would be penalised and that one could pay voluntarily and later claim that they had been forced to pay. It was agreed by the squatters, the Europeans on whose farms they squatted and the Members of the LNC that they would pay the local rate on their huts in the reserve (through the hut tax) so as to contribute to the LNC funds and development of the reserve. This was on the basis that all the squatters had huts and cattle in the reserves and the reserve was considered their home and not the European farms. The development of these reserves therefore was to the advantage of every African whether in the reserve or in the European farms.[51]

Objectives of expenditure included principal services provided by the LNC. Broadly, however, two shillings local rate was divided such that a quarter went to education, a quarter to medical facilities and one half to reconditioning of the Machakos Reserve. The LNC was of the opinion that of the two shillings none was to be spent on roads and bridges whose

[50] KNA/DC/5/1/2 Machakos Annual Report, 1925.
[51] KNA/AG/23/11 Correspondence between the Chief Native Commissioner and the Attorney General, 15th October 1926 to 19 July 1927.

funding would come from the other sources of revenue. There was also an increasing demand for educational facilities in the name of village schools. The Ukamba Industrial School (UKAI) established in 1915 in Machakos was the main provider of technical education in brickwork, masonry and carpentry. The education offered at UKAI was meant to provide the Kamba with technical skills so that they could venture out of the district in search of employment diversifying sources of money to pay taxes. However, those trained in the school went back to the reserve and set up businesses to help in repair and construction work among their fellow Kamba.[52] There was thus a need to set up adequate education facilities for Africans that provided an education that matched that of the Europeans. This was part of the modernisation process of imperial control and which postcolonialism contests to be lack of development.

Most importantly, the LNC engaged in many activities that were meant for the improvement of the socio-economic and infrastructural situation of the Machakos and Kikumbulyu Reserves. The colonial government made little or no effort to improve or ameliorate the conditions that existed and therefore no social improvement of the African population was carried out. Social conditions among the Kamba in the Reserves were generally poor.[53] There were many demands put on the Kamba by the military especially during the First World War leading to a further deterioration of social conditions of the people. There was shortage of pasture for their livestock. A serious influenza epidemic in 1918, a hitherto unknown disease, retarded all normal conditions in the area.[54] There was thus need for health facilities to cater for the Kamba population in both Reserves. As such, most of the responsibility to improve social conditions of the Kamba fell on the LNC apart from missionary endeavours as well as menial government participation in development.

Matters of revenue and expenditure were not the only agenda of these first LNC meetings. The issue of trading was important and members sought clarification on whether they would concentrate their trade activities in the Indian trading centres or to open up their own. Proposals were also made to boost African trade by starting market centres if there could be found at least eight Kamba willing to open and operate such shops within the reserve. These market areas were set aside as belonging to the Council which would then allocate them to individuals whose applications were approved by the LNC. The Council also set market days

[52] Tignor, *Colonial Transformation of Kenya*, pp. 273-274.
[53] Brett, *Colonialism and Underdevelopment in East Africa*, pp. 191-192.
[54] Dilley, *British Policy in Kenya Colony*, p. 28.

for the various trading centres.[55] The shops became an important source of revenue for the LNC through licences and later land rates. These included butcheries which were an advantage to livestock keepers due to the issues of overstocking. For the establishment of markets, the funds were to be drawn from the road rate. A caretaker was employed to be in charge of the markets and paid fifteen shillings per month. Markets had already been established at Syathani and Mbiuni and Miu trading centre was to be included for the sale of food crops and stock and any other Kamba products.

The main purpose for creating these markets was to allow Africans get supplies that they did not have through monetary exchange. This was part of the introduction of a money economy among the Africans so as to make sure that they would shift from their communal form of wealth ownership to a capitalist economy.[56] This market economy would also ensure that the Africans would not lack money to pay taxes and the Local Rate for the LNC. Markets were useful in times of famine where those with food crops, especially grain, sold it to those who did not have as part of surviving famine.[57] Sale of stock, however, was the single most important purpose of these trading centres as well as the livestock markets that were held once a week or so. These helped in the colonial policy of stock limitation.

During this early period, members of the LNC were faced with a number of challenges. Language of operation in the meetings of the LNC was a great challenge. The DC and the members of the Council relied on interpreters since most of the members were not conversant with English. The minutes of meetings were translated to Kikamba for distribution to members of the Council for their perusal before the next meeting was held. Generally, debates were at times affected by the fact that the DC's were changed from time to time, in most cases a within a year, and therefore none had enough time to learn Kikamba language. Later the minutes could be translated into Kiswahili as most of the members who were elected from 1934 were learned.

Machakos LNC did not have a good meeting place and used an old government building which was not locked and could not be used in cold weather. The construction of a better meeting place was later undertaken by the Machakos ADC in the 1950s. In addition, the members of the Council had to travel long distances to attend the four council meetings per

[55] O. I. Michael Mbaluka Ng'eti, 28 March 2015.
[56] Berman, *Control and Crisis*, p. 218.
[57] KNA/DC/MKS/4/8 Machakos District Political Record Book, 1925-1930 Vol. VI.

year. Transportation was a great challenge in these early years considering that there were almost no vehicles available. The councillors often used bicycles. The Council lorry was used from 1928 to fetch the councillors for meetings and to return them.

Closer contact between the Council and the people they represented also caused problems to the Council. For example, in 1927, the Local Rate (cess) was raised from two to three shillings. This increment was aimed at increasing LNC revenue for further development projects such as paid labour in road construction and reconditioning to avoid use of unpaid communal labour which was not well received by the people. This increment was not well explained to the people leading to a misinterpretation of the activities of the LNC. Indeed, the aims and the work of the LNC were rarely understood by the people. The cess was seen merely as an additional government tax which went to some object of which they had no knowledge and thus they took very little interest in the Council's schemes of development.[58]

The solution lay in the explaining of the objects of the Council to the people since the only way the Council could not develop and take its proper place unless it was not only supported but also understood by the people. Such an understanding would help in the creation of a good relationship between the two parties. This was achieved by also spreading the Councils expenditure over the whole Reserve so that the people in the different locations could see an immediate return of their money. Spreading development projects such as schools, dispensaries, roads and bridges was done. However, by the end of World War II people had not yet clearly appreciated the work of the LNC of Machakos.[59]

During these early years the finances of the Council needed closer supervision from an independent body or other administration from the central government other than the DC. No single DC could be called upon to assume direct responsibility for expenditure of a sum more than 150,000 shillings per year. The amount of work undertaken by the Council in every financial year had to be controlled to ensure savings on the Council's income. With reconditioning work, which was paramount in the Reserve, it was important to plan carefully so as to undertake only the projects that were a priority to avoid inefficiency. In summary

[58] O.I. Michael Nganga Munyole, 28 March 2015.
[59] KNA/DC/MKS/4/8 Machakos District Political Record Book, 1925-1930 Vol. VI.

therefore, in these early years, the way to avoid inefficiency of the Machakos LNC funds lay in a constant effort in obtaining the best of the people as members of the Council.[60]

Machakos LNC, like other LNCs in the Kenya Colony, faced the challenge of the fact that the DC was the Chairman of the Council. Central government involvement in local government affairs posed many challenges. The manner of appointment of members, especially the chiefs, brought conflict in the LNC. These chiefs were always viewed with suspicion by the rest of the Africans since they were seen as agents of central government control in the reserves. Approval of all decisions of the LNC by the Governor meant that important development projects according to the members of the LNC could not be carried out if the Governor did not approve of them. This mainly affected the establishment of schools and the manner in which the schools were run. Some revenue for the Machakos LNC also came the Native Tribunals. Whatever decisions made by the Council in terms of estimates too were subject to the approval of the Governor as seen in the case of a proposal to construct a social centre in Matungulu in 1937 which was rejected by the Governor.[61] In short, the LNC was never an independent body as long as there was central government involvement. But its influence and independence in development changed over time.

2.3.2 Environmental Conservation Efforts

Reconditioning Kamba land was one of the major undertakings of the LNC from inception. This work was allocated half of the Council's revenue from the local rate annually.[62] Machakos Kamba realised the need to curb environmental degradation and passed by-laws to that effect from 1925.[63] The cutting of any tree or even the stripping any tree of its bark was illegal and thus one could be prosecuted before the Native Tribunal. In helping with environmental conservation and reconditioning of the Reserve, the LNC started a ploughing school to train young men with three different kinds of ploughs. The ploughs were purchased and maintained with LNC funds. Afforestation and reconditioning of the Reserve dominated the speeches of the DC during all the meetings of 1926. The government had, as early as 1912, realised the need to control land use in the Reserve to avoid land degradation. Adequate support for the Kamba pastoral economy to reduce environmental degradation was

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[60] Ibid.
[61] KNA/DC/MKS/4/9 Machakos District Political Record Book Vol. VII 1930-1938.
[62] KNA/DC/MKS/5/1/1Machakos LNC Meetings 1925, 1926.
[63] Ibid.

however, not forthcoming from the government since the settlers observed in 1918 that the Kamba livestock, if allowed to expand, were a threat to the settler farms.[64]

Most of this reconditioning work, carried out with LNC funds, was supervised by Europeans from within central government departments of agriculture and forestry. Although Africans considered themselves competent enough to carry out the work through the local rate and their own staff, the chairman opined that the Kamba had in the past wantonly destroyed their own forests and could therefore not be trusted with such work. According to the DC the work of reconditioning would never be successful without a European in charge although some Africans were trained in "the hope that one day they would understand the importance of this reconditioning to their survival in the Reserve".[65] This was a major conflict of interest and purpose between the LNC and the central government. It was not upon the Africans to make definite decisions concerning their land and environment.

It is important to note that land degradation in Machakos District during the colonial period was directly related to the alienation of African land for European use and settlement. The earliest idea of land alienation was in 1891 through the reports of Charles Hobley to Britain that parts of Ukambani were suitable for European settlement and agriculture. The first European settlement in Machakos occurred in 1893 when William Mackinnon of the IBEAC gave the East African Scottish Industrial Mission hundred square miles of land at Kibwezi, 150 miles from coast.[66] In 1898 however, the mission abandoned Kibwezi in favour of Kikuyuland but retained control over the land in Kibwezi. Mackinnon's mission moved due to their inability to spread Christianity to the Kamba of the area as well the failure of the trading activities of IBEAC. Under their own arrangements, Rachael and Stuart Watt acquired one hundred acres of land for a mission station at Ngelani in Iveti and later acquired a 1,000 acre farm in Mua Hills. On these lands, they successfully established a fruit farming business.[67] Following the African reserves policy so as to protect African rights to land of 1904, the Ulu and Kikumbulyu Reserve boundaries of Machakos District were created in 1906 as Closed Districts putting a barrier to the expansionist tendencies of the Kamba.

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[64] Sorrenson, *Origins of European settlement in Kenya,* pp. 211-213.
[65] Ibid.
[66] Ibid, pp.18, 33.
[67] Matheka, *Colonial Capitalism,* p.73.

The people of Machakos District were particularly resentful of further land alienation between 1908 and 1910 of "relatively small but fertile lands which they had understood to be theirs according to the boundaries set in 1906."[68] For example, Ulu Reserve included Mua Hills in 1906 and inhabited by the Kamba. However, the settlers who occupied the foot of the Hills pressurised the colonial government to alienate the land for their settlement. Initially the settlers intended to establish homesteads but over time they applied and were granted farming areas. Due to the pressure applied by the settlers on their Kamba neighbours, most of the Kamba moved out of the Hills voluntarily while others were 'compensated' for their land in Matungulu (which was already occupied by other Kamba) and by 1912 there were no Kamba living in the Hills despite protest against such alienation by some of the European administrative officials. As such, the Kamba lost some of their best land which was quite valuable for grazing and water.[69]

The originally gazetted Kikumbulyu Reserve land was also alienated. Kikumbulyu covered a large area of barren land, crossing the railway between Makindu and Kibwezi. It was sparsely inhabited by some 2,000 to 3,000 Kamba. After 1906, much of the land along the railway was taken up by Europeans engaged in collection and processing of sansevieria fibre. As such the best land had been alienated to the Europeans by 1909 and new boundaries were suggested which reduced the Reserve by three-fifths. The land alienated was mostly swampland while more was alienated and added to the Tsavo Reserve. The British therefore denied the people of Kikumbulyu and later Chyulu Hills the opportunity to cultivate and graze in the wet valleys that were also tsetse fly free.[70] These people settled in the drier parts of the District which were not adequate for their farming and grazing needs.

Land alienation automatically led to scarcity of pasture even during periods of adequate rainfall. The Kamba were also denied the opportunity to graze in the Yatta which had always been their relief area in times of hardship. This led to overstocking in the Reserves and therefore soil erosion. Notably though, even though the Kamba lands were overstocked, the Kamba did not possess enough livestock to support their livelihood. This overstocking can also be attributed to the shortage of agricultural land and the Kamba preferred to concentrate on livestock keeping as their source of subsistence as well as maintain their economic and social standing. Land shortage led to the demarcation of private land holdings in the period

[68] Tiffen *et al*, *More People, Less Erosion*, p. 17.
[69] Sorrenson, *Origins of European Settlement,* pp. 211-213.
[70] Matheka, *Colonial Capitalism,* pp.77-78.

1913-15 which the administration discouraged. The privatisation of land during this time would have been advantageous in enabling the people to keep livestock according to the size of their land thus preventing soil erosion which was not done. In fact, the Kamba saw a clear relationship between European presence and settlement among them and land degradation as manifested in the theme of the anti-colonial movements up to 1922. Quarantine regulations also led to the confinement of large numbers of stock in the Reserves thus leading to overstocking and environmental degradation.[71]

The official response to land scarcity and degradation was a growing conviction that the Reserve was overstocked and the Kamba needed to reduce the number of livestock kept by killing old and useless animals to stop further land degradation. This was without due consideration of the effects of land alienation and quarantine regulations imposed upon the Kamba.[72] Cultivation methods encouraged by the colonial administration in the early 1920s also contributed to soil erosion. Slopes were cultivated with ploughs without any protective measures thus exposing more and more land to soil erosion and degradation. There were no reliable agricultural officers in the District during the early and mid 1920s. In addition the Kamba were wary of any government initiated programs of land improvement due to the fear of land alienation.

Limitation of stock was the main objective of the Crop Production and Livestock Ordinance of 1926 which was applicable only to the Machakos Reserve since it was identified as the most eroded.[73] This Ordinance, among other things, conferred to the government the power to control livestock through culling. The application of the law was spelt out to the LNC members who were expected to inform the people in the Reserve about the government intentions and explain its benefit to the Kamba. They were to encourage the people to get rid of economically unworthy stock. This issue of limitation of stock and even the complete wiping out of goats in the Reserve was to be an agenda of discussion throughout the tenure of the LNC in Machakos District. The government believed that the Kamba were not primarily stock keepers and had to resort to other economic activities. A survey of the magnitude of overstocking in 1928 led to heightened government concern and pressure on the LNC to press the people to destock. Threatening the Kamba with compulsory destocking, the loss of the Yatta, and the erection of a meat and fertiliser factory, political and veterinary officers tried

[71] Ibid.
[72] Tiffen *et al*, *More People, Less Erosion*, p.53
[73] KNA/DC/MKS/1/1/15 Machakos District Annual Report 1927.

to win the cooperation of the LNC members to the destocking policy. The Council was not moved.[74]

The LNC however established tree nurseries from1926 and the trees were planted on hillsides to reduce soil erosion. There was also construction of earth dams for water conservation and irrigation purposes in the more arid areas with such dams either complete or almost complete at the end of 1927 in fourteen different sites within the District. These dams also provided water for livestock and domestic use. This work was however under the supervision of a European because an African "could certainly not ... at this stage".[75] Four of them had been made assistant supervisors but it "would be many years before reconditioning could be done without a European at the head of it."[76] Colonial administrators believed that Africans were destroying their own land and could therefore not be trusted to make it better.

The Kamba placed a lot of value on stock just like most of the other Kenyan communities even prior to the coming of colonialism. It was therefore not easy to use the LNC members, who also owned herds, to convince the people in the Reserve to limit their stock. The Machakos Kamba instead asked for further grazing land since it was the government that had taken away the lands they had been using for grazing and made them crown lands. This eventually led to the opening of the Yatta in for temporary relief grazing upon payment of seventeen hundred rupees.[77] This was after many years of lobbying on the part of the LNC members and a lot of discontent among the people in the Reserve.[78] The Kamba leaders were already pressing on the government to allow them to graze in the Yatta due to increasing stock numbers that were heavily pressing on land resources on parts of the Reserve. Indeed, the policy of destocking was easy to mention theoretically but how it would be carried out was a debatable question. Devising a practicable scheme for such limitation was quite another matter altogether. The Agricultural Commission of 1929 had pointed out that even if compulsory destocking was used Africans would not cooperate in schemes to reduce their livestock.[79]

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[74] Tignor, *Colonial Transformation of Kenya*, p. 341.
[75] KNA/DC/MKS/5/1/2 Machakos LNC Minutes of 15 December 1927.
[76] KNA/DC/MKS/5/1/1 Machakos LNC Minutes 28 and 29 July 1926.
[77] Tignor, *Colonial Transformation of Kenya*, p.339.
[78] KNA/DC/MKS/5/1/2 Machakos LNC Minutes, 1927.
[79] Tignor, *Colonial Transformation of Kenya*,p.340.

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In 1934 the European administrators lamented that the Kamba were not ready to adopt destocking or even take seriously the issue of reconditioning their land. In this year the government tried to persuade the LNC to pass a resolution to remove livestock from severely eroded areas, but the Council members declined. The LNC however, passed a resolution that voluntary destocking and reconditioning measures would be carried out in the locations of Mbooni, Kiteta and Masii. The headmen of the locations, who sat in the Council, were to set a limit on the number of stock held by each family in their location. But even these headmen were not willing to comply.[80] It was out of the reluctance of the LNC to be used as a vehicle to impress government policy upon the people that the idea of coercive measures to compel the Kamba to reduce their numbers of cattle was born. In 1934 however, it was clear to the colonial government that forceful destocking would only lead to "a spirit of discontent and noncooperation" and thus a need to delay the decision until a time when the circumstances would allow forceful destocking.[81]

The government sought to set up a law to limit stock in the reserve compulsorily in 1937 because the LNC continued its unwillingness to pass a resolution limiting the number of stock held by the Kamba.[82] When the government recommended to the LNC that the people be made to pay bride-price in money, the Council responded that families did not possess enough money to make such a reform possible. The government hoped that the introduction of money would eliminate the need to use livestock as currency and that new markets of trade and slaughter of stock would lead the Kamba to dispose of their surpluses. The impact of colonialism on the livestock economy of the Kamba was the opposite. Quarantine restrictions coupled with the veterinary control of livestock diseases resulted in a considerable increase in the size of herds in relation to the available land.[83] The Kamba regarded livestock as protection against colonial exploitation and they were thus reluctant to reduce the size of their herds. To the Kamba cows were indispensable in every way since they provided money for tax and were a source of food in times of famine.[84]

In 1938 a law limiting stock had been passed but still did not bring out the desired results as it concerned the betterment of the Kamba reserve in Machakos. The legal backing of

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[80] Ibid.
[81] J.R. Newman, *The Ukamba Members Association*, (Nairobi: Transafrican Publishers, 1974), pp. 1-40.
[82] KNA/DC/MKS/1/1/25 Annual Reports 1932-1935, Annual Report 1934.
[83] O.I. Paul Nyanzi, 3 August 2015.
[84] O.I. Sebastian Singila Kioko, 29 March 2015.

destocking was the Crop Production and Livestock Rules of 1937 which compelled each individual Kamba in the Machakos Reserve to register the number of livestock he had with the village elders and chiefs.[85] The elders and chiefs set a quota for the number of livestock each family could retain in relation to available land. A meat canning factory had been constructed in Athi River in early 1937 with the intention of compelling the Kamba to sell their livestock. The company was unable to buy meaningful numbers of livestock from the Kamba and Maasai to make profit. The prices the company offered were lower than half price for cattle as compared to the market value of the same. The government, which had assured the meat company through the veterinary department steady supply of livestock, needed to carry though with its promise.[86]

In early 1937 some people in Machakos asked for permission to move to Kitui with their livestock. The request that was turned down by the DC saying that the people of Machakos would turn Kitui into a desert just like what they had done to their land.[87] This was due to the fact that the colonial government had a policy to restrict African movement and that the reserves were set up such that only one ethnic community occupied a particular reserve for their administrative purposes and later to control African political activities. Although the Machakos Reserve was overstocked, the families did not own enough livestock to meet their milk and meat requirements. The lands available to the Kamba were limited by land alienation by creating an artificial condition of overstocking.[88]

Thus the 1937 rules were to allow for the compulsory destocking of the Reserve by branding the cattle that were to remain. In some areas out of ten cattle only two were branded. Great opposition to these government actions came from Iveti location. It had high population densities and an emergent landless class was forced to graze its livestock on common land. They could not see the importance of radical and forceful destocking when there was so much land lying idle which had been alienated before the First World War. Such was the dissatisfaction with the destocking policy that the Kamba proceeded to Nairobi on the 27 July1938, under the auspices of the Ukamba Members Association (UMA). Led by Samuel Muindi Mbingu, they camped in Nairobi for two weeks seeking to be addressed by the

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[85] KNA/DC/MKS/4/9 Machakos District Political Record Book, 1930-1938.
[86] Tignor, *Colonial Transformation*, pp. 338-340.
[87] KNA/DC/MKS/4/9 Machakos District Political Record Book Vol. VII 1930-1938.
[88] T. Kanogo, 'Kenya and the Depression, 1929-1939', in Ochieng' (ed), *A Modern History of Kenya,* pp. 113-133.

Governor over what they termed as an interference with their economic life in an unacceptable way in the background of land alienation.

The colonial government hoped to arrest African political agitation through the LNCs. Nevertheless, it was not unusual for members of the LNCs to join or work with the anti-colonial movements of the time such as UMA and KCA. It is however evident that the LNC did not organise the protest in Nairobi neither did the LNC cooperate with the government in confiscating Kamba cattle.[89] The leaders of UMA were in communication with the LNC over issues of land and soil conservation measures. They thus gave their opinion on what needed to be done for the interest of the Africans in the Reserve. They were against the issues of payment of European staff in roads construction and maintenance as well as in the forest department when it was evidently clear that Africans capable of doing such work were available. It was based on such justification that the LNC objected and even refused to pay European staff in the government departments operating in the Reserve.[90] UMA leaders such as Elijah Kavula, Isaac Mwalonzi, Kavula Muli, Shem Muthoka, Zakaria Musia, Joseph Mwaka and Jacob Mutiso were arrested by colonial authorities which served as the final blow on the organised political agitation against destocking. However, Iveti Location and Ngelani remained problematic since they did not accept land improvement and conservation measures such as terracing.[91]

It can thus be noted that the Kamba were not ready to let go of their livestock without protest and the forceful destocking campaign was halted. The failure of forceful destocking made it apparent to the colonial authorities that the LNC had failed as a rubber stamp institution of government policy. In an attempt to appease the Kamba, the government opened up the Yatta for settlement and helped in reclamation of areas infested by tsetse fly and wild game. This work was done in communication with the LNC as it was the Council which identified the people who settled in the Yatta as well as the number of livestock they would possess to avoid overstocking of the Plateau. Reconditioning, destocking and soil erosion control as well as policies on good farming practices were meant for the good of the Africans in the reserves. Disagreements arose because it was hard to change the Kamba economic life especially in the face of taxation, unpaid forced labour and above all land alienation.

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[89] O.I. Simon Musyoki Kivati on 22 July 2015.
[90] Newman, *Ukamba Members Association*, pp. 1-40.
[91] O.I. Muthoka Mbole 15 March 2015.

2.3.3 Relationship with the Central Government

Africans embraced the LNCs with great enthusiasm to enhance the development of their Reserves as well as acquaint themselves with the political issues that would be allowed to come their way.[92] The establishment of LNCs was conceived partly as a channel and mouthpiece for African opinion and partly as a manifestation of the British policy of dual development.[93] Africans, however, saw these Councils as an opportunity to develop their areas in the particular categories that were given little attention by the colonial government such as roads, health and most importantly education.

The activities of the LNCs were however, except in regard to the maintenance of roads and markets or the provision of local buildings, largely confined to providing subordinate staff or funds for the assistance of operations undertaken by the technical or professional departments of the colonial government. The development in the LNCs of a sense of executive responsibility for local services was impeded by the lack of any clear demarcation of their functions and those of central government departments for the provision of these services. There were, for example, instances in which the Council was responsible for the payment of a number of agricultural and veterinary staff, while the central government paid a smaller or greater number of the same class of officials or where the government was responsible for erecting s number of dispensaries and the LNC for others. This imprecise allocation of functions was not only puzzling, but also introduced confusions in budgeting which militated against the growth of a financial sense among the members of the Council. In addition, it diminished their interest in promoting institutions for meeting the social needs of the people of the District.[94]

Conflict arose from the fact that the central government, through the DC controlled the manner in which some development activities were carried out. For example, Africans were not employed as clerks and treasurers to the Council until the late 1950s. Europeans and Indians were employed in such positions as well as in the supervision of afforestation and roadwork. Even when Africans and especially members of the Council felt convinced that they could undertake such work, the chairman of the Council was wary saying that Africans were responsible for destroying their reserves and thus could not be trusted to improve the conditions thereof. The councillors were against the payment of two reconditioning

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[92] Hailey, *Native Administration in the British African Territories*, pp. 98-99.
[93] Maundu, *Evolution and Role of Local Government*, p. 98.
[94] Hailey, *Native Administration in the British African Territories*, pp. 98-99.

(afforestation) officers if such officers were Europeans. Africans felt that they had spent a lot of money educating their own people at Alliance High School who were fit for such employment.[95] Moreover, the salaries for these non-African staff were drawn from the Councils finances which the LNC felt that should have been paid to Africans for whom the LNC was meant to benefit and whose money it was.

However, members were trained to keep the closest touch with their people and provide them with information pertaining to all activities of the Council. Meetings were open to the discussion of not only the general work of the Council but also the income and expenditure empowered members to take charge of the Council. A closer co-operation with the various government departments in schemes of development whether educational, agricultural, veterinary or afforestation was adopted to avoid wastage of resources by duplication. The LNC also adopted the proposal to have a separate accountancy and clerical staff to relieve the DC of such work and to ensure efficiency.[96] Some of the projects that were initiated to add to the income of the Council failed. These included a ghee factory that was open at the end of 1926 which had to be closed down before the end of 1927. This was due to losses made by the factory. The ploughing school which was opened in 1927 did not make much progress. It was intended to train African young men who would use their knowledge in reconditioning work such as afforestation and dam reconstruction. It was closed down before the end of 1930 due to lack of goodwill among the Africans.

In addition, LNC members ensured that the finances of the Council were spent to the end of development even at times challenging the Chairman (DC) over perceived or real external control of their finances. Due to the constant change of the DCs and thus the chairman of the LNC however, some of the aims of the LNC were not followed up with. In 1928, for example, the LNC members voiced their disagreement with the then DC H. G. Evans who wished that the one thousand shillings set aside through a vote for LNC office construction to be used for the purchase of furniture for the old office buildings. The members of the LNC stood their ground that they would not sanction the transfer of the money. The previous two DCs and the LNC members wanted an office building constructed. If not an office building, it was better for the money to be put as deposit in the bank for it to earn interest waiting for the

[95] KNA/DC/MKS/5/1/1Machakos LNC Meetings 1925-1926.
[96] KNA/DC/MKS/4/8 Machakos District Political Record Book 1925-1930.

next DC who would favour their opinion of office construction. The matter was suspended but the LNC opinion over the construction of an office prevailed.[97]

As such, the DC was never able to force the members of the Council to pass any resolutions not in their favour even in these early days in the operation of the Council. For example, in December 1925, there was an agenda to discuss a land grant through a lease to the Kabaa (Catholic) Mission as an extension of the land already applied for.[98] This land was for the establishment of a mission school in Mwala. The councillors in a previous meeting had suggested that the land for the Kabaa Mission be free of charge. Members also questioned the ownership of farms by Indians in the Native Reserve. The issue of Indians owning farms in the reserve was concluded that at least one of them which was ten acres should revert to the African reserve since it was not in use.[99]

Another incident that clearly showed that the LNC members doubted government intentions was the Ngoleni Farm which was within the Reserve but had been alienated for European settlement.[100] The president informed the LNC in 1935 that the Ngoleni Farm had been valued at £1,800 and the Council had to decide if they would buy it at that figure or not. Several councillors stated that the farm was Kamba property and that it ought to be reverted to the community as originally it had been granted as a mission plot and not as a farm. The Acting Native Commissioner replied that such course could not be considered, and that at a previous meeting they were told they ought to buy back Ngoleni if they possessed enough funds otherwise it may never be returned to the Reserve. The councillors concern was that they would be forced to buy back land that schools and missions had been granted in the Reserve once they became unoccupied.[101]

Though the speciality of the 1935 Ngoleni case was not clearly explained to the councillors, the President explained that such lands were governed by the Native Lands Trust Ordinance and would revert automatically to the Reserve on the expiry of such leases as were granted. The councillors insisted they did not have the money to buy the Farm. This issue of land, as brought before the Machakos LNC, affected the Council's decisions to approve leases to missions and schools as evident in the refusal to grant plots to missions such as Africa Inland

[97] KNA/DC/MKS/5/1/2 Machakos Local Native Council Minutes of Meeting, 3 and 4 June 1928.
[98] KNA/DC/MKS/5/1/1Machakos Local Native Council Meetings 1925.
[99]KNA/DC/MKS/1/1/15 Ulu District Annual Report 1925.
[100]KNA/DC/MKS/4/9 Machakos District Political Record Book Vol VII 1930-1938.
[101]Ibid.

Mission (AIM) and Seventh Day Adventist in Masii and Syanthi respectively. This was in contrast to their readiness to pay fees for students attending further studies in places such as Makerere College.[102] The land question was generally a matter of great dissatisfaction among Africans.

In a meeting held in 1935, the president reported that food shortage prevailed in certain areas and described the existing measures of relief. He then asked the LNC to vote £1,000 towards this object.[103] In reply to a question concerning the proportion of expense borne by the government, the DC stated that certain government funds had already been utilised but that the LNC was to make a provision, and if proved insufficient government would contribute. To the DC, the government was obligated to provide famine relief to communities that did not have funds of their own such as the Turkana but the communities who had funds at their disposal had to make use of them before appealing to the government. This clearly points to the lack of specification of the LNC responsibilities that the DC could bring up a new item of expenditure to which the LNC was obliged to honour. Due to the funds voted for famine relief therefore, the Council members refused to accept the President's proposal to vote £250 for the retention of a European supervisor of reconditioning at Kiteta by saying that the Agricultural Officer and his staff would be sufficient to superintend reconditioning.[104]

In the composition of Locational Authorities, as much as it was the discretion of the DC to decide whom to sit in them, the Council's opinion was considered important. This was to avoid a clash between the members of these authorities and the community due to authority vested in people who had no traditional authority such as young men. The LNC advised the DC that the Locational Authorities' duties should be divided into administrative and judicial councils. Therefore, the work of the LNC cut across many areas. Machakos LNC had powers to decide on how the Native Tribunals undertook their work. For example, in 1927 a resolution was passed that "this Council recommends that in Native Tribunal Civil Cases, a plaint shall contain a statement of the equivalent cash value of the property in dispute and that the fees payable to the Tribunal be levied in proportion to such cash value. That the plaintiff

[102] O.I. Michael Mbaluka Ng'eti, 28 March 2015.
[103] KNA/DC/MKS/5/1/3 Machakos LNC Meeting held at Machakos on 15 January 1935.
[104] Ibid.

shall himself assess the cash value, but if he refuses to do so, the Court Clerk shall make the assessment."[105]

Even the Tribunal meeting places were decided upon by the LNC to avoid corruption. Thus, it was decided that the appeal Tribunal would only sit in Machakos and if anywhere else, then the decision would not be acceptable.[106] The Machakos LNC was also involved in discussion of issues such as land and taxation with officials of the central government. In April 1932, for example, matters regarding taxation were discussed in the presence of the PC, DC and eleven members of the LNC. The LNC members were of the opinion that hut tax should not be increased above the shs. 12 levied then and that they were in favour of a universal poll tax and the abolition of hut tax.[107]

Councillors were conversant with the needs of the people they represented in the LNC. Thus most of the discussions in Council meetings were a show off against government proposals especially from 1934.[108] Educated Africans were elected into the Council and their opinion was stronger than that of government appointed members. In 1932, the Council voted for the inclusion of the Yatta Plateau in Machakos District as opposed to it remaining government land and grazers paying fees to put their livestock in Yatta. The councillors did not to consent to the demarcation of the Mumamndu reserve forest boundaries due to the fear that it was a trick for further alienation of African land for European occupation. Thus in this respect, the LNC was the defender of Kamba interests. The DC supported unpaid communal labour for the maintenance of local roads, tracks, bridges. Unpaid labour was also procured for the construction of dams and establishment of camps for administrative purposes. Such labour was also used in the construction and maintenance of Government schools and dispensaries with locally available materials. But the LNC was not ready to pass such a proposal preferring to pay all workers carrying out such construction and maintenance work. This was the second time the Machakos LNC members were openly going against the DC's proposals.

Matters changed in the LNC over time. Debates in LNC meetings were of high quality and all members took a keen interest in the affairs of the District in 1941.[109] The LNC was expected to be the body through which such government policy was communicated to the public. The

[105] KNA/DC/MKS/4/8 Machakos District Political Record Book Vol. VI 1925-1930.
[106] KNA/DC/MKS/5/1/2 Machakos Local Native Council Minutes of 15th December 1927.
[107] KNA/DC/MKS/4/9 Machakos District Political Record Book Vol. VII 1930-1938.
[108] O.I. George Mutuku Mwaka, 22 July 2015.
[109] KNA/DC/MKS/1/1/29 Machakos District Annual Reports 1939-1945.

DC did not understand why it was difficult for the Native Authorities in the District to make administration more effective.[110] This was, however, because the government was grappling with Kamba dissatisfaction with the destocking policy and the UMA in 1938 which had become the political mouthpiece of the Kamba.

It is interesting to note that the activities of the LNC were never absent in any *baraza* that was held. Moreover, the attendance of the members of the LNC was always paramount as they were considered the custodians of the development and will of the people. Opportunity was created in such *barazas* to explain to the people what the LNC had been doing with the money the people were taxed. It was in these *barazas* that the objects of reconditioning, dams and roads were explained to the general public.[111] This was in an attempt to keep the activities of the LNC open to all as well as seek public opinion on pertinent matters especially reconditioning. It was also to ensure the people understood why they were paying local rate.

2.4 Machakos LNC during and after the Second World War

From 1939 the colonial government changed tactic in handling environmental degradation in Machakos District. Yatta water supplies were improved through dam construction. Land was cleared to rid it of tsetse fly, wild animals, mosquitoes and snakes. A number of families together with their stock were resettled in Yatta therefore, easing the strain on land in the reserve. Contour trenches were dug especially on sloppy land to help prevent soil erosion as well as retain some moisture in the soil. Due to World War II, there was a discontinuation of the funds available from the Colonial Development Fund for reconditioning work in 1941. The LNC therefore fully covered the cost with only £1,500 from the government called the Agricultural Betterment Fund which was discontinued after 1941.[112]

In 1941, the LNC was willing to discuss issues of reconditioning and pass resolutions governing the same. Further resettlement of the Machakos population was carried out in Makueni through the clearing of bush and construction of earth dams for water conservation. LNC members began to embrace government effort and measures of the agricultural officers by 1946. They said that fines imposed by the Native Tribunals for failure to dig terraces, allowing livestock into farms after harvesting, allowing stock into closed areas were too small act as a deterrent. For the proposed good agricultural practices to be effective, the Chiefs and

[110] Ibid.
[111] KNA/DC/MKS/4/9 Machakos District Political Record Book Vol VII 1930-1938
[112] KNA/DC/MKS/5/1/4 Machakos LNC Minutes 1945-1948.

the *Asili* were supposed to be the first ones to observe these rules.[113] The Kamba economy was so devastated in 1948 that the question of overstocking was not part of the discussions in official government circles.[114] However, the LNC continued with environmental recovery efforts through the construction of dams, tree planting as well as control of soil erosion trough terracing of farms.

The Second World War significantly affected the operations of the Machakos LNC. It was a period when Africans showed greater awareness of their rights and greatly questioned government policies and proposals. In 1939 the whole Council was dissatisfied with the education provided by the Government African School at Machakos. The age was already limited to 16 or 15 and older students were sent away. Some of the African teachers there were not Kamba and most of them were unsatisfactory. The members of the LNC asked for and more qualified teachers. The DC however gave the unsatisfactory answer that the issue of education in all districts was being considered by the government. Many of the LNC plans were abandoned since the Second World War was in progress. Machakos LNC made a contribution of £250 of the Council's surplus balance to go to the Chancellor of the Exchequer towards the cost of a fighter aeroplane.

Agenda of the meetings held in 1946 became bulkier at each meeting and the minutes longer and more detailed.[115] With their lack of veto, the councillors influenced the decision making of the Kamba. This is exemplified by the case of land applications in Makueni by the people of Machakos who did not apply for the same since there were rumours that the Europeans wanted to take the land for themselves to establish farms and turn the Kamba into squatters. Eventually in a LNC meeting in September of 1946 the Councillors, as much as they disliked the rules accompanying the land allocation, agreed that people could apply. This decision was announced in a *baraza* and thus Africans from the reserve began to apply.[116]

Unexplained shortages of funds, however, arose from 1946. This was mainly due to the increase in the budget of the LNC involving larger sums of money which made accounting difficult. There was also lack of enough qualified staff to engage in accounting work. In fact, the DC's were unable to concentrate on LNC accounts during and after the Second World

[113] KNA/DC/MKS/5/1/2 Machakos LNC Minutes of 15th December 1927.
[114] KNA/DC/MKS/5/1/4 Machakos LNC Minutes 1945-1948.
[115] KNA/DC/MKS/1/1/30 Machakos Annual Reports 1946-1952.
[116] KNA/DC/MKS/5/1/4 Machakos LNC Minutes of Meetings 1945-1947.

War since they had a lot of administrative duties to attend to.[117] All items of revenue produced money in excess of estimates but the excess money was not saved since it was offset by supplementary estimates later in the year especially the Agricultural Betterment Fund which had now officially become part of the LNCs expenditure in 1949.

2.5 Summary

Once the British declared their interests in what was to become Kenya, they endeavoured to establish a system through which they could exploit the resources of the region as well as exert their imperial influence. Therefore, the IBEAC was quick to set up administrative boundaries (locational, divisional, district and provincial) and appoint 'chiefs' to represent imperial interests in these areas. There was great conflict between the British and the Kamba in Machakos arising from external authority, payment of taxes, land alienation and labour requirements. It is evident that at the end of the First World War the British system of local administration in Kenya had largely failed. Therefore, LNCs were set up. LNCs were to curb African protests by acting as an avenue through which Africans would express their dissatisfaction with the British administration without interfering with the central government.

However, socio-economic development was the main concern of the Machakos LNC since its inception. It was involved in the construction and maintenance of roads and bridges, construction of dams, schools, dispensaries and hospitals, reafforestation and the setting up of market areas and their maintenance. Such works and activities were approved through discussions in the LNC meetings. The major source of revenue for the LNC was the local rate of sh.2/-. Additional sources of revenue included rents for temporary occupation licences for bazaar plots in Machakos town and Nziu trading centre, fines under the Native Authority Ordinance, expenses regarding carrying out the Sugar Ordinance, balance of Native Tribunal fees after payment of members, grazing fees on the Yatta and maize and sisal cess. LNC had enough money to carry out its work and pay its staff. The years during World War II were years of great conflict between the Kamba and the government which manifested themselves in the operations of the LNC. Environmental degradation and soil erosion due to shortage of land were the main issues of contestation. However, the LNC did not lose focus on improving the socio-economic conditions of the Africans.

[117] O.I. Peter Munyae, 29 July 2015.

CHAPTER THREE

THE MACHAKOS AFRICAN DISTRICT COUNCIL, 1950-1963

3.1 Overview

This chapter is a discussion of the period of greater African participation in local government and development in Machakos District. It was a period during which the colonial government was faced with increased African political consciousness. The agenda of political movements during this period was pushing for self-government in Kenya. The Colonial Office adopted some changes to increase African participation in administration and development of the African areas. Responsibilities that were carried out by the local government on a much voluntary basis also became their statutory functions. This system however faced numerous challenges up to 1963.

3.2 Background to the formation of the Machakos African District Council

The period after the Second World War saw increased political consciousness among Africans as well as changes in colonial policy. The government realised the need for a stronger local government system. After years of struggle between the colonial administration and the Kenyan nationalists over the 1947 Colonial Office Dispatch to develop an efficient, democratic system of local government in all British colonies, a Local Government Ordinance was finally enacted in 1950. The aim of the 1947 dispatch was to prepare the colonies for self government over time. According to the British Colonial Secretary, a local government system was important as it was close to the common people and thus able to tackle their problems.[1]

The efficiency of local government lay in its ability to manage local services in a way which would help raise the standards of living of the people. A democratic local government system was desirable because it made way for the growing class of elite men in the colony. It would also command the respect and support of the mass of the people. In 1950 the African District Councils Ordinance (No. 12 of 1950) was passed transforming LNCs into ADCs, which had more powers and a higher status.[2] This Ordinance also transferred the responsibility of native

[1] Tiffen, *et al, More People, Less Erosion*, P. 147.
[2] Smoke, *Local Government in Developing Countries*, p.63.

affairs from the CNC to the Member of Education, Health and Local Government in the Legislative Council. The CNC was retained as an adviser to the said member.[3]

In the new arrangement ADCs could now own land, sue in their own names, and be sued as well as enter into legal contracts. ADCs were also given authority to appoint administrative staff and set up committees to deal with specific functions. Committees of the Machakos ADC included the Education and Bursaries Committee, Environment and Natural Resources Committee, Public Health Committee, Roads and Works Committee and Finance and General Purposes Committee. These met three weeks before the date of the full council meetings. They had a chairman and discussed in depth all issues related to their committee. Minutes recorded were presented to the full council where they were deliberated upon by all members of the ADC before adoption, rejection or amendment. The committee system made the work of the Machakos ADC easier and a full council meeting took a day instead of the earlier three to five days of meeting.[4]

In addition, ADCs were authorised to form joint committees with neighbouring councils to undertake joint projects of mutual interest and benefit. The central government was now obliged to assist ADCs with the provision of health services with the establishment of a partial grant for approved expenditures on health services. ADCs generally dealt with duties which made for peace, good order and progress within the districts. The councils were also given wider financial discretion on various activities like education, public health, agriculture, veterinary services, animal husbandry, forestry, soil conservation and social services thus increasing the influence of the local government among Africans. The ADCs were different from the LNCs because majority of the councillors were elected although the method of choosing the African vice chairman to the council was left to the discretion of the DC. However, the Mau Mau emergency prevented the holding of ADC elections until 1958.[5]

The 1950 Ordinance provided for the election of an African vice president to preside over the ADC meetings. The Machakos ADC started operations under an African vice-chairman in 1954.[6] The DC was no longer the official chairman. This new development followed the Lyttelton Constitution of 1954 which provided for a multi-racial form of government in

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[3] Maundu, *Evolution and Role of Local Government*, p.101.
[4] Ibid.
[5] Maina, *Monitoring and Evaluation*, p.6.
[6] KNA/DC/MKS/1/1/32 Machakos District Annual Report, 1954

Kenya. This was because there was still a strong feeling according to the British parliamentary democracy could not work in Kenya yet. This was a key step forward in the development of local government but African political leaders demanded for equality with the British in administration.[7] As such, the ADC operated without the European chair in the conduct of a bulk of their business.

In 1953, the 1950 ADC Ordinance was amended to empower any council, either alone or in conjunction with the government, to request for financial assistance for trading purposes to individual Africans or African companies, African cooperative societies, or any other African cooperate body, by making or guaranteeing loans or credit. This amendment empowered the government, where the council was desirous of acting jointly with the government for the purpose of giving or guaranteeing loans, to form a joint board with the authority to administer any funds subscribed jointly by the council and the government. The funds such borrowed were used for trade and development of African areas in Machakos District. ADCs were empowered to raise independent revenue through several means. The major was the poll rate which was levied at a flat rate per head. The actual poll rate levied during the period ranged from two shillings to forty seven shillings per head in different areas. There were also cesses collected from various marketable agricultural and animal products. This cess was fixed at five per cent of the price of marketed produce paid by a producer. Other sources of revenue included traders' and bicycle licences, native liquor licences as well as ADC investments that accrued income.[8]

Machakos ADC was reconstituted through elections at the end of 1958 to increase its membership. This provided for twenty-nine elected members selected by a secret ballot and fifteen nominated members which included two women (for the first time women were represented in the local government system of Machakos). Methods of elections to the ADCs continued to vary from open *baraza*, election by Locational Councils to election by secret ballot. There were rules laid down to govern the qualifications of prospective candidates, and although these varied from district to district, generalisations can be made. Any African adult could become a candidate if he or she had lived in the area for at least twelve out of the preceding twenty four months and had paid all rates due to the Council for the last three

[7] B.A. Ogot 'Kenya under the British, 1895 to 1963', in B.A. Ogot and W.R. Ochieng' (eds), *Kenya*, pp. 289-290.
[8] D.A. Lury and A.A. Shah, 'Local Government in Kenya: Income and Expenditure, 1959-1961', East African Economic Review, Vol. 2, No. 1 1966, p.3.

years. It was also required that he should receive the nomination of at least ten persons living in the area. He could not be an employee of the council nor have received financial relief from either the central government or the local authority within the last twelve months, and could not have been an employee of the central government unless special permission was granted by the head of his department for him to stand. In addition, he should not have had any criminal conviction of six-month imprisonment and must have been of sound mind. Therefore, only people of high integrity were elected or nominated to the ADC.[9]

The DC remained the ex-officio chairman of the Council. Machakos ADC became the second ADC in Kenya to have an African chairman in 1960 when Mr. Onesimus Musyoki was elected chairman of the Council. The new chairman was sworn in office by the Governor and the PC.[10] There were no other elections held for the Council till after independence in 1963. This was partly due to the fact that the Council as such was not functioning and partly because it was anticipated that elections would be held in early 1963 with the introduction of the new constitution. The council, due to its poor financial status and the coming of independence and thus regional governance, had been placed under a caretaker committee from August 1961.[11] The socio-political environment within which the ADCs operated therefore limited their ability to fully achieve their potential in development especially in Machakos District. After independence, the ADCs merged with the European councils to form county councils.

3.3 Development Activities of the Machakos ADC

The last session of the Machakos LNC was held on 26 to 28 October 1949. The agenda of this meeting was not any different from that of the previous meetings. Africans were concerned about their development especially socio-economic improvement. Members of the ADC were now able to carry out the deliberations of the four customary meetings in a year without the presence of the DC and in most cases deal with all committee reports.[12] The ADC had considerable achievements in the development of the District under the unfavourable political and financial circumstances up to the eve of independence as discussed hereinafter.

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[9] O.I. Michael Nganga Munyole, 28 March 2015.
[10] KNA/JA/1/641 Machakos African District Council Reports 1956-1962.
[11] KNA/DC/MKS/1/1/35 Machakos District Annual Report, 1962.
[12] KNA/DC/MKS/1/1/30 Machakos Annual Reports 1946-1952.

It passed an Educational Building Rate of two shillings a head (and one shilling for the Kikumbulyu Reserve) in 1952 which had some positive results towards the advancement of education facilities in the following years up to independence. The ADC also applied for a £15,000 government loan, as provided for in the 1950 Ordinance, and rebuilt the Kangundo Hospital whose buildings were old and could also not accommodate all the patients treated there. The Machakos-Kangundo Road as well as the Machakos to Katumani Road were constructed with tarmac. This is one of the main projects of the Machakos ADC. However, the Machakos-Kangundo Road was not completed due to mismanagement of the funds to carry out the work which was terminated at Kenol.[13] The Council also passed by-laws providing for the proper control, cleanliness and revenue from markets and introduced charges in maternity wards. The previously weak financial status of the ADC was improved in 1953 with rigorous cuts and economics but the Agricultural Betterment Fund went unfunded. The Council passed the vital Sisal By-Law and took a government loan of £5,000 in 1953 for financing the ADC's Sisal Scheme.[14]

Sisal planting in Machakos District was an initiative of the Machakos LNC. In 1937 the Council passed a resolution which made it mandatory for all Africans in the reserve to plant sisal along the hedges of their farms. However, in the early 1950s, this crop had become the most important cash crop in the District leading to the economic improvement of the general population of the residents. Some of the big sisal farms belonged not to the Council but to individual European farmers who paid their cess to the LNC.[15] The production and sale of sisal was controlled by the Sisal By-Law. Sisal was seen as a cash crop for strengthening the economic basis of the Kamba and providing funds for social and economic betterment.[16] The ADC set up the Sisal Marketing Organisation to regulate the sale of the sisal produced in the District. In 1952 the sisal cess collected by the ADC led to an increase in the balance of revenue in that total revenue was £92,474 against a total expenditure of £56,360.

The financial situation of the ADC in Machakos was not good enough though. As such, in 1953 all non-recurrent and a good deal of the ordinary expenditure had to be cut. Most of the drastic measures necessary to avoid bankruptcy had been put in force. By the beginning of 1954 there was an opening balance of £15,000 instead of the £3,000 or £4,000 which had

[13] O.I. Christopher Matolo Kimwatu, 29 March 2015.
[14] KNA/DC/MKS/1/1/31 Machakos District Annual Report, 1953.
[15] O.I. Alphonce Muli Kimeu, 10 July 2015.
[16] Ibid.

been expected therefore making the financial situation better.[17] At the end of the year the balance was £18,000 partly owing to cess from wattle crop. A certain amount of borrowing was approved, but only for projects that would pay for themselves.[18] Once again tax was under collected by some £4,300 because of the large number of people who paid in Nairobi or other municipal centres. The financial situation at the end of the year was much less favourable than at the end of 1951 when the Agricultural Betterment Fund received £33,000 from the sisal cess. There was a shortfall in revenue collection of £14,000. Total revenue was £73,500 as against a total expenditure of £84,500. There was thus an introduction of fees at dispensaries in 1954 to increase revenue and to make the people more responsible towards local government establishments. The profits of sisal sale where affected by falling world market prices from 1954 leading to a decrease in Council revenue.

Towards the end of 1954, the Machakos ADC became responsible for the running of the Adult Literacy Scheme which became an additional obligation for which money had to be found. A scheme was approved for setting up a water account and drilling of boreholes in the main markets where the water was sold. This account began with a loan of £20,000.[19] ADC water undertakings continued to develop and new boreholes were equipped in Tala and Tawa as well as Masii, Kilala and Mbumbuni. The water drilling and supply continued well into independence.[20] Sub-surface dams were built in many locations from funds partly subscribed by the government and partly by the Council. This was through the Machakos Betterment Scheme, a renewed effort to restore fertility to the eroded Kamba areas by use of tractors and bulldozers in terracing and dam construction.[21] However, the shaky revenue position of many ADCs, including Machakos ADC affected their ability to put forward convincing development schemes.[22]

Some areas were, however reconditioned using free labour and tools of the occupants of the locations that were severely eroded. The chiefs were involved in the procurement of the labour and tools for grass planting and terracing as well as overseeing the work to

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[17] KNA/DC/MKS/1/1/32 Machakos District Annual Report, 1954.
[18] KNA/DC/MKS/1/1/32 Machakos District Annual Report, 1954.
[19] Ibid.
[20] O.I. Elizabeth Mutua, 23 July 2015.
[21] KNA/DC/MKS/1/1/34 Machakos District Annual Reports, 1957-1958.
[22] J. Nottingham, *The Development of Local Government in Kenya*, (Unpublished Manuscript, 1954), p. 23.

completion.[23] At every meeting, the Council continued to add new areas of land to its Forest Estate. This was in the face of increasing independent African participation in the ADC. The DC, who was the Chairman, was at many times not present in the meetings or at times present but inactive but the African vice-chairman and the other members ran the business of the Council smoothly.

Financial mismanagement greatly featured in the 1956 financial report. Audit reports indicated that large scale misappropriation had taken place.[24] The Criminal Investigation Department was given the papers and after a year officials such as the Secretary, the Cashier and District Foreman's clerk were charged in court.[25] This financial situation was made worse by the falling world market sisal prices which meant that the council was making minimum profits. The Council worked closely with a European Financial Adviser during this time and up to independence. With the ever growing volume of work for the DC it was rather difficult for him to exercise a detailed scrutiny and control over ADC accounts. There was also lack of reliable African staff. Thus assistance of a financial adviser was vital particularly if the development of the local government was to forge ahead.

ADC rates changed from time to time depending on the world economy. This rate was increased by three shillings to sixteen shillings in 1956 of which thirteen represented the local rate, two shillings Education Building Rate and one shilling locational rate.[26] The local rate was collected first from the taxpayer followed by the Education Building rate and the locational rate. This had the disadvantage that achievement of the educational plan of opening new intermediate and primary schools was handicapped by slowness in collecting the ADC's Educational Rate form the taxpayers. The Simba-Emali Ranch was set up in Emali and was fully operational during 1956. The objective of the Ranch was to provide revenue for the ADC through the sale of stock. To ensure a rapid turnover of capital, young stock was taken and fattened over a period of six months then sold to up-country farms. Basically however, the ranch was to help in the destocking of the reserve because of the failure of coercive measures to reduce Kamba livestock. A Simba-Emali Ranch Committee was set up in 1955 for its management. The Ranch continued to be an integral part of the District development scheme. It provided a tsetse fly barrier for the southern locations, gave the Kamba a grazing

[23] O.I. Simon Musyoki Kivati, 22 July 2015.
[24] KNA/DC/MKS/1/1/33 Machakos District Annual Report, 1956.
[25] Ibid.
[26] Ibid.

area on which they sold their surplus immature livestock and to acted as a reserve of Sahiwal crosses which in furtherance of District animal husbandry policy were sold to approved Kamba farmers.[27]

Salary increments were discussed and approved by the Full Council in 1959 after they were brought to it by the Financial and General Purposes Committee. Personnel situation and organisation was also improved with the strengthening of the subordinate staff by engagement of an assistant treasurer. The finance office in 1958 was occupied by an individual with suitable educational qualifications due to the bulk of the financial work of the Council. The Council however, relied on government officers to supervise its Public Health, Road Works and welfare activities.[28] The foundation stone for the new Council offices and Chamber was laid in 1958. The new Council buildings, chamber and hostel, were opened on the 27 August, 1959 by Governor Sir Evelyn Baring. The importance in status of the ADC was recognised through the opening of this building which was more impressive than most other buildings in Machakos town at the time.[29] A book of remembrance of those who lost their lives in the Second World War was ordered and placed at a central place in the Chamber.

The central government took over traders' licences as well as African Court revenues. This was based on the proposals contained in the White Paper on financial relationships and spheres of provision of services between the central government and ADCs. The paper stated that health services, other than government hospitals, were to be administered by local authorities with a fifty per cent subsidy from the central government. Primary education also received a two thirds subsidy. ADCs continued to finance agricultural extension work and veterinary services in the African areas.[30] The central government however, did not take over its full responsibilities in subsidising local government services after the implementation of the paper. Instead of making appropriate grants for health, education and road maintenance, the government made block grants scaled not to the needs but the estimates of each ADC. ADCs were also empowered to request loans from the Central Housing Board and from the Local Government Loans Authority. The Machakos ADC received a supplementary grant of

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[27] KNA/JA/A/641 Machakos African District Council Annual Report, 1959.
[28] KNA/DC/MKS/1/1/34 Machakos District Annual Reports, 1957-1958.
[29] Tiffen, *et al*, *More People, Less Erosion,* p. 143.
[30] T. Mulusa, *The Image of Local Councillors: A Partial Re-Interpretation of the Reasons for the Decline of Local Government in Kenya*, M.A. Political Science, University of Nairobi, 1972, p. 123.

£9,067 in 1958 (the largest for any ADC) as a result of the loss sustained in changing over to the new financial structure. This was due to the increased cost of education to be borne by the Council and the net loss of African Courts' revenue of approximately £11,000.[31]

On account of these grants, the central government set up ways of controlling financial activities of the ADCs. The central government had the power to audit and bring legal charges against any individuals found guilty of the misuse of funds. These audits could also take the form of appointed committees of inquiry to investigate any aspect of local government activity. The powerful central government's standing committee for ADCs had the responsibility of advising the Minister for Local Government on all matters relating to local government in African areas. These Committees also had the power to approve all ADC estimates. Complaints by the ADCs were forwarded to the concerned offices through the provincial administration (central government). These included the DC, the Provincial Local Government Officer and the Provincial Commissioner.

Under the Development and Reconstruction Authority of the 1950s in collaboration with ADCs many primary schools and roads were built in rural areas. It does not appear, however, that there were attempts especially in the later phase of colonialism to bring about development in the rural areas. These efforts were however not directed at the elimination of the causes of rural poverty. Their elimination would have challenged the whole basis of the existence of white supremacy. As a result, policy was entirely dictated by this conservative idea of transforming traditional societies only to the extent required by the economic development of the European society in Kenya at the time. In other words, very little was done to modernise the African areas both extensively and intensively.[32] Postcolonialism critiques this form of colonial domination which was primarily meant to exploit Africans and their resources so as to maintain imperial influence on the colonised peoples. The welfare of Africans was not the core concern of the British in Kenya. Modernity, which would have raised the status of the Africans thinning the line of social, economic and political difference between Africans and Europeans, was avoided all the same to keep Africans in a subordinate status.

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[31] KNA/DC/MKS/1/1/34 Machakos District Annual Reports, 1957-1958.
[32] Oyugi, *Administration of Rural Development in a Kenyan Sub-District*, pp.19-20.

The Machakos ADC increased its overall rate by four shillings to twenty three shillings in 1958 to ostensibly try and meet the ever growing deficit in annual estimates.[33] Although revenue during 1959 was generally buoyant, the collection of the poll rate did not reach the estimate.[34] Food shortage and unemployment contributed to this shortfall. This could also be attributed to the fact that the ever increasing poll rate together with central government taxation had reached a total which was beyond the peasant cultivator in the drier areas of the District where there were no valuable cash crops to provide income to the people to pay taxes. Political pressure on the ADC councillors who wished to remain in office forced them to support dramatic expansions in the provision of health and educational facilities. Therefore the Councils' estimates faced growing financial deficits.[35]

Consequently, either the cost of expanding services had to be met by increasing the fees or by the introduction of a graduated poll rate so that the rich paid more than the poor. Expenditure on primary and intermediate schools as well as public health services and road maintenance increased alarmingly every year. Expenditure on public health staff, dispensaries, health centres and maternity services continued to mount and in the year 1959 the Council spent £32,783 on these services for which it received a government grant of £14,763.[36] There was therefore, an increase of the education rate by four shillings which was inevitable under the terms of the Government White Paper which gave no benefit to Councils increasing their school fees. The central government's advice was that the Council had to be cautious about any expansion of these expensive activities in the face of financial constraints.

The Machakos ADC suffered acutely during 1960 and 1961 from the effects of drought, famine and a lethargic attitude towards the payment of rates.[37] For example, in 1961 a total of 15,000 people from an estimated total of 100,000 taxpayers contributed to the ADC. In April, the figure of those who had paid was 400, which did not even approach the number of employees of the Government and the Council, leaving aside the 1,500 teachers working in the District.[38] Strenuous efforts were directed towards extracting rates from employees first and then later to the general populace. Much time was however taken in the distribution of famine relief constrained opportunity collection of rates. It was also considered that with an

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[33] KNA/BY/21/3 Memorandum on the African District Council Estimates, 1958.
[34] KNA/DC /MKS/1/1/34 Machakos District Annual Reports, 1959.
[35] Nottingham, *Development of Local Government*, pp.7-9.
[36] KNA/DC /MKS/1/1/34 Machakos District Annual Reports, 1959.
[37] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[38] KNA/PC/EST/2/1/17 Machakos District Annual Report, 1961.

accumulated three years of shortages it was possible that too active chasing of rates and taxes would only have the effect of filling jails and detention camps. The ADC therefore went into a financial decline which continued to the end of the year.

Consequently, cuts were made in the estimated payments to various departments, a number of untrained teachers were discharged, the roads staff was reduced as were the community development and health staff. The ADC agreed that they would not call full meetings of the Council but rather conducted its business through a caretaker committee, to save expenses on travelling and attendance fees. This committee was elected in August 1961. All of these reductions were however of little avail in the face of the people's inability to pay their rates. Towards the end of the year, a loan of £25,000 had to be negotiated with the Local Government Loans Authority to keep existing services, even in their reduced state, going until the end of the year.[39] £14,000 of this sum went towards ADC's subvention to the District Education Board, and the remainder towards the running of water supplies, particularly in the Makueni areas which would have otherwise been closed.

The Council obtained a grant from the Ministry of Local Government in 1961 because of its critical financial position.[40] This was due to large shortfalls in the collection of rates. The ADC wrote to all the big firms in the District requesting them to collect rates on behalf of the Council. The DC asked all heads of departments in the district to also collect rates. A meeting was held between the ADC councillors, chiefs and the leading politicians of the District to discuss payment of ADC rates. The meeting concluded that it was important to explain to the public the need for the prompt payment of ADC rates. Immediate steps were taken to reduce the Councils expenditure, increase income and conserve existing balances.[41] This was not unique to Machakos ADC. During the emergency period of December 1952 to January 1960, many of Kenyan Africans lost their jobs and property. Despite large financial grants from Britain, local government treasuries were exhausted as it became practically impossible to collect local rates.[42] Even where it could be done, people had no will to pay and therefore preferred to go to jail rather than pay money which they believed would "go to buy more

[39] Ibid.
[40] O.I. John Katingima, 3 August 2015.
[41] LG 5/24 Correspondence between the DC Machakos and the Machakos African District Council, 1957-1963.
[42] Omosule, *Political and Constitutional Aspects*, p.178.

guns and mercenaries to kill their people."[43] Consequently, ADCs were forced to drastically curtail their estimates for development.

At the end of 1961 the ADC faced a more serious financial situation. All the accumulated savings had been used which meant that 1962 was faced with nothing in the bank and desperate measures required to obtain funds quickly to sustain recurrent expenditure.[44] The Ministry of Local Government suggested that if the ADC could not put its house in order and show ability to finance itself, the Council was to be dissolved and its business conducted by a commission. As precautionary measures, plans were laid for implementation early in the year to issue dismissal notices to all teachers and drastic cuts in community development as well as maternity and other health services.[45] The people of Machakos did not realise that their ability and willingness to pay rates gauged the measure of progress that they could demand from the ADC.[46] The reason for this financial crisis was the failure of majority of ratepayers to pay their rates in 1960 and 1961. This can be attributed to the diminishing colonial control and peoples' perception that the ADC was part of oppressive colonial rule. There was also lack of an aligned African administration system in Kenya. The main reason was however the political feelings among Africans that with independence all services would be given free of charge by the independence government and thus there was no need to pay rates at the time. To illustrate this, in 1960 £26,000 was collected compared with the revised estimate of £50,000 and in 1961 only £16,000 was collected. A conservative estimate of the amount lost in two years was £60,000.[47]

The ADC of Machakos entered the year 1962 at its lowest financial position ever with the threat of dissolution hanging over its head if there was no improvement. During 1962 there was a considerable improvement and around £50,000 was collected.[48] In view of this improvement dissolution was not effected but several services were drastically cut and the Council continued to operate on a reduced scale. The Council had received a letter in February 1962 from the Permanent Secretary of the Ministry of Local Government which stated that unless there were substantial collections of rate before May of that year the Council was not to continue as a Local Authority. The Council would thus be dissolved

[43] Maundu, 'Evolution and Role of Local Government', p. 120.
[44] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[45] O.I. Peter Mutisya, 29 March 2015.
[46] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[47] Ibid.
[48] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.

according to the provisions of the African District Councils Ordinance [Section 58 (1)].[49] Members of the caretaker committee therefore deliberated on the measures they would undertake to avert dissolution. Parents were informed that production of 1961 rate receipt was a condition of entry to primary and intermediate schools for the second term. Permanent staff was given precautionary notice to terminate services in May if necessary. These notices would, however, be withdrawn if collection of rates was favourable before May 1962.[50]

In addition, expenditure on all services was reduced to the basic requirement and welfare services such as community development and maternity (other than emergency cases) were discontinued. Health services were reduced by 60,000 shillings per year.[51] This was the expenditure incurred above the maximum allowed for government grant and this reduction meant further closure of dispensaries and commencement of the running down of health centres and maternity services. It was also resolved that arrears of rates prior to1962 be compounded at a lesser amount than the total rates due to relieve the load of debt from those taxpayers considerably in arrears. This was done according to one's ability to pay. The roads' expenditure was reduced by dismissing more than fifty labourers. This reduction was not good because it increased unemployment of Africans which affected payment of revenue. It was however, essential so as to keep within the approved estimates of 1962 since no supplementary estimates could be approved. As such, work was confined mostly on secondary roads as there were no funds to deal with minor roads. Alternatives for dismissing these employees included an unemployment relief to enable the people to continue in some form of employment.[52]

Veterinary, forestry and agricultural services were affected with the reduction of nursery labourers and forest rangers as well as veterinary scouts. Payment of gratuities was suspended.[53] The Council normally paid service gratuity to its employees who worked for a period of ten years and above. A number of employees who were dismissed were entitled to such gratuity. The Council however, was not able to financially pay the gratuities until such a time when its financial position improved. Council staff salaries were reduced by five percent with effect from March 1962 only to be restored when the Council's financial position improved. Coffee nurseries were handed over to coffee growers' associations. The ADC

[49] KNA/JA/1/317 Minutes of the County Council of Masaku, February 1962 to Oct1965.
[50] Ibid.
[51] Ibid.
[52] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[53] KNA/JA/1/317 Minutes of the Masaku County Council Feb 1962-Oct 1965.

coffee nursery staff was discharged at the end of March 1962. The nurseries were sold to coffee co-operative societies. The societies refunded the Council the total amount worth the coffee which was estimated by the District Coffee Officer before the end of November 1962. In Mbitini Location there was no coffee society and the Location Council made its own arrangements to manage and pay for the coffee nurseries in the location.[54]

Moreover, a number of dispensaries were closed down and community development employees were discharged leaving only four community development assistants to help with keeping the stores' equipment together waiting for either complete closedown or revival. Adult literacy scheme was discontinued. In addition, administrative staff was also reduced to the minimum and the administration was nearly breaking down due to lack of sufficient staff. All Location Councils' funds were frozen and their normal activities were almost stopped due to the said financial difficulties.[55] As such, no capital expenses incurred in 1962 and none proposed for 1963. The affairs of the Council continued to be managed by a caretaker committee with the Full Council meeting once in September to pass the 1963 estimates. The caretaker committee was effective and the members impressed the ratepayers the necessity of paying rates.

Despite these challenges, the Council managed to carry out some important works. These included compensation for crops destroyed during the construction of both the Kangundo-Machakos and Machakos-Makueni roads. This was done by forwarding such requests for compensation to the Road Authority for a grant through the Ministry of Works. Repair works on secondary roads were carried out such as widening of escarpment corners at Makongo which were dangerous along the Machakos-Makueni Road. There was also discussion and approval of additional plots in markets as well as isolated plots in the locations. New markets in Mbiuni and Mbooni Locations were established. Hawkers' licences were not approved. This was because the items they sold were available in shops and thus a conflict of interest among traders from whom the Council required payment of annual rates. Maize price structures were also discussed and set to enable those who had surplus maize to sell in order to pay their rates in time.[56]

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[54] KNA/JA/1/317 Minutes of the Masaku County Council Feb 1962-Oct 1965.
[55] KNA/JA/1/641 African District Council of Machakos Annual Report, 1962.
[56] KNA/JA/1/317 Minutes of the Masaku County Council Feb 1962-Oct 1965.

3.4 Locational Councils

Changes in the local government system also led to the establishment of Locational Councils in the late 1940s. These Councils were the handmaids of the ADCs and had such powers as were delegated to them by the latter. Locational Councils had been in non-statutory existence in Nyanza in 1946, in Kikuyu in 1947 and by 1950 in Nandi and Baringo Districts of the Rift Valley.[57] Although these Councils did not become statutory bodies until 1958, their establishment was the government's answer to the criticism that the level of the former LNCs was too high and too remote from the people. They therefore served as advisory bodies to the chiefs, as discussion areas for local opinion and at times as electoral colleges for the members of the ADC.

This was a form of deconstructing local government to make it more accessible to the people in the locations who spearheaded the development of their own areas. Therefore, whenever a Locational Council discussed an issue, a vote was taken and at the end of the meeting the chief submitted the decision to the DO who accepted or rejected it. It was then forwarded to the DC who presented it to the ADC. If the ADC approved the same it was then referred back to the chief for execution in the Locational Council. Due to this involvement of the Chief under the DC, it was difficult to determine if it was the will of the Locational Council to plan and execute development projects or it was the DC doing it under the Chief in the pretext of the ADC.[58]

There were twenty three such Locational Councils as per the locations of Machakos District in 1948. There was formation of Section Councils junior to the Locational Councils by the end of 1951. They were important in coordinating local affairs and also in which elections were made for councillors to the Locational Councils and for the posts of Tribunal Elders and Section *Asili* (judges). It is important to note that due to the absence of administrative divisions in Machakos District, there were no Divisional Councils. Locational Councils consisted of one elected (by secret ballot) member per sub-location and seven members (normally one representative from each government department) nominated by the DC on the advice of the DO, the chief and District Agricultural Officer (DAO) and a secretary. The nominated members provided a balanced and representative council if necessary. Councillors of the ADC, both elected and nominated, were also members of the Councils. The Councils

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[57] Maundu, *Evolution and Role of Local Government*, p.102.
[58] Havelock, *Local Government in Britain and Kenya*, p.15.

were advisory bodies to the chief but he was not bound by its recommendations. They were therefore giving views on important matters and occupied prominent seats in *barazas*. These junior Councils were encouraged to employ their own secretary/treasurer to carry out the very varied duties undertaken by the Councils.[59] These Councils made a bigger contribution to localised local government than the Section Councils in Machakos District.[60]

Locational and Sectional Councils, however, functioned without any statutory existence or legal powers of their own but the influence of these Councils towards development in the District was considerable. These Councils, which had existed vaguely before 1950, became regularised in the year with registers of members and decisions. A number of them developed the committee system during 1954 for specific purposes such as education, health and licensing.[61] The Locational Councils collected their own poll rate often levied *ad hoc* to meet the cost of social welfare schemes such as schools, hospitals, maintenance of roads, etc. This rate varies from one shilling to 20 shillings per head in various districts. The Councils assisted in the implementation of projects in agricultural and livestock management, rural water schemes and education. These services were legally the responsibility of the ADC which in turn were informally delegated. Therefore, the income of the Locational Councils was the ADC's income.

Responsibilities of the Locational Councils included planning and control of markets, beer halls and cemeteries as well as reconditioning work. By the end of 1953, their responsibilities had increased to include matters such as setting aside of land for public purposes, the setting up of markets, regulate applications for shops, deal with sugar allocations and advising the District Education Board (DEB) where schools were needed. Other tasks included discussing the agenda of the ADC meeting with their members, issuing beer licences, exempting people from communal labour and water supplies. The Councils constructed and maintained secondary and minor roads, provided services for the improvement of agricultural and livestock industries as well as finance facilities for primary education. The central government complemented the ADC subventions for education with a payment twice as

[59] KNA/JA/1/641 African District Council Reports 1956-1962.
[60] KNA/DC/MKS/1/1/30 Machakos District Annual Reports 1946-1952.
[61] O.I. Paul Nyanzi, 3 August 2015.

large.[62] The DEB was actually responsible for primary education but the ADC was represented on the board.

Education was, however, the Locational Councils' favourite topic. These Councils embraced African development at a greater scale as inappropriately noted by the then DC J.K.R Thorp, "Their own 'pet' subject is of course the building of more and more schools, and while their enthusiasm and desire for self-help is appreciated, it is often very necessary to curb their activities so as to enable the supply of teachers to keep pace with the supply of buildings."[63] The work of the Locational Councils was made easier in 1952 when they were restricted to finance the building of schools through the locational education building rate. Meetings were held on a regular basis for the discussion of important matters including Transport Licensing Board licences, beer licences and applications for exemption from communal work. Basically, these Section and Locational Councils functioned as the lowest rung in the local government ladder.

It is important to note that these Locational and Sectional Councils functioned without any statutory existence or legal powers of their own.[64] Nevertheless, the influence of these Councils was great. Several of them developed the committee system during 1954. It was hence possible to devolve to these Councils some finances for their own planning and expenditure. Therefore, from 1956, the ADC rate of shs.16 included a locational rate of one shilling. Each Locational Council paid its clerk and was a self-accounting organisation. These Locational Councils reached their peak of performance in 1957 when they worked to bring their locations forward such that they became indispensable.[65] Materially, they strode ahead and played an increasing part in the development of their areas. The Councils therefore became an integral part of local government in Machakos. The future of local government in the District therefore rested with the development of these Councils than with the then somewhat 'remote' African District Council.[66]

The Location Councils in Machakos were reconstituted in 1958 to allow for one elected councillor per section and up to five nominated members if required to balance the representation. The elections were carried out by secret ballot. These Councils continued to

[62] Lury and Shah, *Local Government in Kenya,* p.3.
[63] KNA/DC/MKS/1/1/30 Machakos District Annual Reports 1946-1952.
[64] O.I. Kioko Luka, 29 July 2015.
[65] KNA/DC/MKS/1/1/33 Machakos District Annual Report, 1956.
[66] KNA/DC/MKS/1/1/34 Machakos District Annual Reports, 1957-1958.

perform the useful functions of a consultative and advisory body to the locational chief. The ADC delegated certain functions to these Councils which were performed reasonably and efficiently. Market conservancy services were financed by these Councils as well as the payment of community club leaders and the purchase of equipment for women's, youth as well as games clubs. The Councils also embarked on certain capital works for the improvement of water supplies and the development of markets. For example, the Mbooni Council installed and maintained a piped water supply at Kikima market.[67] In addition, profits from Council's beer canteens were used as grants to schools.

Field DOs spent much time guiding the Councils in debate and inspecting their accounts.[68] The ADC's financial department controlled the accounts of the Councils but DCs carried out regular accounting checks as well as general supervision and guidance. ADC collected a one shilling Poll Rate and also a six shillings special educational building rate. The proceeds were used by the Councils to construct primary and intermediate school tuition blocks and staff housing. The ADC also made grants to the Councils for the maintenance by hand labour of administrative tracks for the afforestation of small locational woodlands and for the running of women's clubs. The Councils controlled markets in the District from which they collected barter fees and conservancy fees. In addition, the Councils provided piped water in certain areas for which they charged water fees either by sale of the water at the markets or by charging a special per capita rate as in Kangundo, Kikumbulyu, Nzaui and Makueni Locations.[69] Capital expenditure for the Councils was mainly on school buildings, provision of water supplies, drainage of roads and the improvement of markets.[70]

In 1958, the government sought through the African District Councils (Amendment) Bill, to strengthen the position of Locational Councils in relation to the ADCs by seeking direct control over them. Therefore, the junior councils were required to submit their estimates to the ADC and the ADC in turn forwarded these independent estimates to the Standing Committee for the Machakos ADC for approval.[71] The DC could henceforth dismiss the employees of the Councils. The Ministry of Local Government inspectors could also inspected the performance Councils. The main aim of this central government control was to

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[67] KNA/DC/MKS/1/1/34 Machakos District Annual Report, 1958.
[68] Nottingham, *Development of Local Government in Kenya*, p. 25.
[69] O.I. Thomas Kitaka Ndolo, 30 March 2015.
[70] KNA/JA/1/641 Machakos African District Council Annual Reports, 1956-1962.
[71] Maundu, *Evolution and Role of Local Government,* p. 118.

strengthen the power of the junior councils and assert their independence from the ADCs. The government was aware of the criticism that ADCs were too highly placed and too remote from the local people to democratically fulfil the functions required of them.[72]

These Councils continued to work well in development projects until their finances reflected the state of the ADC in 1961.[73] They thus ran into serious financial difficulties that they were virtually closed down. In 1962 all Location Council's funds were frozen and their normal activities almost stopped due to financial difficulties. This state of affairs came about due to the reluctance by ratepayers to pay their rates. Reason for non-payment was due to drought and floods which affected the District as a whole very badly. These junior councils entered independence at their almost bankrupt state due to lack of funds.[74]

3.5 Summary

The ADC of Machakos was faced with great financial difficulties which constrained it in carrying out its mandate up to independence. The grants-in-aid reflected the dependence of the ADC on the resources of the central government to carry some of their most important functions such as education, health and roads. The central government therefore had powers to counsel and supervise the ADC although African initiative was also given room. In fact the ADC of Machakos could not afford to finance its meetings from 1961 and thus a caretaker committee of the Council was appointed to carry out its functions. This was the poor financial situation which was inherited by the independent County Council of Masaku. Thus a discussion of the ADC in Machakos is more of an evaluation of its challenges rather than success. It was however during the ADC time that for the first time Africans were given an opportunity to participate in the administration of their development especially through the African vice chairman and later chairman.

Locational Councils on the other hand functioned well since their inception in 1948 as a form of more localised local government to ensure that the needs of the locations were met using ADC funds. They acted as local policy making areas whose recommendations were forwarded to the ADC. These Councils had a certain amount of funding devolved to them. Additional revenue for educational building was also collected on their behalf by the ADC. They functioned well in development projects of the locations even in conjunction with self-

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[72] Maundu, *Evolution and Role of Local Government in Nation Building in Kenya*, p. 118.
[73] KNA/JA/1/641 Machakos African District Council Annual Reports, 1956-1962.
[74] O.I. Peter Mbaka Ndote, 23 July 2015.

help groups. However, as the ADC of Machakos sank into financial problems from 1962 so did these Councils. The Locational Councils also played a vital role in the decentralisation of ADC functions. It was also through the ADC and the Locational Councils that education facilities were expanded in the District.

CHAPTER FOUR

THE COUNTY COUNCIL OF MASAKU, 1963-1974

4.1 Overview

Local government in Kenya entered independence at an unstable state. Instability arose from the lack of finances while at the same time trying to prove its necessity by initiating development projects. Although the Machakos ADC received grants-in-aid from the central government, these did not help to raise the financial status of the Council. In 1963 therefore, the Council hoped that independence would bring change in its functioning and finances. This chapter is a discussion of the independence period up to 1974. It focuses on the role played by the local government in development under the constraints of postcolonialism.

4.2 The Post-colonial Context of Local Government

Although the British Union Jack was lowered and the flag of an independent Kenya was hoisted in 1963, the machinery of the colonial regime was left largely intact. Conceptually, the foundation of the post-colonial state and the local government was Eurocentric.[1] The legacy of colonial local government was twofold. First, it left Kenya with a set of administrative and Political structures riddled with inherent contradictions. These were made sharper by the ever increasing demand for services made upon the government on all levels. Secondly, an official and indigenous ideology of local government was used for different ends by different political leaders. Central government officials "paid lip service" to the principles of local government.[2] They were however not committed to the autonomy of local government.

The independence constitution was regarded by Kenyan politicians as an imposition by the colonial government on the Kenyan people with the aim of maintaining colonial connections.[3] Owing to this legacy, the period after independence was marked by contradictions between the central government and local authorities as well as contradictions among political leaders. The first major contradiction emerged and developed around the desired independent Kenyan state by the various political leaders. The peak of local governance in Kenya dates back to the late colonial period when preparation for

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[1] M. Mutua, *Kenya's Quest for Democracy: Taming the Leviathan*, (Kampala: Fountain Publishers, 2009), p. 58.

[2] P. Stamp, 'Governing Thika: Dilemmas of Municipal Politics in Kenya', PhD Thesis, University of London, 1985, pp. 56-87.

[3] B.A. Ogot and W.R. Ochieng', *Decolonisation and Independence in Kenya, 1940-1993*, (Nairobi: East African Educational Publishers, 1995), pp. 69-77.

independence by political parties took divergent views. "Small" communities in Kenya formed political parties that wanted to promote, protect and pursue their interests against the perceived domination by the bigger communities.

Indeed, in the run up for independence the matter of local government was one of the key areas of contention.[4] The idea of decentralised power grew during the colonial period due to the considerable autonomy exercised by local authorities in the performance of their responsibilities especially from 1950. Above this, the colonial government restricted the formation of political associations only on district and ethnic basis thereby rendering nationwide political organisation almost impossible. This inward looking political and economic tendencies created by the colonial government affected the pattern of formation of political parties in the period towards independence. Moreover, communities' interests in the period leading to independence were based upon land and prospects for the future economic development. The white settlers were especially interested in regionalism as it would ensure that their control over land remained safe. This created polarity in the nationalist movements between the bigger communities (under KANU) versus the smaller communities (under KADU) throughout the period of negotiation for independence between KANU and KADU.

KADU demanded a quasi-federal division of power, with strong local government (regional governments or *majimbo*) while KANU pushed for a unitary system of government. KADU, which had the support of the settler community, was seen as a counterweight against the more radical KANU.[5] KADU's proposals had a strong bill of rights that would protect private property interests particularly land. The real motive behind this push for devolution was therefore the need to protect European settler farmers who saw a need to protect their farms and retain their influence and power in the post-colonial state. Their argument was that their areas were more developed, generated revenue and had resources that the unitary government would take away and distribute to 'their people' who had fought for independence and lacked land.[6] This was especially so in the Central and Rift Valley Provinces where the settlers owned much land.

Negotiations between these parties with the British government led to a quasi-federal constitution, called the *Majimbo* Constitution that gave significant powers to elected regional

[4] Burugu, *The County,* p.2.
[5] Mutua, *Kenya's Quest for Democracy*, p.55.
[6] Burugu, *The County*, p.2.

assemblies. Elected local councils, with their own civil servants and bureaucrats, were to deliver most public services, such as education and health under the supervision of the regional governments.[7] As such local government connection with the central government was severed. This constitution was however, highly complex and lacked singularity of purpose or identity which neither KANU nor KADU sincerely supported. It is worth noting that the reasons for which the scheme of regionalism had been put in place were not a matter agreeable among all KADU leaders. This explains why some of the key leaders such as Paul Ngei, William Murgor and John Seroney so quickly renounced KADU a few weeks after independence.[8]

Full implementation of the *Majimbo* constitution was derailed soon after independence. In fact, regionalism crumbled in the first year of its existence due to several reasons. The winner of the first election, KANU, had never shown any real interest in it and had accepted proposals within the constitution not to delay independence. There was also insufficient support for *Majimbo* among the populace. To the common people, Majimbo was a war of politics for the elite with little interest for Kenyans in general.[9] The colonial system of government was rigidly centralised and therefore the decentralised political structure in the *Majimbo* constitution was alien to Kenyans. Regionalism was a system that was intended to replace a highly centralised political unit that the colonial administration had put in place to ensure control over the African population in Kenya.

As regards to the civil service, the KANU government was uneasy with the provision in the constitution which decentralised the Public Service Commission (PSC) in employment, deployment and management of personnel matters. These provisions were seen as devices that were aimed at preventing the central government from having the 'only and final say' over matters pertaining to economic management.[10] Thus central government officials resisted the implementation of the constitution and did little to hide their contempt for 'grassroots' decision making. The central civil service bureaucracy successfully maintained a stronghold on regional development planning and prevented the transfer of functions to the regional government. Moreover, the central government procrastinated transfer of funds and

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[7] Maina, *Monitoring and Evaluation,* p.4.
[8] Ogot and Ochieng', *Decolonisation and Independence in Kenya*, pp. 69-77.
[9] O.I. Peter Mutisya, 29 March 2015.
[10] A. Oloo, 'Devolution and Democratic Governance' in T.N. Kibua and G. Mwabu (eds), *Decentralisation and Devolution in Kenya: New Approaches*, (Nairobi: Nairobi University Press, 2008), p. 115.

financial powers to the regional governments as per the requirements of the constitution. Some KADU strongholds were deliberately 'starved' of funding for initiating and maintaining development projects.[11]

The argument advanced by Kenyatta and the KANU regime was that the *Majimbo* model was too expensive to implement in terms of money and personnel. In reality however, the KANU government was not pleased with the provisions in the constitution that required a sharing of revenue between the central and regional governments. Though the constitution empowered the regions to raise their own revenue from specifically identified sources and spend it on specified services, these regions still required support from the centre before they could establish themselves. Revenues that were to be collected by the regions such customs and excise duties and consumption taxes on petrol and diesel fuels, were significantly insufficient. Local authorities in each region were to receive grants-in-aid from the regional authorities as well as raise money by means of a single Personal Graduated Tax (GPT) applicable throughout all regions. The GPT replaced the colonial poll tax levied by the local authorities and the personal tax levied by the central government. In addition, the *Majimbo* Constitution created multiple centres of power and authority for the first time since the emergence of the political unit called Kenya. There was a feeling that the political framework provided by *Majimbo* was a recipe for national disintegration at a time when the call for nation-building was the most common in the African continent. At the time, national political control was an urgent issue, and those in power perceived the colonially created local authorities as a potential threat to this control.[12]

Regional elections were held at the end of May 1963 and voting took place for the House of Representatives, the Senate and the Regional Assembly. KANU, that had accepted the *Majimbo* constitution reluctantly, emerged victorious. *Majimbo* did not last long. In December 1963, with the swearing in of Jomo Kenyatta as the Prime Minister, the KANU administration embarked on a mission to change the country's constitutional order. Even before the swearing in of Kenyatta, four members of the KADU joined KANU therefore giving it the numbers it required to amend the constitution.[13] KADU was dissolved and the government, determined to maintain national unity, sought to establish a unitary state with

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[11] Maina, *Monitoring and Evaluation*, p.5
[12] Stamp, 'Local Government in Kenya', pp.22-23.
[13] Ogot and Ochieng', *Decolonisation and Independence*, p.94

power concentrated at the centre.[14] The amendment to make Kenya a republic with an elected president in 1964 was therefore natural to a unitary state. Following the republican constitution therefore, the regional assemblies were dismissed and their powers were transferred to the Minister of Local Government.

Local authorities functioned by relying on the GPT and other sources of revenue such as the various taxes on land and markets as well as agricultural produce. Regional governments remained dysfunctional until they were abolished in 1966.[15] Regional governments were meant to act as protection against control of local authorities by the central government. With the abolition of regions, this control and dominance by the central government became more pronounced under the Ministry of Local Government and the provincial administration. The Minister had the powers to create or abolish local authorities, to extend or adjust their boundaries and divide them into electoral areas.[16] Various reasons would lead to the abolition (dissolution) of local authorities among them the inability of a local authority to finance its expenditures. The provincial administration on the other hand created a parallel to the local government in the local areas. With the transfer of the provincial administration from the Ministry of Home Affairs to the Office of the President, local activities and their coordination were now carried out by officers directly answerable to the president.

Local government influence at the local areas was therefore reduced but their responsibility of solely financing all health and primary education responsibilities were not removed from them. These local authorities performed badly because they had neither the human nor financial resources to perform their duties. All local authorities carried out development and administrative activities such as sewerage and drainage, street lighting, housing, water supply, markets, roads, slaughterhouses, social services, cemeteries, ambulances and fire control.[17] All functions were subject to the regulatory powers of the Ministry of Local Government, and had to be coordinated with activities of the central operating ministries. Poor performance of the local authorities was the justification used by the central government to further weaken and control local government.[18] The Ndegwa Report on local government

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[14] A.K. Mwenda, *Devolution in Kenya: Prospects, Challenges and the Future*, Institute of Economic Affairs, Research Paper No. 24, 2010, p. 16.
[15] Omosule, *Political and Constitutional Aspects*, pp.153-155.
[16] D. Muia, 'Devolution: Which way for Local Authorities?' in Kibua and Mwabu (eds), *Decentralisation and Devolution in Kenya*, p.147.
[17] Bewayo, *Central-Local Relations*, p. 101.
[18] Stamp, 'Local Government in Kenya', pp. 25-26.

in Kenya of 1970 to 1971, for example, noted that local authorities were facing certain internal and external problems that had prevented them from being as effective as they should have been. The report however, concentrated on the internal problems of local government ignoring the wider structural problems.[19] The whole issue on the challenges of local government was therefore dealt with superficially. This acted as further justification for central government control.

4.3 County Council of Masaku's Development Activities

Local Government elections were held in Machakos District in October 1963. There was less enthusiasm shown than for the national elections and only 40% of the electorate voted as compared to 90% who participated in the national elections.[20] The general populace did not understand the intricate *Majimbo* Constitution explaining the lack of adequate citizen participation. The local people viewed the local government as a colonial creation to tax them as shown by their unwillingness towards the payment of poll tax in the years leading to independence. The first meeting of the County Council of Masaku took place on 6 November 1963. None of the elected members had any previous experience in local government. Regional boundaries led to an enlargement of the area covered by the County Council to include settled areas formerly under the Nairobi Council as well as large areas of the Thika District.[21]

Local government in Kenya entered the independence era amidst great financial difficulties. As such, local authorities did not have the capacity to initiate meaningful development projects. These also affected the operations of County Council of Masaku. This situation lingered on until 1963 when the Fiscal (Tress) Commission proposed the Graduated Personal Tax (GPT) as the main source of revenue for local government. Initially, this tax looked fair to the taxpayer and a reliable way of making every adult person contribute to the financing of the services provided by his local authority. Indeed, the urban areas which had a high proportion of their potential taxpayers in paid employment quickly realised substantial revenue from the GPT. Here, the tax was easy to assess and collect by basing it on salaries and it was collected conveniently by a system of pay-as-you-earn.[22] In rural areas, where the

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[19] Stamp, *Governing Thika*, pp. 82-83.
[20] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[21] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[22] Mulusa, *The Image of Local Councillors*, p.123.

bulk of taxpayers were farmers, without a regular and fixed cash income GPT collected was complicated by many difficulties.

Collection of revenue by the County Council of Masaku became complicated with the abolition of the local rate on poll tax and hut tax and by the introduction of the GPT. This led to the issuance of a notice by the Council's treasurer towards the end of 1963 concerning its collection to the general public in Machakos District. The Council gave employers within its jurisdiction the regulations for the collection of this tax. All persons including women who paid remuneration to others for services including employers of domestic staff, had to deduct tax from these payments starting with the salary or wage paid for January 1964.[23] The employer had to list all his or her employees including women and domestic staff. GPT cards were then to be issued to the employer before 31 January 1964 based on the information obtained in the list of employees. It was therefore important that registration was done quickly.

At the end of each month a GPT stamp had to be purchased from the County Council of Masaku for the value of the deduction made and affixed to the card. A scale on the front of the GPT card would tell the amount to be deducted. Stamps had to be purchased from the County Council's offices and postal applications were not acceptable. If one was self-employed or unemployed procedure for the payment of tax would be the same but the person would hold the tax card and purchase stamps every month. Alternatively, one would pay tax for the whole year whose amount would be determined by an assessment of the previous year's income. To avoid penalty, all taxes had to be paid before 30 April 1964. If one opted to pay monthly though, the tax payment had to commence on the 31 January 1964.[24]

Theoretically, the procedure for the payment of tax did not seem complicated. However, majority of the people who were not in formal employment did not pay as it was required. This was because often the assistant chiefs and chiefs who were responsible for assessing how much GPT people could pay tended to be lenient to some people by placing them in lower income groups thus they paid lower taxes. The collection of the GPT which involved door to door campaigns turned out to be very slow and ineffective on one hand and susceptible to evasion on the other. It is worth noting that tax collection for the year 1964 was

[23] KNA/JA/1/317 County Council Minutes Machakos District, 1962-1965, Notice of Graduated Personal Tax by the Treasurer of the Council.
[24] Ibid.

the poorest ever recorded in the District. Regionalisation at independence placed the responsibility of tax collection in the hands of the County Councils all over the country. The County Council of Masaku had neither the proper machinery nor the time for collection. Several times the Council was faced with the difficulty of finding enough money to pay salaries to the teachers. It just managed to keep the services barely moving till the end of the year and thus the possibility to discontinue some of the services.[25] In June 1964, among the County Councils of the then Eastern Province, Masaku was listed as the worst of all. Some services had been curtailed, some staff discharged, heavy plans for roads maintenance halted because no funds were available to maintain them.[26]

Consequently, failure to collect the GPT led to closure of schools and dispensaries and thus the Council became less popular.[27] Consequently, the GPT was less paid and the Council deteriorated to near insignificance. Direct taxes had always been viewed by Africans as a manifestation of the oppression by the colonial government. Colonial administrative officers applied a lot of force in collecting tax and in handling tax defaulters. In addition, very little was done to explain to the public from whom taxes were demanded the purpose of taxation and the correlation between taxes and service provision. Leniency on the part of the Masaku ADC led to a drop in collection of taxes. The fact that taxes were paid better during the colonial period is proof that Africans viewed the local government as a burden on their shoulders and not as a benefit for the socio-economic development. It was, however, the Councillors responsibility to make themselves and the Council popular to the people to ensure that GPT was being paid.

Conflict often arose because the Councillors told the people they must not pay by force whilst the Chiefs had no option but to use force to collect the GPT. The chiefs were also resentful to the Council since they were not allowed to chair Locational Councils.[28] Even the standard of debates in Committees and Full Council meetings were quite low. Councillors regarded themselves as nationalist politicians and therefore tended to waste time in long fruitless arguments. Councillors did not understand their responsibility and very often interfered with the administrative matters. Councillors, who were to be policy makers, turned to executive matters thus disrupting the running of the County Council. Councillors also were looking for

[25]KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[26] KNA/PAD/1/5 County Council of Masaku Minutes 20 June 1964.
[27] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[28] Ibid.

personal gain.[29] The monthly allowance of fifty shillings was rather too low to encourage high calibre people to serve as councillors since it entailed resigning from more lucrative jobs. In return, those who became councillors did not feel bound to give devoted service to the Council for such a little allowance.[30]

In addition, miscellaneous allowances to councillors were a topic never absent in any council meeting. This greatly affected the operations of the Council. Funds to meet basic services such as education and health as well as the payment of Council workers were at times difficult since a lot of money went into the payment of allowances.[31] Councillors were living on allowances thus using their powers as councillors to make more money through unjust means. The tendering process, engagement of personnel, determination of pay scales, awarding of contracts, granting loans and school bursaries were at the discretion of the councillors. Therefore, tenders were at times allocated to people who did not tender at all.[32] Besides, County Council's financial problems also affected the running of the Machakos Urban Council. It became difficult for the Urban Council to maintain certain services such as drainage. The County Council collected five shillings per taxpayer residing in the town on behalf of the Urban Council but were unwilling to give the money back to the Urban Council in the form of grants. The County Council still expected the Urban Council to carry out the services for the rate payers yet the money paid was tightly kept in the County Council's purse.[33]

Machakos County Council and its administration however, took over the entire responsibility of collecting (GPT) in 1965 after the Council faced a serious financial crisis since its formation in 1963. This take over together with the effort of the administrative staff saved the Council from collapsing and possible dissolution by the Ministry of Local Government. During this year the Council for the first time had a good year GPT collection since independence when 100% (£162,500) of the estimated GPT was collected. The challenge of the County Council revenue lay with water revenue. For example, in Yatta only eight persons out of the total 8,000 paid their rates. Residents of Yatta Division for many years defied

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[29] KNA/JA/1/317 Speech for Minister of Local Government Addressing the County Council of Masaku on 24 June 1964.
[30] Mulusa, *The Image of Local Councillors*, p.125.
[31] O.I. Elizabeth Mutua, 22 July 2015.
[32] Bewayo, *Central-Local Relations in Kenya*, p. 151.
[33] Ibid.

requests to pay their rates to the County Council.[34] This attitude towards payment of rates made the Council take an unprecedented step of closing down the water supply. It was hoped that by doing so the population would be forced to pay rates so that the supply could be opened. This led to an observation that a by-law way required to govern the payment of rates and especially to cover important development aspects of the district. Unfortunately, the approval of the Ministry of Local Government and the Attorney General led to a delay in the implementation of policy by the County Council.[35]

By close of the year some disturbing aspects of administration of county Council finances were revealed.[36] Some employees were paid salaries far in excess of their maxima. This increased to the financial problems of the County Council. The financial adviser reported that the police were making investigations regarding unascertained loss of Council's funds by Richard Mackenzie (revenue clerk in the Council's headquarters). He stated that Mackenzie had been interrogated by the police a week before then but his whereabouts were unknown.[37] Positively however, the standard debates in the County Council improved with the change of Chairmanship to Boniface Malu who commanded a great deal of political in Machakos District in general.[38]

The County Council was able to recover in 1966 because its financial position was a lot better than it was in 1965. This was mainly due to a better collection of GPT by the Provincial Administration including the DOs, chiefs, sub-chiefs and administrative policemen. The administration collected £130,019 of the whole District collection – 63% of the total 99% collection. Comparatively, the estimated GPT collection for1965 was £140,000 and the actual collection was £169,730 approximately 121% collection, whereas in 1966, the estimated collection was £207,000 and the actual collection was £204,000 approximately 99% collection. Another factor that added to the better financial position of the Council was the poll tax rate. This was raised from ten shillings of 1965 to twenty shillings in 1966.[39]

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[34] KNA/JA/1/317 Minutes of the County Council of Masaku, Feb 1962 to October 1965.
[35] KNA/PC/EST/2/3/1 Machakos District Annual Reports, 1962-1969.
[36] Ibid.
[37] KNA/JA/1/317 County Council Minutes Machakos District, 1962-1965, Minutes of a Meeting of the Masaku County Council held on 21 December 1963.
[38] KNA/PC/EST/2/3/1 Annual Reports Machakos, 1965.
[39] KNA/PC/EST/2/3/1 Machakos District Annual Report 1966.

Total expenditure for the year (excluding expenditure by Local Councils) amounted to £755,725 compared to £720,246 of 1965.[40] The over expenditure of £34,479 emanated mainly from education. More classes of schools run by the Council were opened and more and better qualified teachers were taken on. Education alone took £31,000 of the £34,479 and the rest went to increased staff and purchase of drugs for free medical services. Health centres were also built at a cost of £115,000 through joint action of the County Council and the public with money granted by the central government. There was also increased co-operation between the County Council and the Central government during 1966.[41] A Kshs 43,000 bridge was constructed at Matiliku with central government grant and Kshs 2,000 contributed by the Council. In addition, five culvert bridges financed by the Ministry of works were constructed using Council's labour. Kshs 25,000 was spent in the construction of dams of which 5,000 was the Council's contribution.

4.4 The County Council's Path to Decline

This strong financial situation of the Council however, changed in 1967 when there was an over expenditure of £30,000 due to the poor collection of GPT. GPT collection dropped to 84%, that is, £168,000 against the estimated £207,000. There was no clear explanation for this drop. Water rates were not paid properly. This was due to an increment in the rates from ten shillings per gallon to twenty five shillings per gallon. People with limited incomes in the District were unable to pay these rates even after they were reduced to fifteen shillings.[42] Further contributing to the poor financial stand was the handing over of the Simba Ranch by the Council to Nguu Ranching Co-operative in May of 1967. This ranch was a major source of income to the Council.

All expenditure during the year was on recurrent items such as administration, maintenance of roads and bridges, maintenance of boreholes as well as education and health. Only one new project was undertaken, that is, the extension by installation of bigger pipes, the Athi River Water Supply. Alongside this financial crisis, the public was being encouraged by the government to provide more health and educational facilities through self-help efforts. The public in turn expected the County Council to take over the running of the completed projects. But this was a very difficult time for the County Council to take on any more financial obligations. The central government, through the Minister of Local Government,

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[40] Ibid.
[41] KNA/JA/1/317 Minutes of the County Council of Masaku, Feb 1962 to October 1965.
[42] KNA/PC/EST/2/3/1 Machakos District Annual Report 1967.

proposed central government takeover of some of the most expensive local government services as a way of rescuing the local authorities.[43]

GPT collection in the District continued to be low and in 1968 GPT collected was £130,726 against an estimated £168,000.[44] As such, there was a shortfall in the collection of GPT amounting to £50,000 in 1969. The Council thus experienced financial difficulties which were managed through spending of the Renewals and Development Fund to provide the normal services throughout the year. The Council introduced school fees in primary schools from November 1968. This was as a measure to increase revenue as well as ensure the delivery adequate of services in the schools. A total of £170,000 was collected as school fees in 1968 and there was a great increase in this collection. In 1969 for example, £378,855 was collected against the estimated £357,500 thus a surplus of over £21,000 to fund education.[45] No major works were carried out in the two years. In fact, if it were not for a government grant in 1969 of £385,000 plus a further £34,000 to pay teacher's salaries, the County Council of Masaku would have been in a serious financial crisis.[46] Although were many responsibilities, the Council clearly lacked adequate funds to finance the same.

Notably however, is that from 1 January 1970 the County Council of Masaku was notified, just as all other local authorities in Kenya, of the transfer of certain functions to the central government.[47] These included health, education and roads. The transfer of functions led to a decline in the Council's importance. The shift of responsibilities to the centre was accompanied by the reduction of finances transfer to local authorities thus undermining their financial heath and ability to respond to important local needs and priorities.[48] Local Government progress was no longer included or even mentioned in the DC's annual reports. Three major County Council Committees were dissolved. These were Education and Bursaries Committee, Public Health Committee and Roads and Works Committee. The Ministry of Local Government and the local authorities countrywide had, by 1969, declined greatly that they hardly functioned.[49] Many county councils were running at an ever

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[43] Mulusa, *The Image of Local Councillors*, p. 125.
[44] KNA/JA/1/317 Minutes of the County Council of Masaku, Feb 1962 to October 1965.
[45] KNA/PC/EST/2/3/1 Machakos District Annual Report 1968-1969.
[46] Ibid.
[47] Himbara, *Kenyan Capitalists, the State and Development,* p.130.
[48] B. Menon, et al, *Decentralisation and Local Government in Kenya*, International Studies Program, Working Paper 08-32, December 2008, p.2.
[49] Himbara, *Kenyan Capitalists, the Sate and Development*, p. 128-131.

increasing financial deficit and most were on the verge of collapse.[50] For example, the Kakamega County Council was dissolved in May 1965 by the Ministry of Local Government due to insolvency. The Ministry appointed a commission to run its services, cutting them down to a level which could be managed within the financial resources of the District.[51]

The major reason for the deterioration in administration and finance was, among other things, incompetence of staff. The coming of independence saw the departure of many qualified and experienced financial officers. It soon became apparent that there was a very serious shortage of accountants. Promotion of local training and qualification was at its minimal. At the same time, the national government took over key revenue sources from the local governments ostensibly to fund the acquired functions of primary education, healthcare and roads maintenance. This left local governments with strained revenue bases.[52]

Lack of funds as well as financial mismanagement contributed to the decline of the Council. For instance, a Commission of Inquiry was set up early in 1970 to investigate the deficit of the County Council of Masaku's funds where two chief officers, that is, the County Clerk and the County Treasurer were summarily suspended and were forced to take compulsory leave pending the outcome of the investigations performed by acting persons in these posts.[53] GPT was abolished in 1974 and replaced by a poll rate on every adult male and female having independent means resident or owning property within the County Council's jurisdiction. A notification about the collection of this rate was put in the Official Gazette on 17 January 1975.[54] The rate could be paid at Chiefs' offices in the whole District as well as the Council's offices.

The Ministry of Local Government was very categorical to the County Council of Masaku over its estimates of revenue and expenditure. This was due to the poor financial position of the Council. Estimates were to be as comprehensive and as realistic as possible. All heads of spending departments worked as a team and involved themselves in the drawing up of the estimates in co-operation with the treasurer to the Council. The treasurer worked with the Provincial Local Government Officers at all stages and their advice was accommodated

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[50] K.R. Hope, *The Political Economy of Development in Kenya*, (New York: Continuum International Publishing Group, 2012), pp.153-154.
[51] Maundu, *Evolution and Role of Local Government,* p. 123.
[52] Hope, *Political Economy of Development,* pp.153-154.
[53] KNA/PAD/1/56 County Council of Masaku Minutes of Meetings, 1974-1975.
[54] Ibid.

where major variations were proposed.[55] The Central Government through the Ministry of Local Government was intricately involved in the affairs of the Council due to its history of poor performance.

The Locational Councils lost their footage during the transition to independence but regained their important position within 1964. The anomalies faced included extravagance of funds and interference with the administration stuff subsided. These Councils reflected the state of the ADC in 1961. In 1964 they ran into serious financial difficulties that they were virtually closed down. After independence, the Councils were poorly run.[56] The County Council of Masaku Councillors voted themselves as chairmen of these Councils and some of them, being power hungry, went too far and interfered with the work of the chiefs and DOs.[57] Funds were misused by giving the chairmen big salaries and the councillors huge allowances.[58]

These anomalies were corrected in 1964 but not before a big loss in revenue had been incurred.[59] The formation of Area Councils was seen as desirable due to the large population of Machakos District. These were not yet constituted in 1965 due to lack of funds by the County Council to conduct elections and run the Councils. Ultimately, however, Location Councils were the most ideal for Machakos District. These junior Councils became extinct and their functions were taken over by the County Council of Masaku from 1966. The only Local Councils that remained were those in the urban areas, that is, Athi River Urban Council, Kangundo Town Council and Machakos Urban Council.[60]

4.5 Summary

Local government in Kenya entered the independence era amidst great financial challenges. These as well affected the operations of County Council of Masaku. Revenue collection by the Council became complicated with the abolition of the local rate on Poll Tax and Hut Tax and by the introduction of the GPT which was a "pay-as-you-earn" tax. The Council was unable to collect GPT. Several times it was unable to raise enough money to meet recurrent expenditure such as payment of teachers' salaries. The Council and its administration took

[55] LG 5/21 Machakos District DC's Records, Correspondence with Local Authorities in Machakos District.
[56] O.I. Thomas Kitata Ndolo, 28 March 2015.
[57] O.I. Beatrice Nzisa Kitonga, 22 July 2015.
[58] O.I. Alphonce Muli Kimeu, 23 July 2015.
[59] KNA/PC/EST/2/3/1 Machakos District Annual Report 1964.
[60] KNA/PC/EST/2/3/1 Machakos District Annual Report 1966.

over the entire responsibility of collecting GPT in 1965 after the Council encountered serious financial crisis since its formation in 1963. However, there was improvement in the collection of the GPT and in 1966 the Council was not only able to finance recurrent expenditure but also undertook some development work on roads, water, health and construction of school and dispensaries. This was short-lived and from 1970 the central government took over major Council's functions such as health, roads and education. The Council was further weakened in 1974 with the removal of its major source of revenue, the GPT, which was replaced by a sales tax. Thus the Council's influence and work further declined.

By the time of transition to independence Locational Councils had declined to levels of dissolution with their funds frozen. They regained their importance under Machakos ADC from 1964 but councillors elected to the ADC disrupted their operations leading to loss of funds. This was corrected and they continued with their role of bringing the effect of local government closer to the people. In 1966, however, they were wound up and their functions taken over by the County Council of Masaku. This was principally due to lack of funds which flowed down from the County Council. These Locational Councils were important since they led to the birth of independent local authorities such as the Kangundo Town Council and Athi River Urban Council.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

The history of local government in Kenya coincides with British colonial requirements to exert control over people considered inferior as well as exploit their land's wealth for the benefit of Britain. In order to establish and maintain control over the African population, the British tried to use indigenous forms of administration which failed to fit with their need to control and exploit Africans. Colonial chiefs and headmen were used to collect taxes and procure labour for the colonial administration as well as to maintain law and order in the locations. By appointing chiefs in Machakos District, the colonial government bypassed the council of elders (*Nzama*) which regulated most aspects of community life including land use and maintenance of law and order.

Moreover, land alienation, confiscation of property such as cattle, taxation and labour colonial requirements led to organised protest in Machakos Ditsrict from the onset of European rule under the IBEAC. At the end of the First World War it was evident that all the institutions set up by the British to control Africans in Kenya and in Machakos District in particular had largely failed to bring compatibility between the British and the Kamba. Africans were not going to accept foreign rule lying down. The LNCs were therefore set up as the final institution to control Africans.

The LNC in Machakos was set up in 1925. Although it was meant to be an avenue for African political protest, the Machakos LNC took up responsibilities for the development of the reserve from the onset. Levying a local rate of three shillings, it carried out environmental recovery work such as dam construction and tree planting. It also constructed, maintained and funded the running of schools and health facilities. By 1949 the LNC had achieved significant success in the construction and maintenance of roads as well as other activities aimed at the improvement of the quality of life of the people of the District.

The Machakos ADC which was set up in 1950 also carried out good work towards development. The main reason for the setting up of the ADCs in Kenya was because after the Second World War it was evident that the LNCs had reached the highest limits of their existing legal provisions.[1] Change and advance was therefore necessary. The colonial government was however, unsure over what roles to assign Africans as well as what political

[1] Omosule, *Political and Constitutional Aspects*, p. 178.

avenues to open up for them at a time when it was still unclear if Kenya was eventually to become an independent African state. It was evident that if democracy was allowed at the local level by permitting Africans to control local government in Africans areas, such democracy would pose a challenge to the colonial state. Therefore, ADCs were laden with central government control through grants as well as the ADC Standing Committees in every District. Machakos ADC was faced with many financial difficulties during its tenure up to 1962.

Local government in Machakos District entered independence in a financially unstable position. Regionalism had promised autonomy from central government interference to local government in Kenya. However, such decentralisation was never realised in the country and instead throughout the transitional period, the central government behaved as if the regions did not exist. Regional Assemblies were undermined by the use of the provincial administration by the central government. For example, the DC was made a government nominee in the County Council of Masaku to interpret central government policies to the local authority. This undermined the independence of local government activity in its development agenda. The approval of estimates of the County Council was delayed due to the intricate process involved. As such, the Council worked with unapproved estimates. In addition, all health and educational services had become the responsibility of the local government in the few years before independence.

Some of the sources of revenue of the local government such as licences and African court fees were taken over by the central government. Although the central government gave grants to the Machakos ADC and County Council, these were not sufficient to fund the wide range of responsibilities that the Council had. It was bound to perform poorly due to the lack of both financial and human resources. Local government in Kenya was further weakened by the takeover of some of their functions by the central government from January 1970. With the abolition of the GPT in 1974, the Councils were left with very little income to fund the functions assigned to them.

In conclusion therefore, local authorities in colonial and early independent Kenya up to 1974 was not given the opportunity to prove its ability to steer development in their areas. The development of democratic local governance was constrained by central government control from the onset. For example, the fact that the DC was part of the Council as chairman and

later as a central government nominee did not give the local government in Machakos the opportunity to develop independently according to the legal provisions of local government. Although the Council in Machakos carried out important development work, it was partly due to central government involvement in various ways discussed in this work that development activities always faced difficulties. Other challenges were lack of qualified staff and poor coordination of local government activities thus mismanagement of resources.

This study makes the following recommendations for further studies. It is important to examine the history of local government in Kenya from 1974 up to the present especially the role the local government in development in the various parts of the country. Particular epochs of interest include the one-party rule era up to the onset of multiparty politics in 1992 therefore evaluating if the local government was able to contribute to development during this era and also show the challenges faced during the time. Another important epoch is the period 2010 to 2015 which is the era of devolved governance in Kenya. This is a period when there was 'rebirth' of local government in Kenya under counties to which finances and functions have been devolved for development. One can therefore examine to what extent county governments have contributed to the development of their areas and the challenges faced. Prospects for the future of local government and recommendations to improve devolved governance can also be sought.

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A) List of Informants

	Name	Informant's age in years	Gender	Occupation	Location	Date of interview
1.	Kakuvi, Angelina	78	F	Market lady, Tala	Kanzalu	28.3.15
2.	Kasoa, Muli	54	M	Administrator, Machakos County Government	Kyumbi	27.7.2015
3.	Katingima, John	93	M	Former Politician	Kakuyuni	3.8.2015
4.	Kilonzo, Simeon Ngunzi	90	M	Rtd railway employee	Katwii	30.3.2015
5.	Kimeu, Alphonce Muli	70	M	Rtd ADC/CCM employee	Kathaana	23.7.2015
6.	Kimwatu, Christopher Matolo	87	M	Former ADC Cllr/CCM Chairman	Watema	31.3.2015
7.	Kioko, Sebastian Singila	80	M	Rtd ADC/CCM employee	Kanzalu	28.3.2015
8.	Kitonga, Beatrice Nzisa	74	F	Rtd Teacher/Area Education Officer	Kikuyu,Mua	27.7.2015
9.	Kivanguli, Mulee	102	M	Former trader	Muisuni	28.7.2015
10.	Kivati, Simon Musyoki	105	M	Rtd Chief	Kambu	22.7.2015
11.	Kyambi, Wanza	78	F	Rtd Teacher	Kanzalu	29.3.2015
12.	Luka, Kioko	82	M	Rtd Teacher	Nguluni	29.7.2015
13.	Maluna, David	70	M	Rtd MCC employee	Mua	27.7.2015
14.	Mbole, Paul Muthoka	80	M	Former Cllr ADC/CCM	Katoloni	31.3.2015
15.	Mbusya, John Mbithi	85	M	Rtd Chief	Watema	31.3.2015
16.	Moses, Joel Mweu	75	M	Rtd Government employee	Kanzalu	28.7.2015
17.	Mulili, Laurend Ndeto	84	M	Former Colonial police	Kanzalu	28.3.2015
18.	Munyae, Peter	88	M	Former European settler employee	Kilimambogo	29.7.2015
19.	Munyole ,Michael Nganga	76	M	Rtd Teacher	Kanzalu	28.3.2015
20.	Mutiso, Helena	81	F	Rtd ADC revenue collector	Kanzalu	28.3.2015
21.	Mutisya, Francis Paul	78	M	Rtd ADC/CCM employee	Kangundo	29.3.2015
22.	Mutisya, Peter	74	M	Rtd Teacher ADC/CCM	Kanzalu	29.3.2015
23.	Mutua, Elizabeth	69	F	Rtd CCM employee	Mua	27.7.2015
24.	Mwaka, George Mutuku	82	M	Rtd Cllr ADC/CCM	Nzambani	22.7.2015
25.	Mwanya, Leah	84	F	Wife to ADC revenue collector	Kanzalu	28.3.2015
26.	Mwanzia, Mutindi	88	F	Rtd ADC/CCM employee	Kambu	22.7.2015
27.	Ndolo, Thomas Kitaka	83	M	Rtd Headman	Katwii	30.3.2015
28.	Ndote, Peter Mbaka	83	M	Former Cllr ADC/CCM	Kamuthanga	23.7.2015
29.	Ng'eti, Michael Mbaluka	94	M	Rtd Col. Colonial & Kenya Army	Kanzalu	29.3.2015
30.	Nthenge, Gregory Wilson	88	M	Former MP	Mutituni	23.7.2015
31.	Nyanzi, Paul	90	M	Former ADC/CCM Cllr	Kalama	3.8.2015

32.	Nzioka, Gregory Peter	78	M	Rtd Teacher	Kanzalu	28.3.2015
33.	Nzula, Angelina	76	F	Rtd CCM employee	Kangundo	29.3.2015
34.	Thukuli, Peter	90	M	Rtd Chief	Kakuyuni	3.8.2015

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APPENDIX I: MACHAKOS LNC ESTIMATES FOR THE YEAR 1928

Revenue	Shs	Expenditure	Shs
Estimated balance on hand 31st Dec 1927	75,000	Goan Clerk 360 p.m.	4,320
Cess from Ulu Reserve @ sh 2 per head	88,000	Native Clerk 120 p.m.	1,440
Cess from Kikumbulyu Reserve @ shs1 per head	2,500	Cess counter shs 30 p.m.	360
Rents	16,000	Office buildings	1,000
Native Tribunal Fees	750	Office furniture, safe, stationery	1,800
Interest on deposit	2,100	Badges and uniforms	300
Total	**184,350**	Service of Township	5,340
		Ukamba Native School	12,280
		Educational buildings Kangundo & Mwala	3,500
		Medical buildings Kangundo & Mwala	3,500
		Dispensary and School, Kibwezi	1,000
		Local travelling	1,500
		Carriage of goods and driver's wages	4,800
		Tents and Equipment	500
		Tools	1,200
		Subsistence to LNC members	1,500
		Construction of dams	14,000
		Subscription to *Habari*	50
		Donation to Pumwani Maternity Home	400
		Library	100
		Reward and Gratuities	300
		Creameries	200
		Contingencies	500
		Reconditioning	
		European supervisor	6,000
		Native supervisors	3,000
		Menial staff	14,000
		Seed	4,000
		Material, boxes, etc	4,500
		Roads	
		Fundis	3,500
		Native foreman	1,800
		Materials	5,000
		Road gangs	8,400
		Total	**113,090**
		Balance at the end of 1928	**71,260**
Total	**184,350**	**Total**	**184,350**

APPENDIX II: ORAL INTERVIEW GUIDE QUESTIONS

1. Are you aware of the Local Native Council also called *Nzama Kuu*?
2. Who sat in the Council? What were the election procedures?
3. What was the work of the Council?
4. Where did the Council get money to finance its operations?
5. What can you say about the relationship between the Council and the central government and its agents?
6. Did the Council succeed in the work it carried out?
7. Are you aware of any of the projects undertaken by the LNC?
8. In what ways did the Council participate in the destocking campaign?
9. What were the challenges to the operations of the LNC?
10. How did the Second World War affect the operations of the Council?
11. What can you say about the Council in 1949?
12. Are you aware of the Machakos African District Council?
13. How did the Council proceed with its work up to 1963?
14. What were the election procedures to the ADC?
15. Are you aware of any projects undertaken by the Council up to 1963?
16. What challenges did the ADC face?
17. What changes came with independence to the local government system of County Council of Masaku?
18. What were the challenges faced by the Council in its operations up to 1974?
19. What can you say about the relationship between the Council and the central government up to 1974?
20. Can you say the Council meaningfully contributed to the development of the District?
21. Can you identify some of the projects undertaken by the County Council up to 1974?

CONDITIONS

1. You must report to the County Commissioner and the County Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit
2. Government Officers will not be interviewed without prior appointment.
3. No questionnaire will be used unless it has been approved.
4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.
5. You are required to submit at least two(2) hard copies and one(1) soft copy of your final report.
6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice

REPUBLIC OF KENYA

National Commission for Science, Technology and Innovation

RESEARCH CLEARANCE PERMIT

Serial No. A 2609

CONDITIONS: see back page

THIS IS TO CERTIFY THAT:
MS: LYDIA KANINI MUENDO
of EGERTON UNIVERSITY, 0-20115 EGERTON,has been permitted to conduct research in *Machakos County*

on the topic: *LOCAL GOVERNMENT AND DEVELOPMENT IN KENYA: AN EVALUATION OF MASAKU COUNTY COUNCIL, 1925-2012.*

for the period ending:
15th March,2015

.....
Applicant's Signature

Permit No : NACOSTI/P/14/6914/3456
Date Of Issue : 21st October,2014
Fee Recieved :Ksh 1,000



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